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LEGISLATIVE ASSEMBLY DEBATES
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(1st February to 21st February, 1933)

FIFTH SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY,
1933



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Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E. (Upto 7th March, 1933.)

THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

Panel of Chairmen :

MR. HARI SINGH GOUR, KT., M.L.A.

MR. ABDUR RAHIM, K.C.S.I., KT., M.L.A.

MR. LESLIE HUDSON, KT., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

Assistants of the Secretary :

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MR. BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman*. (Upto to 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman*. (From 22nd March, 1933.)

MR. LESLIE HUDSON, KT., M.L.A.

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MR. B. SITARAMARAJU, M.L.A.

MR. C. S. RANGA IYER, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 14th February, 1933.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

MEMBER SWORN:

Mr. Ebenezer Simpson Millar, M.L.A. (Burma: European).

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923.

THE LAND ACQUISITION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Land Acquisition Act, 1894, for certain purposes.

THE AUXILIARY FORCE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes.

THE PAYMENT OF WAGES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

[Sir Frank Noyce.]

This measure, which like most of the other measures that in my present capacity I have placed before this House, is the outcome of the recommendations of the Royal Commission on Labour and has a fairly long history behind it. The attention of the Government of India was first drawn to the question of regulating the practice of imposing fines on workmen as long ago as 1925. They consulted the Local Governments on the subject and collected a considerable amount of material. The result of this consultation showed that abuses were far from general, but that there were definite abuses was clearly established. At about the same period, the question of the payment of wages was raised by a private Bill in this House. That Bill was primarily designed to enforce a system of weekly payments in industry. It was finally withdrawn by its sponsor on the understanding that Government would investigate the subject. The Government had previously collected a considerable amount of material relating to the period by which wages were paid and the delays which accompanied their payment, and the results of that investigation were given to the Members of this House and to the public. By the time the Government of India were in a position to proceed, the Labour Commission were on the point of starting their labours and it seemed most desirable to secure their advice on these questions. The material collected was, therefore, placed at their disposal and the recommendations they made are available to Honourable Members in their report.

Briefly, the Whitley Commission contemplated legislation in regard to the payment of wages in three directions, namely, to regulate deduction from wages, to secure the prompt payment of wages, and to reduce in certain classes of factories the periods by which the wages are paid. This Bill, as the House will doubtless have observed, deals only with the first two of these purposes. It excludes the third, because that introduces questions and considerations on which the Local Governments and the public have not yet had an opportunity of pronouncing. These questions are more open, I think, to legitimate differences of opinion than those with which this Bill is concerned. For, while I hope that it is generally agreed that a worker's wages should be paid with reasonable promptitude and without unreasonable deductions, the fact that wages are in many cases paid at intervals of as long as a month apart is not, I think, usually regarded as an injustice. If it is to the disadvantage of workmen, they have not generally voiced it as a grievance. It may be the case that the reduction of the periods in such cases in the manner proposed by the Commission would be to the advantage of workmen, but that is a question on which we feel that it is necessary to secure the views of both employers and workmen. I can assure my Honourable friend, Mr. Joshi, who, I know, in these matters, does not consider that we go either fast enough or far enough, that we are taking early steps to do this, but we must do it before we can sponsor legislation on the subject in this House. Unfair deductions and delays in payment are, on the other hand, a cause both of hardship and bitterness. Sums that may seem small to those who impose them, delays that seem unimportant to those who cause them, may involve real distress to a workman; and even when they do not have that result, delays and, even more, unfair fines are a form of injustice which is apt to produce deep resentment on the part of those who suffer from them. The worker has at present no effective redress against a deduction unfairly imposed by an employer, or too often by a

subordinate of the employer or manager. Nor, short of a strike, has he any effective means of enforcing the payment of wages after he has earned them.

The Bill before the House has, therefore, two main purposes,—to secure the worker against unfair deductions of the wages paid to him, and to secure that those wages will be paid as soon as reasonably possible after they have been earned. The provisions, I hope, are straightforward, but I should like to invite special attention to the procedure which we have suggested in clauses 10 and 12. Instead of relying mainly on the form of prosecutions to ensure the observance of the law, we have put what may be described as the civil remedy first. The worker is to be given, in a non-criminal but simple proceeding, redress and compensation for the infringement of the law and a prosecution will only be resorted to after that proceeding has concluded and if sanction for it is expressly granted. Our intention is that the civil remedy should be the regular one and that prosecution should follow only after an infraction of the law is established and if a competent authority considers that the case is sufficiently serious to warrant that step. Our object is to prevent unnecessary harassment of employers; for we recognise that while the provisions of this Bill may be greatly needed in specific cases, the practices against which it is aimed are far from general. We want, therefore, to ensure that on the one hand our law will impose no burden on the employers (and I hope and believe they are the big majority) who pay their wages fully and promptly. For the same reason we have limited the initial operation of the Bill to those forms of industry where we believe it to be required. But we are equally anxious that where this measure is needed, it will be effective and that workers who have earned their wages can feel assured that they will get what they have earned and as soon as possible after it has been earned.

Sir, I move.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, I have great pleasure in supporting the motion moved by the Honourable Member in charge of the Department of Industries and Labour. I am really glad that Government have introduced this measure, although I must confess that it is a measure which is long overdue.

Sir Cawasji Jehangir (Bombay City: Non-Muhammadan Urban): All labour legislation is in his opinion.

Mr. N. M. Joshi: The Honourable Member who made this motion has himself admitted that the question of deduction of fines from wages had been before the Government for nearly seven years and, if the Government have taken action after seven years, I am sure no one will accuse them of having been in a great hurry to bring forward a measure of this kind before the Legislature.

The Bill deals with the question of the payment of wages and deductions from wages. The Honourable Member who moved this Bill stated that some questions connected with the payment of wages, especially the

[Mr. N. M. Joshi.]

method of payment of wages, were being considered by Government and he assured the House that some of these questions at least would be brought before this House without much delay. But the question as regards the wages which is more important than the methods of payment is the regulation of wages itself and I would like to know from Government what steps they have taken to give effect to the recommendations of the Royal Commission on Labour as regards the regulation of wages. The Royal Commission has made certain recommendations for the establishment of minimum wages in certain industries. I should like to know what Government have done in that respect. The Royal Commission asked the Government to see that inquiries were made in the case of certain industries in which generally fixing of the minimum wage is necessary. I am anxious that this question, which is more important than the method of payment of wages, should be taken up by Government without delay.

Then, Sir, as regards the methods of payment, the Honourable Member has already dealt with the question of prompt payment of wages. He assures us that he is considering that question and will come to a decision at an early date. Then, there are one or two small points which I would like to bring to the notice of the Honourable Member. The Royal Commission had made a recommendation on page 121 of their report that the payment of wages should not be made on rest days or holidays. They found that in the coal mining area wages were paid generally on a Sunday with the result that the workmen generally lost the holiday altogether in receiving wages. They had to come to their mines from their villages and, then, as there are more than a thousand people to take the wages, the payment of wages took some time with the result that they lost the advantage of the holiday. Therefore, the Royal Commission recommended that the Government should first try to induce managers of mines to see that the payment is not made on holidays and, if the managers do not listen to that advice, they should introduce legislation prohibiting the payments of wages on holidays. This is what the Royal Commission has said :

"The matter is one that might be left to the initiative of the management, but if, after a reasonable time, payment on a rest day has not been discontinued, Government should take steps to prohibit the practice."

It is now more than two years since the report of the Royal Commission on Labour was published, and Government should be in a position to state now whether the managers have discontinued the practice or not and, if they find that it has not been discontinued, they should deal with them by way of legislation.

Then, Sir, out of the two questions with which the Bill deals, the first question is the payment of wages without delay. The Commission has recommended, on page 241 of their report, that this piece of legislation or this reform should be made applicable not only to factories, but to mines, railways, and plantations also. I do not know why the Government of India have confined this Bill for the present to factories only. This is what the Royal Commission says on page 241 :

"In our opinion, the law should be applicable to factories, mines, railways and plantations and it should provide for possible extension to other branches of industry."

My own view is that, besides the industries mentioned by the Royal Commission, there are other industries to which the regulation in section should be made applicable such as tramways, docks and other organised industries. Now, as regards section 3 itself, the section carries out the recommendation of the Royal Commission that a delay of not more than seven days should be allowed before the wages are paid after they become due. My own view is that this period should have been even shorter than seven days. There is no reason why if, in other parts of the world, wages are paid very promptly, they should not be paid promptly in India and a delay of even seven days should be necessary. When we talk of reforms in labour legislation, we are told that Indian workers are quite different from the workers in other parts of the world and that a differential treatment is justified on account of the ignorance of the Indian workers or the inefficiency of the Indian workers. Now, the delay in payment is caused because of the inefficiency of the employers themselves and I hold that the employers' representatives in this House and the country generally will not admit that they are less efficient than the employers in other parts of the world. I, therefore, think that this period of seven days should be even shorter.

The other part of the Bill deals with the deduction by way of fine or deductions for damage or loss and deductions for services rendered by employers for workmen. Now, as regards this part of the Bill I would have liked Government to deal with one or two other matters which are similar in character. The Royal Commission had recommended that the employer should not be allowed to deduct certain advances which are made to the employees either by way of travelling expenses or for meeting their other expenses and the advance made should not be allowed to be recovered by more than one instalment. This is what the Royal Commission says on page 236 :

"We recommend, therefore, that the recovery of any amount advanced to meet the expenses of recruitment of labour should be illegal and that, so far as other advances are concerned, no amount advanced, before actual employment begins should be recoverable except from the first wage payment."

I would like to know from Government whether they propose to deal with this question without delay.

There is another question which is similar in character. In Bombay in certain mills they make a rule that if a workman does not claim his wages and take them within six months after they are due, the wages are forfeited. There is no question of payment of wages here, but there is forfeiture of wages, that is, deduction of the whole amount of wages. Now, I want to know whether the Government propose to deal with that question also. Then, as regards this Bill itself, Government have again made it applicable to a few industries. As a matter of fact, in this matter I do not know why the Bill should be made applicable to only certain industries; the Bill should, I think, be made applicable to all workmen. In England, since 1896, they had the Truck Act which applies to all workmen; they did not confine it to only the organized industries.

Then, as regards the principle of the deduction from the wages of workmen, I hold a different view to the view expressed by the majority of the Members of the Royal Commission. I hold that no employer should be allowed to make any deductions from the wages of workmen either by way of fine as a measure of discipline or by way of a fine imposed for the

[Mr. N. M. Joshi.]

losses sustained by employers on account of what is called defective work or even for what are called services rendered by the employer to the workmen.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Then how are the fines to be collected?

Mr. N. M. Joshi: I am against fines altogether. I do not want the employer to impose any fines; so there is no question of the collection of fines.

Sir Cowasji Jehangir: Will that apply to Government also?

Mr. N. M. Joshi: I said definitely that there is no reason why this Bill should be confined to certain classes of workmen only and not to all.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then what punishment would you provide for breach of discipline?

Mr. N. M. Joshi: I am going to deal with that question. I am quite aware that people are generally worried as to how discipline is to be maintained if fines are not to be imposed or how Government can keep order without imprisonments. I am quite aware that there is a feeling that unless you have some drastic punishments imposed upon people, the people will not behave well.

Sir Muhammad Yakub: What about domestic servants?

Mr. N. M. Joshi: The Bill does not deal with domestic servants. I should certainly not object to domestic servants being included within the scope of this Bill. Now, this question of the maintenance of discipline by means of fines must be seriously considered by this House. I am certainly not against discipline. Men must be disciplined.—not only workmen, but all of us must be disciplined. But let us consider what is the best method of maintaining discipline. Is it the experience of the world that you must impose fines upon workmen in order to get better discipline? Is discipline actually secured in that way? Mr. Deputy President, that is not the experience of the world. The experience of the world shows that if you impose a fine, it causes irritation, it causes discontent, with the result that within a short time you have to impose a fine for the second time. Then you have again to fine a third time, and so on. Not only that, but the frequent imposition of fines leads to suspension of workmen and ultimately it leads to his dismissal. On this subject, Mr. Deputy President, I propose to read out the results of the experiences of people in England. I am now going to read a few extracts from the report of what is called the Truck Committee appointed by the British Government and which reported in the year 1908. I am reading from an extract from the Minority Report by Mrs. H. J. Tennant and Mr. Stephen Walsh, M.P. This is what they say:

"In our opinion, disciplinary fines fail in their purpose. We believe them to be not merely negative in good, but active in harm inasmuch as they maintain and even create the very situation they are designed to destroy. Irritating in their imposition and ineffective in their result, they occupy in the organization of industry, where they exist, a place that should be held by supervision. . . ."

Sir Muhammad Yakub: For whose benefit is all this?

Mr. N. M. Joshi:

"Our opinion is supported by the evidence of His Majesty's Inspectors of Factories, Miss Paterson, Miss Squire, Miss Deane and Miss Owner and by other witnesses. Replying to the Chairman, Miss Squire says :

"I should say, from my experience, that they are quite unnecessary; that if a foreman or forewoman knows his or her business, there is no need whatever for a disciplinary fine. I think that is exemplified in certain factories where there are a very large number of departments, and the departments all resemble one another very closely, perhaps 300 girls in each department, with someone in charge; the work is very similar. Each foreman or forewoman is provided with a book to register the fines for breaches of discipline. I found, on examining these books, that some forewomen will have their book almost filled up in six months, and others will never enter a fine of any kind; they are quite able to maintain discipline by their own influence."

Then, Sir, there is something more interesting from a teacher:

"Miss Tuckwell confirms this opinion from her experience in teaching as well as from her industrial experience :

"A good teacher can manage very well without punishments, whereas a bad teacher may be always punishing, and yet not secure good order."

Sir Muhammad Yakub: Mr. Deputy President, is it legitimate to go into the details of a Bill on a motion for circulation? Is this an occasion for making such a long speech and going into the details of the Bill? Is it not obstruction?

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): I have no reason to think that the Honourable Member is obstructing the business of the House.

Mr. N. M. Joshi: Mr. Deputy President, I may inform my old friend, Sir Muhammad Yakub, that I am not yet speaking on the details of the Bill; I am speaking on the general principle of the Bill as to whether discipline is to be secured by way of fines or not. Now, these are the opinions of inspectors of factories, but I shall now quote from the opinions of very prominent British employers. This is what Mr. Cadbury says. Mr. Cadbury is a very well-known employer: Sir Cowasji must have heard about him, and everybody must have heard about the famous Cadbury's chocolates. Mr. Cadbury describes in detail the supervisory system substituted for the system of fines, and he gives his experience of the results of the two systems. Fines, according to him, were "not in any way reformatory" but "had practically no influence upon the character of offenders". "Such influence, as they had, was of the moment only. The system did not lead to efficiency, and did not weed out the real offenders." Asked what he would say upon the representation, frequently made to the Committee, that fines were almost a necessity in respect of late attendance, Mr. Cadbury replied :

"Our time-keeping has very much improved since we abolished fines."

In illustration of this improvement, he informed the Committee that "late-time" cases fell from 115 in the year 1900 to 33 in the year 1905. "Substantially we have eliminated lateness", he says:

"The cases of bad work fell from 129 in 1900 to 19 in 1905."

In Mr. Cadbury's opinion :

"it would have been impossible to effect this result by a system of fines."

[Mr. N. M. Joshi.]

Now, Mr. Deputy President, these are the opinions of people who know their work in this matter. Personally I hold that the only way of maintaining discipline is by the employers showing a better example to their workmen themselves. A workman will understand supervision, guidance and example. If the employer goes late to the factory, the workman will go late. That is the experience not only of employers, but everywhere. If a father wants to teach discipline to the child, the father himself must be disciplined. Similarly, if a teacher wants to teach discipline to his pupils, the teacher himself must be disciplined. That, Mr. Deputy President, is the best way of maintaining discipline either by the parent or by the teacher or by the employer. The best way of maintaining discipline is to have a proper kind of supervisors who will maintain discipline by their example and not by means of punishments. Then, Mr. Deputy President, it is generally held by some people who feel that if you abolish fines, the employers will resort to some other punishments. They said they would suspend the offending workmen. But the employers are people who understand their interests. They know that frequent suspensions will cause inconvenience to them. If a man is suspended, his place cannot be taken by another. The whole machinery has to be kept going while a part of the machinery is not productively used. Then, it is held that if employers are not allowed to fine, they will dismiss the workmen. That fear too is groundless. As a matter of fact, Mr. Cadbury himself has stated that by the abolition of fines, his experience was that the dismissals also were reduced in number and it is the system of fines that accounts for dismissals. Mr. Deputy President, although I am tiring the patience of some Members here, I am tempted to read another small extract from Mr. Cadbury on this interesting subject:

"The reduction in the number of offences was accompanied by a reduction in the number of discharges."

So, if you reduce the occasions on which fines should be imposed, the number of discharges will also be reduced:

"The percentage of discharges under the system of fining had been double that under the reformed system."

Mr. Cadbury's carefully noted and tested experience, important in all respects, is of importance in this last respect more perhaps than in any other.

Now, Mr. Deputy President, I do not wish to tire the patience of the Members of the Assembly by reading out any more extracts on this subject. I am sure if the Members will consider this question seriously and if they really want that the workers in our industries should be disciplined, I feel sure they will come to the conclusion from what I have said and from what I have read that the best method of maintaining discipline in factories is to have proper kind of supervision. Now, the second occasion for deductions from wages is the fine imposed upon the workmen for the losses which the employers are said to sustain by the bad workmanship of the workmen. When you find an article spoilt, it is difficult to say whether it is spoilt by the fault of the workman or by the fault of the machinery or by the fault of the material. Take a piece of cloth which is spoilt. It may be spoilt, because the yarn was bad; it may have been spoilt because there was some defect in the machinery

or in the loom. I am quite prepared to admit that on some occasions it may have been spoilt by the fault or negligence of the workman, but it is not an easy thing for an employer to find out whether the spoiling of the cloth was due to the fault of the workman. I, therefore, think that the employers should take these losses which are sometimes caused as the losses which are inherent or incidental to the business and, therefore, they must suffer these losses themselves. Now, we know ourselves that losses are caused not only by workmen, but by all classes of people who have got some responsibility. I shall give you the example of railways. On railways poor clerks in the goods sheds have to pay for losses by way of debits which are raised against them for having made some mistakes in calculating rates, distances, etc. Now, these poor clerks are made to suffer and are made to pay sometimes Rs. 10, Rs. 15 or even Rs. 20 a month. But are the losses caused only by the mistakes of clerks on our Indian Railways? Our Indian Railways have begun to lose nowadays and may I ask the Member in charge of the Railways whether he was not responsible for the management of our railways. If the railway rates were insufficient, was it not his duty to see that sufficient railway rates were imposed? If losses are caused, do we ask the Members of the Railway Board or the Member in charge of the Railways in the Government of India to pay for the losses sustained by the country? Certainly, they are equally responsible for the losses which are caused to the railways. If they had been more careful, there would not have been any losses in our railways. So, why not ask them to pay for the losses? Why ask poor clerks only to pay for the losses which the railways sustain on account of small mistakes in calculating the rates and the distances? I think it is a wrong principle to ask workmen to pay for the losses which are really incidental or inherent in the business and in the industrial work itself. I am not, therefore, in favour of allowing the employers to make any deductions from the wages of workmen on account of the losses which are said to be sustained by the employers on account of the bad workmanship of the employees.

Then, there is the question of deductions for what are called services rendered by the employers to the workmen. Now, there are various kinds of services which the employers are said to render to the workmen. Our clause 7 mentions deduction of wages in respect of housing accommodation, tool, raw material supplied by the employer. Here, too, in the case of tools and raw materials supplied by the employer, I do not know why there should be any deductions. It is the duty of the employer in the industry to supply raw material and also to supply tools and I do not know why any deduction should be made as a sort of rent for the tools with which the workman has to work. Personally, I do not know what tools and what raw materials are supplied by the employers in the industries to which the Bill applies. The Bill applies to factories and railways for the present and I should like to know what tools and what materials are supplied either by the factories or by the railways to the workmen for which they should be charged any fee or for which they should make any deduction from the wages of the workman. Then, as regards housing: if employers build houses and the employees voluntarily take them, the employers should recover rents from the employees as other landlords recover their rents from their tenants, and I do not know why the employers should be permitted to deduct rents of the houses which their employees occupy from their wages. Of course there are certain kinds of deductions in England which are made on account of certain insurance

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premia which the employers are allowed to make. Contributions of workmen for the unemployment insurance could certainly be deducted from the wages of the workmen.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why do you allow a deduction of Rs. 25 for your house rent?

Mr. N. M. Joshi: I do not allow it: I simply tolerate it. This, Mr. Deputy President, is my view as regards the principle of this Bill. I am quite aware that I am tiring the patience of this House by going into this question in some detail, but I would, by your indulgence and by the indulgence of the House, make a few more remarks on the main clauses of this Bill.

Now, Sir, this Bill is based more or less, not very closely, upon the English Truck Act of 1896. But the proposed Bill has not made certain provisions to which I shall now refer very briefly. The English Act, while providing that fines should be deducted from the wages, has made a provision that if, by any act or omission, on the part of the employee, loss or inconvenience or hindrance is caused to his business or his business is interrupted, then only he should be allowed to deduct fines from his wages. This is sub-section 1 (c) of the Truck Act of 1896. Fines imposed under the contract are in respect of some act or omission which causes or is likely to cause damage or loss to the employer or interruption or loss or hindrance to his business. Our Bill does not make any provision of this kind. I think this provision is useful in restricting the power of the employer. Then the English Act provides that the fine should be reasonable and fair. I am quite aware, Sir, that our Bill has laid down maximum amount to be deducted from the wages of workmen by way of fine, but I feel that, even though the maximum may be fixed, it is useful to put in a clause that within the maximum the fine imposed should be reasonable and fair. Now, as regards the maximum itself, I feel that the maximum laid down by Government is somewhat higher. They have suggested that the maximum amount of fine to be deducted in a month should be half an anna in the rupee of the workmen's wages, which comes to more than three per cent. of the wages. The employers in Bombay, when they made their standard bye-laws, themselves proposed that the fines in a month should not exceed more than two per cent; and I do not know why Government should now recommend that the maximum amount of fine should be more than three per cent., while the employers themselves were quite content to have a maximum of two per cent.

Mr. A. G. Olow (Government of India: Nominated Official): Didn't the Royal Commission recommend that?

Mr. N. M. Joshi: Then, Sir, the Bill proposes that the fines should be allowed to be deducted in two instalments. I think this provision of deducting the fine in two instalments is not in the interest of the workmen, and the employers should not be allowed to make any deductions by instalments at all. If he has to deduct any fine from the wages, it should be done only in one instalment. If we allow instalments, the employers will only be tempted to impose higher fines. Then, Sir, the

English Act provides that particulars of his acts or of his omissions and particulars of the fine should be supplied to the workman himself. The Bill which is before us does not make any provision as regards that.

This is as regards deduction by way of fine for discipline. Then, as regards deductions for losses, the English Act has made a similar provision which our Bill has not made. The Bill does not even make a provision that notices as regards agreements between the employers and the employees giving the terms by which employers will be able to impose fines for losses should be exhibited. Our Bill does not make any provision for such notice. The English Act does make a provision compelling employers to exhibit notices giving the terms on which the contract is made in this respect. Then, Sir, the English Act provides that particulars should be supplied to the workman. These provisions are also applied in the English Act to the third class of payments, namely, for services rendered by the workman.

Sir, I do not wish now to go any more into these details. The English Act also makes certain more provisions. One of their provisions is that the Inspector of Factories or other inspectors, who have to deal with this work, should have power to ask employers to supply him with copies of the particulars of the agreement as well as particulars of the fines imposed upon the workmen. Our Act, I think, does not make that provision.

Mr. A. G. Olow: See section 9.

Mr. N. M. Joshi: Here the Inspector is authorised to make an examination. The English Act provides that the employer is bound to send him a copy. Sir, I have tried to examine it as carefully as I could in the short time at my disposal.

Then, as regards penalties, the Honourable Member in charge of the Bill stated that Government's intention was that people should, in the first instance, resort to the civil remedy provided for in the Bill. Sir, I am not very anxious that workmen should make criminal prosecutions against their employers. Therefore, we are quite prepared that the civil remedy may be utilised. At the same time, our Bill provides that if an employer is to be prosecuted, he must be prosecuted with the approval or consent or sanction of the Inspector. The English Act does not make sanction of the inspector necessary for a prosecution. Sir, these are some of the remarks which I wanted to make on the clauses of the Bill, and, with these remarks, I support the motion made by the Honourable Member.

Mr. A. G. Olow: Sir, I do not propose to follow my Honourable friend through all the details to which he has treated the House, nor to answer what would come to a very elaborate questionnaire if I collected all the questions which he put. I think his speech bore out the remark of my Honourable friend in charge of the Bill that Mr. Joshi always thinks that we are neither going far enough nor fast enough. And as regards speed I thought I detected an explanation in his speech when he said that the report of the Labour Commission, which was published in July, 1931, had now been published for more than two years. I wondered if time does not go a little faster for Mr. Joshi than it does for the rest of us, and if in consequence the movements of Government and of other persons do not appear to him to be unduly slow.

Sir Cowasji Jehangir: How many Bills have you moved since then?

Mr. A. G. Olow: About five or six.

Sir Cowasji Jehangir: How many more does Mr. Joshi want?

Mr. A. G. Olow: I do not propose, therefore, to go into the fairly numerous matters lying outside the scope of the Bill on which Mr. Joshi addressed questions. We published a short time ago a fairly large volume showing the action taken on each recommendation made by the Royal Commission; copies of that volume are in the Library and I shall be glad to give Mr. Joshi a spare copy if he so desires.

There have been three points raised, directly connected with the Bill, which seem to require comment. The first is the limitation of the provision for prompt payment to factories. We excluded mines and plantations in the first instance, because there is, I think, no evidence as yet that such provisions are needed there. As regards the railways, admittedly payments sometimes are delayed; but it is a very different matter dealing with workmen scattered over a railway line to dealing with workmen concentrated in a factory. I am glad to inform the House that the Railway Board and certain agents in co-operation have devoted a great deal of attention to this question of speeding up payments and have secured very encouraging results.

As regards the principle of the abolition of fines, I am afraid I was not convinced by the opinions that Mr. Joshi quoted from the British Truck Committee and elsewhere. The question whether fines should or should not be abolished is one on which admittedly opinions differ, but I could cite to the House opinions quite as weighty, on the other side. Indeed, if I remember rightly, the Truck Committee, to which those opinions were submitted, decided by a majority against the abolition of fines. Mr. Joshi gave us rather a lurid picture of the workman being fined again and again until the process culminated in his dismissal. But I think that if you abolish fining, it will probably result in his dismissal much more rapidly than it does at present. Nor, I think, did Mr. Joshi notice the little clause at the end of section 5 by which deductions by way of fine cannot go to the employer's benefit. If that provision is retained, what motive will there be for the employer imposing a fine if he does not honestly think that it is required, and what profit can be obtained from so doing?

Finally as regards losses caused by workmen, Mr. Joshi said, what is perfectly true, that in a number of cases it is not easy to say whether the losses arose actually through the fault of the workman. I think the answer to that is that the Bill is quite specific on the point and that it proposes that the employer should only be entitled to make a deduction if the loss arises by the neglect or default of the employed person. Sir, I support the motion.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural): Sir, I rise to support the motion that the Bill be circulated for the purpose of eliciting opinion thereon and I agree with what has been urged by my friend, Mr. Joshi, in regard to workmen's difficulties, especially in the factories of Bombay. Until recent times, one had to wait for two months before one could get first month's wages and thus workmen's wages for a month were continually kept as a deposit almost till the time he left and many a times that amount was forfeited to the benefit of the employer. The same was the case in the matter of fines. It is very iniquitous

that the poor workmen should be fined for defective work. The defect may be due to many causes over which the operative may have no control. All these details, Sir, will have to be thrashed out when the Bill is moved for being sent to the Select Committee. Sir, I heartily support this motion for circulation.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE INDIAN MEDICAL COUNCIL BILL.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The House will now resume consideration of the motion moved by Mr. G. S. Bajpai that the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, be referred to a Select Committee, and also the amendment moved thereon by Mr. Maswood Ahmad that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, yesterday when the House rose for the day I was developing the point that the Bill sought to place the graduates of certain Universities and licentiates in India in a much inferior position to that of licentiates and apothecaries of Great Britain and other countries. I will speak with regard to the licentiates separately, but first I will take the Universities which have been excluded from the First Schedule to this Bill. Sir, I will only quote the opinion of an eminent Doctor from Bombay which has been circulated to us by the Government. He says: .

"The First Schedule of the Bill gives the names of those Indian medical degrees which 'shall be recognised medical qualifications for the purposes of this Act'. From this Schedule, however, the Medical degrees of the Andhra, Patna and Rangoon Universities have been omitted. I am at a loss to understand the *raison d'être* of this action on the part of the Indian Government, which amounts to a slight on these Indian Universities. No explanation whatsoever for this extraordinary exclusion of these three Universities from the First Schedule is to be found either in the 'Note' on the various clauses to the Bill or in the covering letter of the Secretary to the Government (Department of Education, Health and Lands) explaining the scope of the Bill. It is well known that the medical examinations of all these universities have been inspected more than once by competent inspectors and that the 'sufficiency' of these examinations was well admitted by those inspectors. Major General Megaw (*Major General Sir John Megaw, whom I am glad to see in this House*), Major General Sprawson, Sir Frank Conner, and Colonel Dutton, who are Government officers on the active list, and who have held important teaching appointments in the various medical colleges were the inspectors for the medical examinations of these and other Indian universities. It would, therefore, seem as though this exclusion of these three Universities from recognition was merely to placate the General Medical Council, London, since no other satisfactory reason in explanation of such an action of Government is possible or forthcoming."

Then, Sir, it is unfortunate that my Honourable friend, Mr. Bajpai, who knows more of the disabilities of the Indians overseas than any other Member of this House should be responsible for piloting a legislation of this sort which gives a statutory recognition to the inferiority complex of the

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Indians in their own country. Sir, this is most humiliating. The Honourable Member in charge of the Department of Education, Health and Lands, in giving an interview to the Press reporters, said :

"The chief object of the Bill is of course to establish a register of medical practitioners who hold qualifications which are *likely*."

—I want to draw attention to the word *likely*—

"to be accepted by other countries as conforming to international standards."

It is not even "certainly", but "likely" to be acknowledged as proper degrees. Now, Sir, this disqualification affects only, as I said, about 300 and odd Indian doctors who have been practising in Great Britain or elsewhere and, perhaps, further, about 10 or 20 graduates who want to prosecute their post-graduate studies each year in foreign countries. I will not oppose any facilities being shown to our doctors abroad, but I will not be a party to a Bill which seeks to achieve such a thing at the sacrifice of the honour of the country and also at the expense of so many licentiates and graduates which the Indian Medical Boards and Universities have been turning out every year.

Now, Sir, the preamble of the Bill of 1931 is only a camouflage which the Government have changed now, and the present preamble is to provide for a register of higher grade qualified medical practitioners of modern scientific medicine in order to establish a uniform standard of higher qualifications of medicine. That is a preamble which is in consonance with the object of the present Bill. It clearly by itself does not include licentiates. I know Mr. Bajpai said yesterday that they neither seek nor secure any such result by this Bill. I know that it brushes aside a large number of medical licentiates and some graduates. But my objection still stands.

12 Noon: Now, does India want a Medical Council Bill with such narrow and limited scope, seeking international status only to graduates of certain Universities, and which benefit only a very few of those graduates who go abroad, or does India want a Medical Council Bill which should cover the whole of the medical profession in India, whether they are licentiates or graduates of the various Universities, and whether the Bill should be to fix the minimum standard of qualifications, so that the people might seek assistance of such qualified men, and thus provide the medical needs of the country? That is the object which, I submit, must be in view when you consider such an important Bill as this. I want to ask the Honourable Member who moved this Bill whether there is any country in the world which makes such a distinction between higher degrees and lower degrees and grants recognition only for higher degrees in registers and excludes all people who hold lower degrees. It is no doubt true that the Honourable Member, who is always dealing with international politics and international status of Indians in other countries, ought to be solicitous for only such doctors who want that international status; but we, representatives of the people, representatives of a large number of taxpayers, we want that the medical needs of so many millions of people who inhabit this land ought to be looked to and, if at all we have to pass this Bill, it should be to regulate the standard of those doctors whom they have to deal with in day to day life. The Honourable Member for Education again said that this privilege was necessary because this privilege of practising abroad might grow in volume still more when the medical profession in India was becoming so over-crowded.

In India Medical Education is in the hands of Provincial Governments, and thanks to the progressive and humane policy pursued by the Raja of Panagal, who was the Minister for Medicine in the Madras Presidency, a scheme of rural medical aid has been evolved whereby licentiates and even graduates who hold medical degrees will be given certain allowances per month when they go to remote villages and open rural medical dispensaries under the local boards, and this, I am sure, Sir John Megaw, who was Surgeon-General of Madras for some time, knows very well. This scheme has become very popular and many villages are now provided with such rural medical dispensaries, and, I am glad to find, that some other Provinces also are trying to follow this scheme; and when the financial position of Government is improved, every important village in this country will have a rural medical dispensary where doctors are very necessary; and hence I do not agree with the Honourable Member when he says that in India the medical profession is being over-crowded and, if these medical dispensaries grow in large numbers, all these doctors will be absorbed and we require some more. Hence the most important provision to be made in this Bill is to fix a minimum standard of such educational qualifications rather than fix maximum standard which would cover only a certain number of persons. By not including these licentiates in this Bill, what is the impression you are creating in the country? And what will be the effect? You are not recognising these licentiates as people who are worthy of practice. You are condemning the whole set of them. You are not only condemning them, you are condemning the Provincial Governments and other bodies which are maintaining institutions and granting such licenses to those doctors which enable them to practise allopathic medicine in the country. So, if you think that the educational attainments of licentiates are not such as to justify their inclusion in this register, you must impress upon the Provincial Governments to improve their standard of education. Already there is an agitation in the Provinces to increase the course of study from four to five years, and it is because there is no driving force from above, that they are not being properly attended to. If once they come into the medical register, this Council may impress upon the Local Governments the necessity of improving that course. So it is good that those people should also get into the register. Thus, we are at the cross-ways. Government want only to provide recognition for the higher degrees, and we on this side want that the Bill should provide for the lower grades also. There must be some *via media* to be found, and I am glad to find again that the Government of Madras, after consideration, have made certain suggestions which ought to be acceptable to the Government of India, and if the Government of India are prepared to accept them, then there will be no difficulty also for us to accept. The proposal is simply this: The holders of degrees of the Andhra and other Universities must come into the First Schedule at the very start, and the licentiates must be included in another Schedule. It may be stipulated clearly that the licentiates need not come in for international recognition or for the purpose of reciprocity. It is enough for them that they come under the register. The result will be this: rightly or wrongly, when you do not include them in the register, there is a stigma attached to them; and it is likely that people might begin to have a very low opinion of these people as not having the required qualification at all. Rightly or wrongly, their exclusion might give an impression that these licentiates are not fit to handle any case at all. So you should, in the first instance, remove that impression from the popular mind. Even the General Medical

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Council, of which the Government are so afraid, need not take exception to this course, because the licentiates do not come in for their recognition for international status. Once they come under the register, their status will be established. The Medical Council might take up their cause when once they are on the register and ask the Provincial Governments to improve their status by making their course stiffer and thus enable them, after attaining the required standard which might be stipulated by the Council, to come into the First Schedule.

You have provided in clause 18 (2) that the medical institutions in British India, which grant a medical qualification not included in the First Schedule, if they come up to the required standard, can apply for recognition by the Council. When you give them a place in the register, naturally you would give them some representation in the Council, and when they get that opportunity and their representatives find a place in the Council, they will not keep quiet. Their representatives will try and press for improvement of the standard of their education and curriculum as well as the teaching staff. Their representatives will urge on the Council to improve their status and thus improve the status of the licentiates also, so that they will be able to come eventually into the First Schedule. It is also important in this way. Sir, Supposing one province spends some money and, by improving the educational qualifications, enables the licentiates to come into the First Schedule, then there will be competition. Other provinces will not lag behind, and they will also try and improve their standards and incidentally they will also improve the status of their licentiates. When these licentiates are on the Register, they will be under the disciplinary action and control of the All-India Medical Council. The Council will also look to their professional standard and professional ethics. Supposing they do not come under the All-India Council and remain only under the Provincial Councils, there will be some difficulty. Suppose there is a case of professional misconduct in which a graduate and a licentiate are together involved,—such cases do often arise. When such a case arises, the All-India Medical Council will have to inquire into the professional conduct of the graduate, whereas the Provincial Council will have to inquire into the misconduct of the licentiate. Supposing, on the very same set of facts, one Council comes to one conclusion and the other Council comes to opposite conclusion, the situation becomes incongruous. When these licentiates are included in the same register, they will be able to enjoy all the rights and privileges and immunities which you give to all those who are on the register.

This brings me to the question of privileges and immunities. I am told,—I do not know how far it is true,—that all the other Medical Councils in other countries give certain privileges and immunities to those who are included in their registers. This Bill, however, is completely silent with regard to those immunities and privileges. It may be an oversight, but it is very essential that once they are brought on this register, they must enjoy certain privileges. It may be stipulated that those who are on this register might have the privilege to sue for fees due in a law Court or that a certificate granted by a graduate or licentiate practitioner will be accepted as valid in the Courts, and that only registered practitioners who enrol themselves in the register are eligible for Government appointments. There should be some such privileges, otherwise where is the inducement for any graduate or for any licentiate

to get himself admitted into this register? It may be, after all, that only a few persons who are practising abroad, who will find it necessary to get registered. It may affect, say, 20 or 30 doctors each year who want to pursue their post graduate course in other countries. Otherwise there is absolutely no necessity for them to register under this Bill. It is something like what obtains in the legal profession. There are Advocates who are entitled to practise in High Courts and there are also B.A., B.L.'s or LL.B.'s who are practising in District Courts, who are eligible to become Advocates and practise in High Courts if they pay Rs. 700 or so as registration fees to the High Court and get themselves enrolled in the High Court register. There are many people who are successful and eminent practitioners in the District Courts, but they have not cared to pay so much money and get themselves enrolled as Advocates. They are already well established in their profession in the District Courts and do not care to enrol as Advocates. Only if they wish to practise in the High Court, they have to enrol themselves. Similarly, there are many graduates in medicine who may not care to enrol themselves in this register if certain rights, privileges and immunities are not granted to them. This is very essential, because even if foreigners come and practise here, they will have to get themselves registered, otherwise there will be so many difficulties for them. In that way it will force other countries to seek reciprocity with India.

This, again, brings me to the question of reciprocity. As I said in the beginning, there is a vein of inferiority complex running throughout this Bill, and there is no section which brings out this inferior status of Indians more than the clauses of this Bill which deal with the question of reciprocity. It was very elaborately discussed yesterday, and I do not want to tread over the same ground today. This Bill straightaway accepts the degrees which are accepted by the General Medical Council, without waiting to see whether they are prepared to accept our degrees. Why should we recognise the degrees of the General Medical Council, nay, why should we accept the degrees of other countries also with which the General Medical Council has entered into reciprocal agreements? Why should we be put to that indignity? Why should we not stand on our own rights and tell them that unless they accept our degrees we would not accept their degrees? You simply accept their degrees *ipso facto*. Here also we have the inferiority complex staring before us. Supposing after our recognising the degrees of the General Medical Council *ipso facto* as provided in Schedule II, they say: "We are not going to accept your degrees", what will be our position? They can say that because for the last three years or so they are not accepting our degrees and they might with full justification say that they would not accept our degrees, as we have not improved our standard of instructions during this period. Then are you to go on bended knees and with bated breath and whispering humbleness to tell them: "No, we will exclude some more of our Universities which are not acceptable to you and then we will come to you for recognition"? Are you going to say that? So we should not accept any degrees unless they are prepared to accept our degrees. That is really what is meant by reciprocity. My Honourable friend who gave so much prominence to the Conference which was held in 1930 will find that they also recommended such a course and there is no reason why you should go out of your way and accept their degrees *ipso facto* and accept thereby our inferior status. I need not quote the relevant sections on this subject.

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We then come to the question of the constitution of this Council. As it is, it is official ridden. There is absolutely no hope for an independent medical practitioner to find any representation on that Council. Take it one by one. The first is the President. He is to be nominated by the Governor General in Council. Dr. Dalal even went to the length of saying that the nomination should go on perpetually. That is not the recommendation of the Conference which met in Simla. They only wanted that the first President should be nominated and that subsequently there must be an elected President. The next thing is, "one member from each Governor's province, to be nominated by the Local Government of the province". I think that provision is necessary, because medicine is a provincial subject and naturally the Governments of the Provinces want their representation on the Council and so there cannot be any serious objection with regard to that provision. The next one is, "one member from each Governor's Province, to be elected from amongst themselves by the members of the Medical Faculties of British Indian Universities within the Province". There are about eight or nine Universities which have already come into the Schedule, and the number of members of all the Medical Faculties put together is about 125. For those 125 members you are giving a predominant representation in this constitution. In each Medical Faculty three-fourths will be gazetted officers and they are servants of Government, and most of them perhaps senior I. M. S. men. There also, there is absolutely very little chance for any representative of the independent medical profession to find a place on the Council. So, it will be almost official ridden. Instead of giving representation to the medical faculties, it is better to give representation to the Senates of the various Universities, because it is the Senates that are in charge of medical education in the Provinces and I think they are the most representative bodies. In the Senate you will find many elected members from the independent medical profession and so there will be a chance of that profession to have representation in the proposed Council. I am told that in England the Senate elects representatives to the General Medical Council. If you want to follow the General Medical Council, by all means do so even with regard to the matter of representation. "One member from each Provincial Committee of the Council as constituted under section 11, to be elected from amongst themselves by the members of such committees". What are these Provincial Medical Councils? They consist of about eight or ten people the majority of whom are nominated representatives of the Local Governments. You have already given representation to the Local Governments and, therefore, there is no necessity for giving representation again to the Provincial Medical Councils, because it is a representation of representation by the same authority. If the object is to bring in medical graduates and licentiates, you will defeat that object by giving representation to the Provincial Medical Councils. This is also against the recommendation of the Conference of 1930. Though that Conference was composed of Ministers of the various Provinces and the heads of Medical Departments, they agreed to have representation of graduates direct, and I am told that the General Medical Council in Great Britain gives representation of six members from the independent medical profession. The Bill should be changed so that one licentiate may be elected from each Province from among the licentiates to the proposed Council.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): I am afraid the Honourable Member is going into too many details. I would remind the Honourable Member that he has already taken one hour and he is now examining the composition of the proposed Medical Council in detail which I think is not quite relevant at this stage of the discussion. In view of the importance of the subject and the desire of many Honourable Members to take part in the debate the Chair would appeal to Honourable Members to restrict their remarks to the general principles of the Bill at this stage.

Mr. T. H. Ramakrishna Reddi: I bow to your ruling, Sir, but I just want to say that I thought that my remarks were relevant as I was discussing what ought to be the principle of the Bill, namely, better representation of the independent medical profession and not as it is proposed in the Bill. It is only to illustrate it that I took so much time in going into details, but I have done with that.

I do not want to enter into any further details except in one particular which comes under clause 23 (1). Under that clause, sub-clause (1), the Council is given certain powers to make certain regulations, but, under sub-clause (2) of the same clause, the Governor (General in Council is given power to make regulations in advance. Of course, under sub-clause (1) the Council is entitled to rescind or amend them, but once they are framed, it is very difficult to amend them. So, the power of making rules and regulations should be given to the Council that is to be formed and it should not rest with the Government.

Though an All-India Medical Council is a long felt want and is a desideratum, yet the Bill as conceived at present, does not fulfil the expectations or satisfy the conditions of what a real All-India Medical Council should be. I have pointed out some of the defects and suggested the adoption of certain changes in the constitution and functions of the proposed Council. If the Government are prepared to accept them, then they will find a certain amount of support from this side of the House. If they do not agree to those changes, then we have no other alternative but to oppose the Bill. We are not for the circulation of this Bill. This is not a Bill for circulation; we must either have it or not have it. That is the only question, and there is no question of dilatoriness. We require a Medical Council for all India, but we do not want a Council constituted under the present Bill. If the Government agree to the modifications I have proposed, we have no objection to discuss the Bill in the Select Committee. But if they do not, we have no other alternative but to reject the Bill *in toto*.

An Honourable Member: At the third reading?

Mr. T. N. Ramakrishna Reddi: No. We are opposed to the very principle. The very scope of the Bill is very restrictive, and there is no use of going on with the Bill. If you want me to say what I propose, I would say this. I would say that licentiates must be brought under another Schedule and they must be included in the register, and though they may not come in for international recognition, or for purposes of reciprocity, they must enjoy all other privileges, the rights which graduates

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enjoy, except that international status. Of course under clause 18(2) if these licentiates come up to the standard set up by this Council, they might apply to the Council for recognition to come in under Schedule I, and if the Council, after inquiry, finds that it is really up to the standard, then they can ~~amend~~ amend Schedule I, in order to include them. Until that time the licentiates must find some place in the medical register. Then the other thing is that the Bill must give certain privileges and immunities to those graduates who find a place in the medical register.

The Honourable Khan Bahadur Mian Sir Fazi-i-Husain (Member for Education, Health and Lands): Graduates only?

Mr. T. N. Ramakrishna Reddi: I am sorry for the error. For the purpose of enjoying privileges all must come in, including licentiates. Those who come under the register must all have equal privileges except that the licentiates will not come in for purposes of reciprocity. This Bill is silent with regard to the question of privileges. There must be real reciprocity, not pseudo-reciprocity or false reciprocity as is mentioned in this Bill. We should not accept the degrees of any other Universities or of any other countries unless they give reciprocity to our graduates in the first Schedule. Then, as regards the composition of the Council, they must be more popular and more representative of independent medical profession. These are certain of the changes which we would like to be made. With these observations, I resume my seat.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, I thank you for giving me an opportunity of making a few observations before this House, but there are a few considerations that make me somewhat depressed. When my friend, Mr. Raju, was speaking here, I was in the lobby yesterday and one of our friends said "Madras people talk too much". Unfortunately, after Mr. Raju, came Mr. Mudaliar and between them Mr. James and then came Mr. Reddi. However, Sir, I hope to be as brief as possible and the most important reason why I rise to speak is that I am one of those uncertified adventurers in the street, literally. I had never the honour of obtaining a medical degree and I have never been to England. This saying of Dr. Dalal is amply justified in my case. I know in the olden days I have heard of a body which has no soul to be damned nor a body to be kicked. I believe these certified gentlemen belong to that class and, therefore, fortifying myself with that belief I get up, and I shall presently show how I am an adventurer in the street. There is no question about it. The man in the street is after all the man to decide and, therefore, I am not ashamed of it. In the course of the discussion on another Bill I complained that our co-operation, offered at great disadvantage and inconvenience to us, has not been accepted at all and I have found a book in which my idea is very nicely and tersely put and, with your permission, I wish to read a few sentences to show the cause of the depression under which I have started speaking, and how I am an adventurer.

An Honourable Member: Is it in the Library?

Raja Bahadur G. Krishnamachariar: Probably it is there or it is not there. I have not rummaged the Library to find out if it is there. This is what the Book says:

"The Government's attitude, faced with this ridiculous travesty of the British Parliamentary system, is to class all opposition in the same category. It is annoying, unnecessary, irreverent and irrelevant. How can any one in their senses think that a Government of India Bill can be improved upon after a Home Member has spoken and delivered himself of the accumulated wisdom of the administrative ages? It is pure blasphemy to suppose that a brilliant lawyer like Mr. Jayakar, or a man of the people like Mr. Joshi, can suggest any valid or helpful amendment. In most cases, therefore, the Government of India's attitude towards suggestion and amendment is closely bound up with the necessity for preserving prestige. The Home Member often adopts the attitude of 'I have spoken, and that is sufficient. Behind me there is the Executive Council, the Governor General, the Secretary of State for India, and all the powers of certification and Ordinance making. You may talk, and talk and talk. You have your majority if you like. We have our will, and if you are wise people, you will not make me annoyed by wasting my time.'"

An Honourable Member: What is the name of the book?

Raja Bahadur G. Krishnamachariar: It is called "The Indian Chaos" by a man who probably is not particularly liked nowadays, Mr. Frederick William Wilson, who was at one time Editor of the *Pioneer*. I have troubled the House with this quotation just to show that an adventurer, is a man who simply floats on the surface just to see if he cannot pick up something. The extract just describes my position. It will be thus seen that I fulfil in its entirety the condition that I am an uncertified adventurer in the street and that was my first difficulty in rising to speak upon these matters. Another thing and the more important thing is that Mr. Raju and Mr. Mudaliar have taken the wind completely off my sails. I have got nothing more to say. Member after Member has got up and said that might usefully be said, and, if I have the temerity to get up and speak, it is because outside in the country they have got a pathetic faith in the speeches made in this Assembly thinking that we were going to influence even in the slightest degree what the Government of India have decided after their deliberations and come to a conclusion as their concentrated and collective wisdom.

Mr. N. M. Joshi: (Nominated Non-Official): You are leading deputations to the Government of India.

Raja Bahadur G. Krishnamachariar: That is just the worst of it. If they take my advice, they would not take the deputation, but unfortunately it is not possible to reform a whole country with a population of over 350 millions, simply because you stand round the corner and harangue on the actualities of the position. That is the reason why I am taking the deputation.

Sir, I say that this Bill is objectionable, but unfortunately I cannot oppose and ask for the rejection of the Bill, because, like the curate's egg, it is good in parts and the idea of a Medical Council established for fixing a minimum standard, and for the purpose of regulating the professional etiquette of the medical profession is very good. I do not want to oppose that feature of the Bill, but the most important objection that I raise to this Bill is a point that has been terribly worked to death—that is the exclusion of the licentiates. Lots of arguments have been addressed before this House, but I would simply refer the Honourable

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gentlemen who are going to serve on the Select Committee, if this Bill does go to the Select Committee, to the opinions of two persons, namely, the President of the All-India Medical Council and Mr. Jivraj Mehta, one of the most distinguished medical men, and these have been printed in this book that was handed to us three or four days ago. Sir, that is a most important objection and if you are going to exclude these licentiates, you have got only very few people for whom you are enacting this law. Sir, the reason why they are excluded is one which makes my head hang down in shame.

The British Medical Council is a busy body outside India and has got nothing to do with our affairs here; it does not contribute a single pie to the sum that the Government of India consider would be the cost of setting up this Medical Council here. Why on earth they should now come to think of India and the adequacy of our qualifications and seek to stop the even course of our events, I cannot understand. The Government of India at one time did not support it, but now they do so because, I find, of what they say in their Statement of Objects and Reasons. At that time Local Governments were not particularly anxious to have a Bill of this nature:

"The question of creating a central agency invested with some authority to guarantee a uniform minimum standard of qualifications to India and to the civilised world at large has been under consideration for several years, but until recently there has been no consensus of opinion in favour of the establishment of such a Council."

Now, this is the most important thing:

"This has been partly due to the action of the General Medical Council in deciding in February, 1930, to withdraw temporarily the recognition of medical degrees of Indian Universities. By this action the international status of those degrees has been endangered; therefore to safeguard this status and to provide for the maintenance of uniform minimum standards of medical education in the country it became imperative to resume the consideration of the proposal for the establishment of an All-India Medical Council."

Now, Sir, it is impossible for any man with self-respect to read those few lines and yet claim that you are doing the right thing here. What does it matter if the General Medical Council withdraws its recognition? For three years it has been withdrawn, the skies, so far as I know, have not fallen, India has been going on its even course and will still go on. . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain: Not so very easily I am afraid.

Raja Bahadur G. Krishnamachariar:and will still go on to eternity in spite of the General Medical Council withdrawing its recognition and the Honourable gentleman's pessimism. Who wanted this recognition and what is this international status? These M.B's and B.S's are either in service or in the independent medical profession. Now, these gentlemen in the General Medical Council come and say that they have withdrawn recognition, because of the standard of education being very low and not coming up to their own ideal. Now, there is a little bit of a quotation I should like to read to this House' in order to show the standard of education that obtains in England and the qualifications of doctors whom they enter on their general medical register and which privilege they have now denied to our people here. This is from an

address by Dr. Andrew Balfour, Director of the London School of Hygiene and Tropical Medicine which he delivered at the International Continuation Course of the League of Nations (*vide the Lancet* of January 14th, 1921, page 68 *et seq.*):

".....medical man well equipped in ordinary essentials but blissfully ignorant of parasitology and of the symptomatology of tropical maladies.....proceeds abroad and promptly finds himself in a quandary"....."he begins, if he is wise, to doubt his diagnostic powders. If unwise, he carries on, and it is at least possible that his patient also carries on to another world proceeding from the ward feet first to the appointed cemetery."

Again :

"All those with a knowledge of the subject and a sane outlook on life. . . will agree that with the facilities now existing, it is little short of criminal to send a medical man to practise in the tropics who has not received an adequate training in tropical pathology and parasitology combined with clinical instructions in the so-called diseases of hot climates."

Forceful words, but none the less true. That, Sir, is the sort of qualification that those gentlemen who come from England possess in England and that are considered adequate *ipso facto* without the slightest hesitation in our Schedule to this Bill. And what is it that we get? Some day some gentleman, who is not attacked with a particularly violent form of dyspepsia, sits in judgment over a degree and says: "It does not matter, I will recognize this man and his degree." That is the position. They will not recognize the largest number of our practitioners. Now, these are very good for the Local Governments to be entered on their registers, they are very good for treatment of diseases in the country, they are very good for the services that they render in peace and in war, but the General Medical Council is so exalted a body that a licentiate who has passed out in India may not be allowed to soil the pages of their register by being entered thereon. The first consideration then is the exclusion of the licentiates and the next is this sort of allowing anyone with the meagre qualifications set out by Dr. Balfour in his address before the League of Nations being recognized, but the qualifications of the best of our men not being recognized. There is only one point—I shall not go into details—to which I would invite the attention of those who may sit in the Select Committee and would ask them to consider, to bring their minds to bear upon and to realize what has been forcibly said in the numerous letters addressed to the Government of India, namely, that this body will in effect be an official-ridden body, mostly manned by I. M. S. people and that by the independent medical practitioners being practically excluded from it, it will be a calamity. Already the country is in a great state of trouble. There are not enough English Medical practitioners and the other kind of medical practitioners who used to sit on a stone and grind and grind and give some sort of a medicine which is a panacea, for all evils are gone. The English doctor is not easily accessible even if the patient is willing to pay Rs. 20 or Rs. 25 a visit. Then, what have the people to do?

Sir, the first duty of the Government is to keep their people in proper state of health. Sir, there are no doctors at present and the few doctors who are in existence are denied the privilege of calling themselves doctors, because the moment you start this All-India Medical Council and the moment you fix upon this register and the moment you exclude the licentiates from it, people will say: "This man is no good, because he has not been recognised by the Government of India."

[Raja Bahadur G. Krishnamachariar.]

That sort of thing ought not to be allowed to come into existence by the enactment of a measure such as we are discussing now. So, I would respectfully ask this House not to agree to this Bill in its present form. But if another Bill is introduced which is devoid of these objectionable features and which aims at the maintenance of self-respect of India, then I for one shall have no objection to it.

Sir, I am not at all carried away by the glamour of an international status. So far as I am aware our doctors have reaped no particular advantage by this so-called international status, nor is there any chance of their doing so in the future.

There is only one more point that I would respectfully submit to this House and that is that, in view of the coming Federation, the question of the entry of Indian States should be provided for. I know that my friend, Diwan Bahadur Ramaswami Mudaliar, said that it was impossible for us to legislate for the States. I think it is quite clear that you cannot, in a legislation initiated here, say that Hyderabad and other Indian States shall have a vote, but a provision can easily be made by which, when this Federation does actually come into existence, although I have got my own doubts as the Scotch say, about it, the States will be allowed to send their representatives to the Indian Medical Council. According to the idea, upon which these gentlemen work, the Federation is of a kind which is unknown to India, which will never work in India and which will never come into India. That, however, is another matter. Sir, when this Federation will come into existence, a good many things will have to be provided for and you can always make a provision regarding it with reference to the All-India Medical Council which is sought to be created by this Bill. (*A Voice*: "Tell us how it is to be done.") That is the business of the men who are appointed to the Select Committee and, I have no doubt, they will be able to do it. My business here is simply to indicate what sort of improvements I should like to have if they want my support in this Assembly. I have indicated what those improvements are and it is the duty of the gentlemen, who are on the Select Committee, to find a way for carrying them out. That is all, Sir, that I wish to say to the House. With these few observations, I submit, that this Bill, in its present form, should not be referred to the Select Committee or should be amended on the above lines.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, great confusion has arisen in the discussion of this Bill on account of the fact that three irreconcilable principles are included in it which require really to be dealt with in different ways.

One important principle which this Bill aims at—which in itself is urgently needed—is an attempt to co-ordinate the work of various Universities. It will try to maintain a high level of teaching and a good standard of examinations. Now, this co-ordinating agency has been missing in our educational programme, and I think it is exceedingly desirable that we should set it up at least for medical studies; but for this kind of work we require nominated men, and not popularly elected members. We never elect Magistrates by popular votes; they are always nominated.

The second object is the safeguard of medical profession. We must also safeguard the public interest. These are two very important objects which the Medical Council should try to achieve and, for this purpose, we require

men who are popularly elected, because the nominated members are not likely to safeguard the interests of the medical profession, nor the interests of the public as much as popularly elected persons can do.

Then, the third object which the Bill embraces is the maintenance of a register. Now, this thing has been very loosely talked about. Nobody ever attempted to explain the purpose of this register. If it is intended for the benefit of Indians, then it must include every person who is authorised to practise in this country. It should not only include the graduates and the licentiates, but I shall go further and say that it should also include *hakims* and *vaidas* and also Homeopathic practitioners. The absence of such a register is keenly felt by patients. For example, at the present moment, if I want to find out and consult any doctor, what can I do? I have only to consult the telephone directory and pick up haphazardly any doctor and ring him up. Unfortunately, last year, in the telephone book, my name was included under the head of "Doctors" and I had unfortunately half a dozen inquiries every week whether I would be willing to examine a patient. This really is a very unfortunate state of affairs and this register ought to be supplied authoritatively by somebody, whether it may be the Provincial Medical Council or the All-India Medical Council. In this register, which is intended for the benefit of the Indians, we must include everybody who is authorised to practice in this country. The second purpose of this register may be that it is intended for reciprocity. This object is foreign to me and I cannot understand it. Why should we maintain a register for a purpose which has no meaning? If we do it for this purpose, we can only include those persons who hold the same medical qualifications as the people in other countries do. The third purpose may be that it is for the benefit of the foreigners. If that is the purpose, then we should have it in a different manner altogether. Therefore, first of all we should decide in our own mind the definite purpose of this register and then we can decide definitely what categories of men are to be included in it. If it is intended for ourselves, then there cannot be two opinions that everybody's name, who is authorised to practise in this country, should be on it. But, if it is intended for some other purpose, then, of course, we shall have to discuss it.

Now, I just want to say that the Government of India have committed
 1 P.M. a very great sin in this country and that they are now facing its consequences. I welcome this agitation, and I will use every nerve to keep this agitation going till sins are all absolved. What are the sins? In every country you will find that they have primary education, secondary education and higher education. I have heard of primary, secondary and higher education in agriculture and in commerce. I have heard of it in technical education and general education, but I have never heard of secondary education in theology and in medicine. The Persian proverb says:

Nim Hakim Khatra-e-Jan ; Nim Mulla Khatra-e-Iman.

"A half physician is a danger to health and a half theologian is a danger to faith."

That is a principle which every European country acknowledges and for this reason we never hear of medical or theological schools in Europe. They say, the health of the people is a sacred thing and every medical practitioner they produce must be a man of the highest qualifications which

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the country can afford. Therefore a great mistake was made in starting these medical schools at the outset. The Government ought not to have opened them, nor recognised them. Now they are there and the Government do not know how to swallow them. It is really a big buffalo on their neck; they can neither get out of it, nor can they swallow it inside. And this discussion which has just been started is really a blessing in disguise; it must go on until all the medical schools are transformed into medical colleges. Of course the only difficulty which I see is that my friend, the Honourable Member in charge, has not got the key to Pharaoh's Treasury in his pocket, otherwise he would transform every school into a medical college. But still the question of the health of the people is under consideration and we should make every effort to give what is best in the interest of the people. I do not believe that the village population requires less qualified medical men.

Now, I come back to the question of the maintenance of the register. If it is only intended to please the Council of Medical Education, if you want it only for this purpose of reciprocity, then, of course, you may put only such persons who desire to go to foreign countries for practice or for studies. But if it is really for the benefit of Indians, then I see absolutely no reason why any person should be excluded from it and leave to the Medical Council in England, or to the Medical Council of any other country to make a selection of such person whom they consider suitable for practice in their own countries. It is not for us to decide; it is for them to decide which of these medical practitioners they consider to be qualified. But, as far as India is concerned, we should include everybody who is qualified to take charge of the health of the public.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What about your life and death?

Dr. Ziauddin Ahmad: This is really a very deep philosophical question (Laughter) to which I will come later on in connection with some other motion.

Sir, there are certain things in which I stand by myself and possibly I may not have any supporter; and I neither agree with the Members on the Treasury Benches nor with some friends on my side. In the first place, I maintain that this Medical Council must have some non-medical men, and this I press for two reasons. My first reason is that all experts are eccentric (Laughter), and, if they are not eccentric, they have no claim to be experts.

The Honourable Khan Bahadur Mian Sir Fazal-i-Husain: Does that include educational experts as well? (Laughter.)

Dr. Ziauddin Ahmad: I am talking of all kinds of experts including political experts. Their thoughts are concentrated on one particular idea; anything outside that particular idea does not receive the proper attention which is due to it. I will give you one definite illustration. You know that astronomers always travel very long distances in order to take photographs of total solar eclipses. Year after year it happened that these astronomers, when they began to take photographs of these solar eclipses, either forgot to open the cap of the lens, or to open the shutter or to

change the plates; the result was that all the photographs which they took at the cost of so much labour and expenditure of money were altogether spoilt. And, therefore, it was agreed that whenever any expedition of astronomers would go anywhere, there must be one or two persons in that expedition who are not astronomers. (Laughter.)

My other argument is that if you ever come down upon any institution or if you want to criticise medical men, it very often happens that the medical men themselves, on account of their own professional etiquette, may not come forward and openly criticise the actions of other medical men; nor the members of one University would like to criticise their colleagues in another University. I will here give you the illustration of the Lucknow Medical College. This is a point which I will take up in greater detail, when I formally move, after the Bill has emerged from Select Committee, that the Lucknow Medical College should be omitted from the list in the First Schedule, and I will develop my argument on that occasion.

The Honourable Khan Bahadur Mian Sir Fazal-i-Husain: That speaks volumes for provincial patriotism.

Dr. Ziauddin Ahmad: I am a humanitarian first and a provincial man afterwards. I speak in the interest of electorates and not in the interest of the medical profession.

Here in the Government of India we have got two very distinguished men who know the details of the working of that College. Here is General Megaw, the late Principal of the Medical College with whom I have worked for many years in the late University of Allahabad, and here is our friend, Mr. Bajpai, belonging to the distinguished service of the United Provinces, and they must know all about it. There are a large number of stories about this College. Patients are brought to the operation table, the operation begins, and then the Surgeon demands that unless so much money is paid, the patient would have to lie there. That is not one story; I will give a series of stories, and every man in the United Provinces knows them. Government or somebody appointed a Committee of three persons presided over by the Director of Public Instruction who collected all these evidences, but the whole of that report has been shelved and nothing was ever printed. The report was seen only by three persons who signed it. This is my official information. There is not a single medical man in the United Provinces who raised his protest against such maltreatment. We have got a Medical Council in the United Provinces and its President has pressed the question of honour, interest and dignity, etc. It is all very well to talk of medical dignity and medical honour, but, at the same time, it is also desirable that they should keep up their own dignity. They should keep up their honour, they should respect their professional etiquette and they should treat their patients in a humane manner. I tried four times to introduce this topic in the Assembly, but each time I was debarred from doing so. I first asked some questions and I was told that these questions were outside the jurisdiction of the Assembly; I moved a definite Resolution and it was ruled out by the Governor General in Council as being outside the jurisdiction of the Assembly. Now the occasion has arisen and, in moving my amendment, I will discuss the whole thing in detail.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Sir, is it your ruling that this is the right occasion for discussing the complaint as regards the Lucknow Medical College?

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The Honourable Member, the Chair understands, is now only giving notice that when the time comes he will move the deletion of the Lucknow Medical College, and when that actually happens, the Chair will decide whether he is in order then.

Dr. Ziauddin Ahmad: The point I was going to make was that this Medical Council ought to include some men who are not medical people. The first argument which I gave was that all experts are eccentric and we must have some non-medical men in it. My second argument was that if you have only the medical men in the Council, they will not have the courage to put their foot on breaches of medical etiquette to stop them. I gave one illustration in support of my first argument and I gave one illustration in support of my second argument. I will take it up in detail when I move formally my amendment.

Sir, the second thing that I want to discuss is that I do not want to create any distinctions between the I. M. S. and the non-I. M. S. people. I have read each and every word of the pamphlets and memoranda that had been sent to me though, I acknowledge, that I did not read them with such great care as my friends, Mr. Raju and Mr. Reddi, did. In several of these pamphlets, it is emphasised that there should be no division in the medical profession. I entirely sympathise with them. But they break their principle when in a subsequent clause they begin to make distinction between the I. M. S. and non-I. M. S. people. Any kind of distinction between those persons, who have been fortunate or unfortunate in accepting the Government service, would be creating a class distinction and should be ruled out. My second point is that in the consideration of this Bill, any distinction between I. M. S. and non-I. M. S. should be altogether out of discussion.

The third thing I like to deal is the question of reciprocity. Here also unfortunately I am on a different footing from the Members on the Treasury Benches and also from some of my friends on this side of the House. I can understand the reciprocity in customs. If one country puts a check on the goods coming from another country, the second country reciprocates by putting similar checks. I also understand reciprocity in the case of services, but any kind of reciprocity in the case of recognition of University degrees is not free from danger and risks, and here I speak as an educationist. Take, for instance, one particular institution whose standard unfortunately has gone down. Its examinations are not recognised by a sister University on account of the fact that its standard has gone down. The institution does not recognise that its standard has gone down, or it would have improved it. It is really the outsiders who are better judges to see whether the standard of a particular institution has or has not gone down; and if they discover that it has not gone down, and they express their opinion by withdrawing recognition, instead of trying to improve its standard, the institution comes forward with the principle of reciprocity and it says: "All right, if you do not recognise our degrees, we will not recognise yours". If this principle is practised by a larger number of institutions, then, I am afraid, we

will have a very low standard of education in general. Therefore, this principle of reciprocity may be applied in case of politics, may be applied in other matters, but it should be left out in matters purely educational and purely academic. It is a very dangerous principle to apply and, instead of raising the standard of general education, it is bound to lower it.

Now, I said that there were three principles to be discussed, and I now come to the first principle, that is, about the keeping up the standard of education, and here I will take a few minutes. Before the Calcutta University Commission was appointed, and at the time when the late Lord Curzon's Act of 1904 was in operation throughout India, we had the affiliating Universities. The Universities had Medical Faculties which included Professors of Medical Colleges, and non-medical scientists. Medical practitioners were also strongly represented in the Medical Faculties and there was no complaint about the lowering of standards. Now, recently, we have created the teaching Universities on the recommendation of the Calcutta University Commission

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member will resume after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

Dr. Ziauddin Ahmad: Sir, I was just discussing that before the new Universities Acts were legislated, we had the organisations of the Universities on the lines of the Act of 1904. Now, according to those Acts, the Medical Faculties included a large number of outsiders and the outside influence was always present in prescribing the courses of studies and conduct of examinations. In these recent Acts, the powers were handed over to the teachers, and outside influence was very much minimised. The Government, however, left to themselves the right of appointing a Committee of Inquiry. Now, this Committee of Inquiry is provided for in every Act that they have recently passed, and it is also present in the Bill under consideration. This Committee of Inquiry is a punitive measure. It is instituted only as a kind of punishment; it is not really intended to set things right. Long before the punitive measures are adopted, it is exceedingly desirable that there ought to be some machinery for inspection and friendly advice. Now, this particular difficulty was realised in the United Kingdom, and they instituted a special Committee, called the Grants Committee. This Grants Committee is appointed, not by the Board of Education, but by the Treasury, i.e., the Finance Department. The functions of the Grants Committee are the same as are included in the first object which this Bill had in view. The members of the Grants Committee inspect all these institutions periodically and at least once in every five years; they give friendly advice; they examine standards of education and examination, and they often set things all right long before any Committee of Inquiry is needed. The same kind of machinery has recently been

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set up for maintaining uniform standard of admission or Matriculation examinations. I may also tell that the members of the Grants Committee are not persons who are engaged in actual teaching in any University. They are men who have got practical experience of University administration and University education, but they have no direct interest as paid servants of any University. This is really an exceedingly important thing, that the persons, who inspect the various Universities and who really carry on the co-ordination work, must be men not directly connected with any of these Universities. Unfortunately this Grants Committee was introduced in England after the Calcutta University Commission had finished its report. Had it existed a little earlier, probably the Calcutta University Commission would also have recommended the formation of a similar Committee here for Indian Universities and a good many complaints would have disappeared. I gave these arguments and establish that the elected representatives of Medical Faculties may not be competent for this work of co-ordination and inspection. Now, the other important thing is this: and I introduce it for this reason that the Medical College at Lucknow is the only Medical College in India which has been handed over entirely to the University. The Province has five Universities, but there is only one Medical College, which is the property of a single University and not the property of the people of the United Provinces. In other Medical Colleges, the administration is in the hands of the Government, but the courses of studies, examinations and all the other academic features are prescribed by the Medical Faculties. Here we find otherwise. I believe I stand in a class by myself here. I believe that this power of appointing the teachers, that we have now vested in the heads of the Universities, has proved to be a great mistake. It has proved to be a mistake in the United Kingdom; and it is a great mistake in this country. Our constitution of Universities was copied from the constitution of the midland Universities as they then existed before; but, later on, they were compelled to modify their constitution. The appointment and administration of funds are not in the hands of the paid servants of the University. The Executive Councils don't include persons who themselves have financial interest in the University. In Germany and in France, where we have got all the Universities vested with great powers, we notice that the appointment of the Professors is in the hands of the Ministers and, in some cases in France, it is in the hands of the President of the French Republic. Here also it is desirable that the members of the Executive Council should be persons who themselves have got no financial interests in this matter. My friend, Mr. Bajpai, does not believe in this theory. He thinks that every member of the Executive Council must be a paid servant of the University. But at least that is not the experience which we have found to be correct in the west. Therefore, it is very desirable that the body, which should be vested with the powers of inspecting the Universities, prescribing the courses and carrying on the co-ordination work, must consist of men who have got plenty of experience of medical education in the country; but should have no direct interest in any one particular University and should be entirely independent men. Therefore, if we take up one particular function for which this Medical Council is to be created, we find that this must be done by a body of persons who are absolutely independent of the University and independent of public opinion, and they should not be afraid of saying what they believe to be correct.

Now, I come to the other side, that is, looking after the interests of the public on the one side and of the medical profession on the other side. The body, in charge of this particular function, must have men of different types. They should be elected representatives of medical practitioners and also representatives of the public. This should be a very liberal body and should be competent to reflect the opinion of the public and the opinion of the medical profession. I tell you what is the kind of things that this body will have to do. Some time ago, we had a very important case happening in the Civil Hospital at Delhi: attention was drawn in the Assembly, but unfortunately nothing was done. Of course, in this particular case, the Government of India could not say that it did not come within the purview of the Central Government as they did in the case of the Medical College at Lucknow. Whatever I said about the Medical College at Lucknow, I think everybody from the United Provinces, and from Lucknow particularly, will bear me out what I said about Lucknow. There are many more stories. The Government of India, who are the custodians at present according to law of the standard of medical education, cannot escape from their responsibility. Medical education is a transferred subject, but the maintenance of a good standard is a Central subject. There are two persons in the Government of India who know very well about it; they know definitely that a Committee of Inquiry was appointed; they know definitely that certain allegations were made, but still they did not raise their voice as to what that report is and how its recommendations should be carried out; they never pressed that it should be published. They took shelter by saying that it was the concern of the Local Government. If that is so, then may I ask, why they have got a Medical Department here and what is the justification for its existence?

Mr. N. M. Joshi: Let us hear the interesting story now.

Dr. Ziauddin Ahmad: I will say it when I have a full dress debate on that particular question, when I move that the Lucknow Medical College should be excluded from the Schedule.

I was pointing out that the proposed Medical Council will have to prescribe certain codes which the medical profession will have to follow; it may prescribe that no person admitted into the hospital should pay any kind of gratuity, it will have to prescribe rules of professional conduct, and, for doing all this, we must have a body of men representing fully the public opinion and also the medical opinion. For this purpose we should not only have the representatives of graduates, but also the representatives of sub-assistant surgeons or licentiates, because this body will have to prescribe rules not merely for graduates, but also for the licentiates and other diploma holders. Therefore, we should have a very strong body of representatives of the public as well as of medical profession. On one side, you must have a body of a limited number of nominated medical experts having no direct interest with University affairs; on the other side, you must have a body of men fully representing the public opinion, the medical opinion and also the opinion of the licentiates, in fact some of those licentiates should themselves be the members of this Council, because their co-operation will be needed in prescribing the regulations for medical etiquette and in safeguarding their interests, and I think it will be possible to combine these functions in one body.

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Now, coming to the third object, I mean the medical register, I look at this problem from an entirely different point of view, from the point of view of convenience, and not from the point of view of dignity and honour. We know, Sir, according to the old Act of 1904, every University had the power to recognise by name any University either in India or outside India. Whenever any question came up, they had to appoint a Committee to study the courses of studies, the syllabus, and so on, and much time was wasted. The Government of India have recently simplified this work by one enactment, and they said that any University which has been created by any law for the time being in force will enjoy this privilege, that their admission examinations will be recognised by these new Universities. This small enactment has very much simplified the work of Universities. In the same way, there is in Germany a similar rule, and they do not go through the merits of the examinations of each foreign University; there they have made a simple law, that any foreigner can join a German University, provided he has passed an examination which entitles him to join a University of his own country. By this simple law, they have really absolved themselves altogether from going through the courses of instruction and the syllabus of individual Universities. Therefore, in India we can do one of two things,—either we sit down and go through the courses and syllabus of each University of the United Kingdom in turn, say of Edinburgh, London, Leeds, and so on, and then come to the conclusion whether we should or should not recognise these Universities by name, or adopt a simple course similar to the one recently adopted by the Government of India for admission to Indian Universities and similar to what Germany and France have done, and say that every University, which is recognised by the Council of Medical Education in the United Kingdom or by the Council of Medical Education in Germany, is recognised by us. We transfer our work to the Medical Council of foreign countries. To put in plain words, we say that we recognise all those medical graduates who are recognised by the Council of Medical Education in the United Kingdom. Really speaking, there is no question of reciprocity. This is purely a question of administrative convenience,—either you should go through the courses of each University in turn, or accept the opinion of one recognised body. The same thing will have to be done by the Council of Medical Education. The Universities of Germany and France have done the same thing. Instead of recognising the degrees and going through the courses of each individual University, they merely take the opinion of the Council of Medical Education of their own country. If you set up a body, whose opinion could be trusted by the Council of Medical Education, I am perfectly sure that its opinion will be accepted by every University, by every country and by the world at large. This is not a question of retaliation or reciprocity. The question is whether it is convenient for us, whether it is convenient in the interests of our Universities, whether it is in the interests of our own graduates that we should set up such a body whose opinion could be trusted by the medical authorities outside India.

Now, Sir, before I come to my final recommendation, I should like to say just one word about the register that we should maintain, I mean a register of men whom we consider to be qualified to practise in this country. The medical licentiates are really the results of the mistakes of the Government of India, but there they are, and it will be a second mistake not to recognise them now. The first mistake was to create them,

and the second greater mistake would be to leave them. They will have to be recognised. Sooner or later the medical schools will have to be transformed into Medical Colleges. We should recognise these licentiates and leave it to the Medical Council in England, in Germany or in Timbuctoo to recognise any or all the persons whom we recognise. This is the line I would recommend. If I be a member of the General Medical Council of the United Kingdom, I would only recognise those persons who have taken degrees from those Universities which are recognised by this small body of experts, whose creation I advocated. I would recognise the degrees of those Universities whose standard of education, whose examinations, whose courses of studies are of a proper standard. We have got here three different things; how are we going to reconcile them? Here I offer a definite suggestion, and that is the only way in which they can be reconciled. In the first place, your Medical Council should be a liberal body. It should also include licentiates, because you have to legislate about their medical conduct as well. I do not want to go into details as to how this body should be elected or nominated. This I leave to the Select Committee to do, but I lay down the principle that it should be a liberal body and it should include the representatives of all those persons who are entitled to practise in this country

Mr. N. M. Joshi: What is the definition of liberal?

An Honourable Member: Not conservative.

Dr. Ziauddin Ahmad: I am sorry, I do not carry a copy of the Webster's Dictionary in my pocket to give you the exact definition.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): There should be more of non-official element in it, with an elected President.

Dr. Ziauddin Ahmad: Then, as regards the President, I entirely agree that we should have an elected President, but when we look into the way in which all these bodies have come into existence, we find that the first President has to be nominated in some way or other. This is laid down in the Act itself. The election will come afterwards. The first President must be nominated

An Honourable Member: Why?

Dr. Ziauddin Ahmad: That is the same case even in regard to our President. Before a New Assembly sits, before we begin to elect our own President, the Viceroy always nominates a Member to hold office though for a short time. Look into the Act of the Medical Council in England. It also provides in section 6 that the first President of the Medical Council will be the President who was holding office at the time the Act came into existence.

Therefore, the first President will have to be nominated in order to bring the whole Council into existence. . . .

Mr. Gaya Prasad Singh: May I interrupt the Honourable Member, Sir? Did not the Medical Council in England, when it was first formed, elect its own President?

Dr. Ziauddin Ahmad: The Act says that the first President of the Medical Council will be the President who was holding office at the time the Act came into existence. The first President will have to be nominated as a matter of practical convenience by the Government. Whether he holds office for two days, or one year or whether he holds office for five years, is a question which can be discussed in the Select Committee. There is no way out of it and I challenge any one to give me a method of creating a Medical Council without the President being nominated by the Government. As regards the other things, if you want to reconcile two contradictory propositions, there is only one way of doing it, and I would strongly recommend that to the Government. You should have a liberal and large Medical Council. Under this Medical Council, you should have a permanent Committee whose constitution may be similar to that of the Grants Committee. This permanent Committee should be similar to the Finance Committee which some of the Universities have recently set up. Therefore, there should be a statutory body whose function should be similar to that of the Grants Committee, and it should have some representatives elected by the Medical Council and some persons nominated directly by the Government. The moment we create this particular body with expert knowledge of men commanding full confidence, I am perfectly sure that the recommendation of this Standing Committee of our Medical Council will be accepted by any medical authority wherever it may be, may it be the Medical Council in England, or may it be a University in any country. Therefore, I think it is possible to reconcile the three irreconcilable factors only in this way. Create a larger body of Medical Council, having representatives of graduates, of licentiates and of the public on it, with a statutory Standing Committee with a constitution and powers similar to those of the Grants Committee and vested with the work of co-ordination, prescribing the courses of studies, and syllabuses, and scrutinising examinations and examination results. The register should include the names of all persons entitled to practise in India. The Statutory Committee may maintain a separate register. This selection of Medical graduates from Universities who are recognised by this Standing Committee should be responsible for all the co-ordinating work; and it is only by this method that we can reconcile the three irreconcilable matters. These are matters for the Select Committee to consider in detail. (Applause.)

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, when I first read the heading of this Bill, I thought that the medical profession was going to steal a march over any other profession in this country. In fact, I felt that what the profession of law did not possess—a central co-ordinating and disciplinary body for the whole of India—the medical profession was going to get. But I was soon disillusioned. Going deeply into the Bill, you will find that it is neither the one nor the other.

It is not a body for the whole of the medical profession in this country. It is not a body which will have jurisdiction and sway over all the medical practitioners and which will control their actions and their conduct. You will find from the provisions of this measure that this is a Bill only for the purpose of providing a register of the "higher grade of qualified practitioners". One would ask in vain, why is it that the higher grade of medical practitioners alone is going to be brought on to a register. Is it a privilege, or is it a disability? Well, Sir, if the public is to be protected from all kinds of quacks and uncertified people—this word "uncertified" is rather unfortunate here but still if the public has got to be protected from

these people, then all kinds of medical practitioners should be on the register. But it appears that the object underlying this Bill is somewhat different.

My learned friends here have taken us into the history of this measure. It appears the chief aim of this Bill is to placate the General Medical Council in Great Britain and Ireland. I do not for a moment question that if we can live on friendly and peaceful relations with this body, it will be all to the good. I have nothing but admiration for all those people in the medical services or the R.A.M.C. who have trained our graduates in our Medical Colleges and who man the services. Very good and useful work has been done by them and a good tradition has been built. But I refuse to be dictated by any outside body in the conduct of affairs of my own country, and I refuse, what is more, to be hustled. I feel that my learned friend opposite who is in charge of this Bill, Mian Sir Fazl-i-Husain, has been hustled in this matter. I know he can stand up boldly and show a bold front, but it is rather strange that in this matter my Honourable friend was very weak-kneed,—he will pardon me for saying so.

An Honourable Member: He does not feel like it himself.

Mr. Jagan Nath Aggarwal: I do not know that. My justification for these remarks is this. In the first place, the attention of this House has been drawn to the fact as to how the Government of India in sack cloth and ashes approached the Secretary of State to send this Bill to the General Medical Council. To show the way in which the latter approve of it and their condescending reply, I think one might as well read their letter. It is at page 51:

"I was directed to say that the Committee have considered the Draft Bill and the accompanying communications from the India Office, and recognise with satisfaction that it represents a well-directed effort. . . ."

—My Honourable friend will be glad of that compliment—

"... a well-directed effort to establish by Statute a Body which by its constitution and functions is designed to maintain a satisfactory minimum standard of medical qualifications for admission to the proposed Indian Register. The Committee are of opinion that, if carried into law, the Bill will conduce to the improvement of Indian Medical Education, and serve the best interests, both internal and external, of Indian medicine in general."

When a Bill is introduced in this House, it at first receives the sanction of the Governor General. This Bill has received the sanction of the General Medical Council. (Laughter.) For a moment we may just see if we are justified in going deeply into this matter. My Honourable friend, Mr. Dalal, coming from the medical profession (*Some Honourable Members:* "Dr. Dalal.") Dr. Dalal yesterday told us that, before you look into this measure, see that you are not an uncertified adventurer in the street. I shall yield to the Doctor when it is a case of extracting a tooth, or administering quinine, or even letting out blood, but I am not going to surrender my judgment to him when it is a case of making a constitution. The constitution of the medical profession is just as important and as dear to me as the constitution of the legal profession or of the Assembly or the Council of State. Therefore, I do not see why my Honourable friend, Mr. Dalal . . . (*Some Honourable Members:* "Dr. Dalal.") Why bother about it? Abolish Dr.—Dr. Ziauddin and him both. He was at pains to show that we should yield to medical opinion.

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Coming as it did from a member of the profession, it was strange. We have been flooded with literature from doctors, all and sundry, and associations, that this Bill is the most objectionable one. I have proof of it in these memoranda which, I am sure, the Honourable Member in charge of this Bill and his deputy who is piloting it, must have inwardly digested and laughed at. I was surprised to find Dr. Dalal come forward and tell us, on the plea of not misleading this House, that the medical profession was all in favour of this Bill.

An Honourable Member: The reason is obvious.

Mr. Jagan Nath Aggarwal: Yes, the reason is obvious, as also the consequences. We might just as well try and look into this measure to see whether it will serve the purpose which it seeks of having a Medical Council for India to provide for the maintenance of a British Indian

Medical Register. On that point it would have been far more correct to say, what has been pointed out in this very memorandum from the Bombay Government, that the preamble of the draft Bill should be so drafted as to indicate that the object of establishing the proposed Medical Council is to secure a class of medical men in India whose qualifications will be recognised by the General Medical Council of Great Britain. This has nothing to do with the co-ordination of education and it does not provide any body for supervising medical conduct. It says "to secure a class of medical men whose qualification would be recognised by the General Medical Council of Great Britain". The Bombay Government has no opinion to express further. Therefore, the very preamble and scope of the Bill are different. The object of the Bill is to collect together on a register those persons who will pass current in England, who will be acceptable to the Medical Council. If my learned friend and his deputy had said that we want to provide a register in which those people, who will be recognised outside, will be entered, we would have no quarrel, but in the guise of a measure to regulate the conduct of the medical profession and to establish, so to say, a body which will control and co-ordinate their teaching, this Bill is sought to be brought forward, but it does not do it. Well, Sir, if we were to go a little further into this point, we might as well read from another communication on page 68 from the Medical Union. The Medical Union, in paragraph 2, say something on this subject. They say:

"The Union altogether disagree with the view, . . . of the Acting Secretary to the Government . . . that 'if Indian medical students were to be relieved of the hardships to which the decision of the General Medical Council exposed them, it was imperative to resume consideration of the proposal for the establishment of an All-India Medical Council'. The Union believes that such a basis for creating an All-India Medical Council is derogatory to the self-respect of the Government of India, and no less to the Independent Medical Profession and to the people of India. The Union is of opinion that apart from the view expressed by the Government, the creation of the Council should be based upon the broad and noble object of securing the welfare of the public and enabling the members of the public requiring medical help, to distinguish between qualified and unqualified persons."

If that is so, then my submission is that, so far as the scope and object of this Bill is concerned, it neither tells us the whole truth nor does it tell us the principle which this Bill tries to achieve. So far as the constitution of this measure is concerned, it has been dealt with in considerable detail. I would invite your attention to one or two aspects of

this matter. This measure is neither a liberal measure nor a properly conceived measure. It is open to objection in this sense that for controlling the whole medical profession or, say, the higher grades of the medical profession, it creates an exclusively official body. Now, Sir, if I were to translate it in terms of lawyers, let us see how the cap will fit us if we were to create an All-India or, say, a Provincial body, for the control of the bar, modelled in the way in which this Medical Council Bill is going to be fashioned, and I take particular care to present that point of view to my learned friend, the Honourable Member opposite. He was a distinguished member of the bar and, I am sure, he has not forgotten his connections with the bar and, I submit, that the moment you compare the constitution of a Bar Council with this Indian Medical Council Bill, you will find a great disparity in the constitution of these two bodies. I have at hand the Bar Councils Act of 1926 for the identical purpose of maintaining discipline and of co-ordinating education. The All-India body is not there, but the nearest analogy is the Provincial body. Now, I shall present to the House the constitution of that body. In this Act, which is Act XXXVIII of 1926, we have, in section 4, that every Bar Council shall consist of 15 members, of whom one shall be the Advocate-General, the nearest approach to an official, four shall be persons nominated by the High Court, of whom not more than two may be Judges of that Court and ten shall be elected by the Advocates of the High Court from amongst their number. Here one waits in vain to find any recommendation of the Governor General-in-Council or of the Local Government, any recommendation of the Law Faculties and, last of all, of any teachers in law, but more of it hereafter. In section 5, they say: for the first elections, the section provides that they shall be from amongst advocates, vakils and pleaders who are, on the date of the election, entitled as of right to practise in the High Court. When you create a Bar Council, you find not more than two officials and an Advocate-General who can, by no stretch of language, be called an official. The rest are all non-official and ten are elected by the members of the profession. If you turn to this Bill, what do we find? It is overcrusted with officials. We find here one member from every Governor's Province. That comes to 9. Then three members of the Governor General. That is 12, and the rest you will find from the Universities or from the profession. Here are these two categories in which we could bring in a number of members of the medical profession, but we have studiously, and that is my chief grievance against this Bill, shut the door. We are giving representation to the Medical Faculties. Out of 120 people all told in the whole of India which represent the Medical Faculty eight or nine shall be elected. Therefore 12 shall be electing, on an average, one person. They might be doing it by lots, but it is not bringing in men of the profession. It will be far more sensible to have the University or the Senate or the Academic Body choosing one of the doctors to come and represent it. That will be introducing a popular element. Then, Sir, when we are choosing, under clause (d), amongst graduates, the Government are looking aghast at the proposal of enfranchising these graduates. They put forward an alternative suggestion—give it either to the Provincial Committee or to the graduates and, in spite of the opinion of a large number of people to the effect that it will be better, more popular and will command greater confidence to have the graduates enfranchised, they rush back into the backwater of that recommendation—that you had better have a Provincial Committee. In other words, you are bringing in the system

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of indirect election. That vicious system has been turned down. In the elections to the next Federal Assembly we have departed from it. If there was one point on which the British India delegates were unanimous, it was that for the Federal Assembly they will have nothing short of a direct election. The Lothian Committee recommended it and the Government of India have now taken to indirect election and intend enfranchising these committees of eight or nine people. They are already overcrusted with officials. They have made these bodies effete and useless. The Government of India still stick to their proposal that we must give indirect election to them. What is the merit of it, one cannot understand, and I do not see by what process of reasoning they can persuade themselves to believe that they can put forward this clause of the Bill, clause 3 (d) in the way that they have done. From all Provinces, Sir, if you will bear with me for a minute, the same trend of opinion comes. The North-West Frontier Province does not recommend it. Ajmer-Merwara does not recommend it.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Recommend what?

Mr. Jagan Nath Aggarwal: Recommend that the graduates shall not be enfranchised. They recommend that there should be direct election for the graduates. I say, the North-West Frontier Province, Ajmer, the Punjab, the United Provinces, Bombay, Sind, also Bihar, all these Provinces have recommended that it would be better and more conducive to efficiency and popular support if you have the graduates choosing their representatives for the Council.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: What does the Honourable Member mean by the Punjab? Does he mean the Punjab Government or the Punjab people?

Mr. Jagan Nath Aggarwal: Sir, the people were never consulted, but as regards those, who were consulted, I am going to give you their answers.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: What about the Punjab Government? Do they agree with the Medical Association?

Mr. Jagan Nath Aggarwal: I shall just give you the opinion of the Punjab Government. First, Sir, we have the North-West Frontier Province at page 19. In paragraph (3) they say:

"I prefer to retain the original clause 3(d) in this case, but I am not in favour of the proposal that representatives of medical graduates should be compelled to have special teaching qualifications, as in my opinion such representatives are not in direct touch with graduates who are in general practice in areas removed from the large teaching centres."

That is another part of the show and, with regard to the proposal that you should have representatives of medical graduates, the Punjab Government add a tag,—“you better have them only that are in the teaching line”. Let me put it this way. If you are going to have representatives of the medical profession, you had better look only to the colleges for supplying these representatives. On the same analogy,

if you are going to have representatives of the legal profession, have them only from amongst the Professors of the Law Colleges. Sir, it would look ridiculous in this case. The Frontier Government see through the game: they say:

"The teaching business won't do: you must have members of the profession in the outside areas;"

Then, the Commissioner of Ajmer-Merwara at page 20 says:

"I consider that the proposals embodied in clause 3 of the Bill are most suitable for adoption."

Now, I come to the Punjab for which my Honourable friend has been anxiously waiting. At page 25, we have the letter from the Punjab Government:

They say in clause (c):

"It is preferable that one member should be elected not by the medical graduates of each province where there is a medical register, but that in such provinces there should be Provincial Committees as defined in section 11, with the right to return one member, in the manner provided in clause (d) of sub-section (1) of section 3-A; but that, if direct election by medical graduates is decided upon, then the electors should be only the graduates who have teaching experience."

So this mischief of "teaching experience" started from here, I think, and there is very good reason for that. Education being a transferred subject, and the Minister in charge sending in this opinion, one can understand that the teachers are under his thumb, but not the doctors. But even then the Punjab Government is not satisfied. Here is their tag. They say:

"I am to add that the draft Bill was circulated as requested, and that the above views are those of the majority of the individuals and associations consulted, except that the various medical associations of this province are in favour of the President of the Council being nominated by the Governor General for five years and, after that, elected, and that direct election by medical graduates with experience in the teaching of medicine is preferable to election by Provincial Committees."

This is from the Punjab: call it reactionary, call it designed with a view to retaining their own power, but there it is. Unfortunately this Medical Bill was sent to the Judges of the High Court also who have recorded opinions which I shall now read. At page 27, we have the opinions of the Judges of the High Court.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: They are all agreed,—are they?

Mr. Jagan Nath Aggarwal: No. I shall first read the opinion of Mr. Justice Harrison. Nobody could accuse him of any communal interest, and so on. At page 27, at the bottom, he puts the matter very tersely. He says:

"The Government of India asks for our opinion on five points."

The point that I am concerned with is (3):

"Whether the alternative clause (d) in 3 or (d) in 3(a) is preferred."

On that point Mr. Justice Harrison says:

"I prefer 3(d) to 3(d) (a)."

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I go further. An Indian Judge, Mr. Justice Agha Haidar, recorded an opinion which will bear perusal. This opinion, I may point out, was concurred in by three other Judges,—Mr. Justice Jai Lal, Mr. Justice Bhide and Mr. Justice Hilton. This opinion was:

"The proposed Act is a step in the right direction. Referring to section 3 of the Bill, I fail to see why the President should be nominated by the Governor General-in-Council and why the various Local Governments of Governors' Provinces should nominate any members to the Council and why the Governor General-in-Council should again nominate three members. The Medical Council, as I understand, is going to be a scientific institution in which directly the members of the medical profession and indirectly the general public are interested. In order to maintain a high standard of honour and efficiency, it would be the plain duty of the members of the medical profession to elect the very best men available in their ranks to hold the various offices in the Council. As highly skilled scientists, they are in the best and most advantageous position to elect suitable men to serve in the various posts in the Council.

As regards section 19, I would suggest that the principle of reciprocity should be strictly adhered to. If there are any British possessions, which do not recognize the duly qualified medical men of India, the proposed Medical Council should refuse to recognise the medical qualifications of the nationals of those possessions. This is only fair."

Then, the Honourable Mr. Justice Dalip Singh agrees with the views of Mr. Justice Agha Haidar in regard to section 19 of the Bill, but does not agree with them in so far as they relate to section 3; he prefers section 3A. Mr. Justice Dalip Singh also considers that fees should be levied for registration.

Then, at page 52, we have the opinion of Bihar and Orissa. In paragraph 6, it says:

"His Excellency in Council would prefer the election of a member from each Provincial Committee of the Council to the election of a representative of qualified registered practitioners, and this is the view of the Provincial Medical Examination Board and of the Inspector-General of Civil Hospitals and the Director of Public Health; but the weight of opinion is in favour of the other alternative, and His Excellency in Council recognises that it may be necessary to concede this point in order to obtain the necessary support for the Bill."

Then, at page 54, the United Provinces Government say:

"This Government have always been in favour of giving the utmost possible weight to Provincial interests on the proposed Council and would give the right of electing a member to medical graduates enrolled on a Provincial register, but add to clause 5(3) of the Bill the words 'or ten years or more experience as a general practitioner', as an alternative to five years' teaching experience; local opinion is almost unanimously in favour of this last alternative, as otherwise the Medical Council will be overweighted with persons actually engaged in the work of teaching, who are already heavily represented by the Medical Faculties of the Universities, and, incidentally, have an overwhelming official majority at the expense of the general body of members of the profession."

The Bombay Government say the same at page 56, and Sind also the same at page 93. So far then as this part of the constitution is concerned, this section 3, concerning the giving of representation to medical graduates, I do not see what is the point in electing this Council by not enlisting the sympathy of all medical practitioners and asking them to close the ranks.

Similarly, Sir, I find that so far as the election of the President is concerned, though there may not be much in it, there is a point of principle underlying it. The principle underlying it is this: Are you going to create a body in which you are going to give the predominant voice to the officials who are to be in it, or are you going to create a body which will, in course of time, claim medical Swaraj for this country? If the President is a perpetually nominated official, as Dr. Dalal would have it, then, Sir, there is no possibility, even at the very remotest time, that this Medical Council will function as a body which will control the destinies of the medical profession of this country. Therefore, so far as the appointment of the President is concerned, the definite weight of opinion is in favour of the proposition that after a certain lapse of time—it may be three or five years—, this President should be a person elected by the Council itself.

Then, Sir, so far as the liberalising of the constitution is concerned, one further aspect of the question may be pointed out. So far as the present Bill is concerned, the attempt to leave out the licentiates from the present measure is obnoxious in principle and the reason that they number something like 30,000 in the whole of this country. There is no point in leaving out the licentiate. If it is inconvenient to have him on this register for the purpose of extra territorial recognition, if I may say so, you can have his name entered in a Provincial register.

Sir Cowasji Jehangir: He is on the Provincial register already.

Mr. Jagan Nath Aggarwal: You must have a common register to be maintained in the provinces to which he should have access. There is no point in allowing the licentiate to practise in this country when, for the purpose of conduct and discipline, he is excluded from the purview of the Medical Council. Suppose the Medical Council makes a rule that if a patient wants another doctor after he has called one, a certain convention should be observed. If I call a qualified doctor, a doctor with a degree, then he shall refer to the other man before coming to me and giving me advice. But if I call this licentiate, is he at liberty to ignore the convention and do what he likes?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: If the Honourable Member is asking me this question, then I will tell him that if he reads the Bill once again he will find that there is no such function allowed to the All-India Medical Council. None whatsoever.

Mr. Jagan Nath Aggarwal: If this Medical Council is not going to look into the conduct of the doctors and protect the public from them, then it is worse than useless. It should not be allowed to come into existence. It is simply a waste of public time and money, and so my learned friend should see that it does not come into existence. He and I have both got to be protected from the inefficiency of doctors and from all the trouble that we are heir to, and I do not see what point is there in not prescribing a rule of conduct.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Is the Honourable Member talking about licentiates?

Mr. Jagan Nath Aggarwal: As I said, Sir, it is an obnoxious principle of the Bill that it leaves out the large body of licentiates in the ranks of which you have a number of distinguished people. One instance comes

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to my mind which I may be permitted to mention. We have an eye doctor in our Province, Rai Bahadur Mathra Das, who has done more cataract operations than even 20 doctors put together could have done. He has the whole of the hospital to himself. I do not agree that you should allow the mere accident of possessing a degree to be the criterion for being on this register. So far as the licentiates are concerned, there should be no reason for absolutely leaving them out of the scope of the present Bill.

Then, Sir, there is another point to which I would just like to draw the attention of the House. It is the question of reciprocity. Under clause 19, we have at once granted recognition to all degrees of foreign and British possessions which have automatically received recognition in this country. We are told that this Medical Council will be able to carry on negotiations and will be able to insist on reciprocity. Sir, I do not see if there is much point in this reciprocity. Reciprocity is only possible when both sides are able to bargain and when both sides have their hands free. But when you have already conceded recognition to the other side, I do not see where the point of reciprocity would come in? It would be quite correct to say that those people who are in this country will be placed on the register, but for future enrolment it will be a matter for bargaining. But you do not do that. You do not recognise only those who were here at the time, but you recognise for all time to come all the degrees that this Council may have given. It is like asking a free trade country to enter into an arrangement of the nature of the Ottawa Pact with protectionist countries. That was the complaint which the late Joseph Chamberlain had. You insist on free trade for England and ask me to enter into tariff arrangements with other countries. That is an impossible proposition. You must first go protectionist yourself and then enter into a bargain. That is how you, as one of the negotiators in the Ottawa Pact, were able to carry on your negotiations, because both the parties were free to arrive at different tariffs. But if there were a country which was going to insist on free trade, I do not know how any reciprocity would have been possible. Therefore, I submit, Sir, that this Bill has so many obnoxious features that unless steps are taken to improve them, to mend them, I do not think any useful purpose will be served by going into a Select Committee over it. We have our recent experience of the Select Committees in which people go happy and come out sorry. Sometimes walk-outs take place and, at other times, various minutes of dissent are appended for the inconvenience of those who have to read them and digest them. Therefore, it is much better for those Members who are on the Select Committee and who are opposed to this Bill that they should stay away from it and not meddle with this obnoxious measure.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, years ago, even before the Reforms, under which we work today, the Lureaucratic mentality of the times considered all criticism as obstruction. Now, Sir, I am sorry to find that the mantle of that old bureaucratic mentality has fallen on one of the members of the European Group who unfortunately is not here just now. Therefore, let me content myself by saying that I am sure the Leader of that Group, my old friend, Sir Leslie Hudson, and all other Members will be the last to wear a mantle already discarded years ago by my friends, the bureaucrats. Member after member of my Party got up to point out the defects of this Bill and, I am sure,

most of the Honourable Members present here today are now convinced that they had good reason to do so and that it was by no means a desire to obstruct a good measure, but it was a desire to co-operate with Government and to clearly place before them the many objections to this Bill which have been brought to the notice of "the uncertified adventurers" sitting on this side of the House.

No, Sir, I regret that Government did not take the precaution to nominate for this debate a doctor who could have placed the point of view of his profession before us clearly and concisely. It would not then have been the duty of any of us, "uncertified adventurers", to place before you the point of view which has been impressed upon us for the last year and a half by many medical associations. It is still more unfortunate, Sir, that the only medical Member of this Honourable House, instead of doing what I consider to have been his duty, namely, to place the views expressed by his profession before the House and by all means point out where he disagreed, should have neglected that duty and left it to us to voice the views of medical associations, the Presidents of which hold degrees my Honourable friend, the doctor, will never attain and who enjoy a practice which my Honourable friend will ever envy. Well, Sir, this has been our unfortunate duty, we who are "uncertified adventurers", to draw the attention of Government to what we have been told are defects in this Bill. I have no experience of the medical profession except that I have had to drink medicines prescribed by them for much longer than 35 years. But, Sir, if we do not place before this House the points that have been brought to our notice and if the only medical Member of this House will not do it and give his own opinion, may I ask, who is there here to do so? Now, Sir, I will not detain you by repeating the many arguments that have been placed before you, and may I venture to say, repeated *ad nauseam*. I will divide the points of objection into three or four.

I will first take some of the objections of the medical profession—and mind you, that medical profession has been represented by men holding the highest degrees England can give. Their first point of objection is the composition of the Council. I am not going to dilate on that. I am sure my Honourable friend, Sir Fazl-i-Husain, will, in Select Committee, see to it that at least some of those objections are met. I will state one fact and that is that today, due to past experience, we condemn the principle of nomination; but in a few years, when the opposite Benches will be occupied by elected Members of this House, the House itself may prefer nomination to the vagaries of election. Today, however, as things stand, I admit that the medical profession are justified in resisting nomination as the dominant factor in the composition of this Council. And, therefore, until this Assembly, in years to come, changes the principle of election to that of nomination, I would urge my Honourable friend opposite to adopt the principle of election rather than that of nomination.

Sir, the next point that has been dealt with so fully is that of reciprocity, specially by my friend, the Diwan Bahadur, who sits on my right. If this principle of reciprocity involved any risk to the many English men and women who live in this country, I could have understood a clause of this sort in the Bill. But I understand that any English doctor can come to this country and practise here under the present law of the land even when there is no reciprocity. Therefore this question of reciprocity does not affect the day to day conditions and lives of our English friends here.

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in India. Whether there is reciprocity or not, I understand,—and I stand open to correction,—the position is that an English doctor can come to India and can practise. That major objection having been put out of the way, I cannot understand why Government should have tied its own hands with regard to the bargaining which they will have to do. Would a business man, who had to enter into an agreement with the other side, say, before the agreement was signed or discussed: “I agree to give you all you want, and, later on, I trust to your generosity when I come with the begging bowl in my hands”? No business man would do such a thing.

Having got out of the way, the practical difficulty of supplying our English friends living in India with medical aid from their own countrymen, I see no justification for such a clause in this Bill. I see much worse, a deliberate weakening of the hands of Government and of public opinion when it comes to assert itself, and when you come to discuss this question with the General Medical Council. I see more; I see a weakening of the hands of our friends in England who have promised to do their best with the General Medical Council in the interests of India, if you give away their case by legislation at this stage. I trust that my Honourable friend, who is a patriot if he is nothing else, will see to it that under no circumstances will his hands be weakened or will the hands of our friends in England be weakened by legislation of this sort.

Now, Sir, I will come to the third important point in which there is some difficulty, and that is the question of the licentiates. We are told that this Bill is in the interests not only of the general public, but also of the medical profession. It affects them vitally and, if it is not going to meet with their approval, may I ask, what is the use of legislating for a profession when your legislation is condemned whole-heartedly by them? If their criticisms are wrong, by all means let us try to convert them; if their criticisms are right, you will have to amend the Bill. What I regret most is that there is no one here, or there has not been a speaker up to now, who has put the case so as to convince the medical profession that their criticisms have been wrong. I know that my friend, Sir Fazl-i-Husain, has had many conversations with the representatives of associations. I am sure, he has made every effort to put his point of view before them, but, so far as I can see, they still maintain their position and still believe that this Bill is unsatisfactory. I do not profess to understand their point of view completely. I see in some of their arguments a certain amount of bad logic; but, after all, if this Bill, when it becomes an Act, is to work successfully for the benefit of the profession and for the public at large, it must meet with their approval.

Another great point is this: It is, I may say, not mine: I am “an uncertified adventurer”. That point is this: that there are perhaps 36 or 37 thousand medical practitioners in this country, acknowledged to be medical practitioners by Government, who have received their education under Government auspices. You divide that medical profession into two sections: you call one section a highly trained one or a better trained one, or any other language you choose to use. You call the others less qualified. If you are to have a class of medical practitioners, who are less qualified than the others, and if the conditions in this country absolutely necessitate our having a large number of doctors for the agricultural

classes, does that also involve that their standard of education shall not be standardised? Does it involve that these licentiates in different parts of India shall have different qualifications, while your graduates of India have their education and their qualifications standardised? Why neglect the licentiates to that extent? They have been of your creation. You have admitted them as medical men. You have employed them to look after the millions that live in this country; and now, if on the score of expense, or, it may be, for the reason that Provinces are going to have autonomy, you say, it is not possible to standardise the education that you are going to give to the licentiates, then, I say, it is an argument I cannot accept, and certainly the licentiates will not accept. (Applause from Non-Official Benches.) Therefore, if you are going to have for the graduates a central body which will be responsible to the public, not to Government, but to the public for their qualifications, it is up to Government to see that a much vaster public, those millions who take advantage of these licentiates, shall also have the guarantee that the licentiates' qualifications throughout India will be the same. You may arrange it in any way you like. You may have Sub-Committees of your Central Committee in the Provinces to look after the education of the licentiates. The work of these Sub-Committees in the different Provinces may be co-ordinated by the Central Committee. You may make the Provinces pay for the work of those Sub-Committees. Sir, I say that it is a legitimate grievance of 30 thousand practitioners in this country if you do not provide for the standardisation of their education as you are attempting to do for the graduates in this Bill. And, therefore, before this Bill goes to Select Committee, I desire an assurance from Government more on behalf of the licentiates than ourselves. I want an assurance to these 30 thousand licentiates that you will look after the standardisation of their education and you will guarantee that the standard of education they receive will be maintained, at least as it is today, throughout the Provinces of India. I desire that Government shall give us some assurance that they will move in this direction, and, if possible, while this Bill is being examined by the Select Committee, Government will try their best to obtain the opinions, if it is necessary to obtain them, of Provincial Governments. I think it is a legitimate grievance that you should only attend to the education of six thousand medical men in this country and neglect the medical education of thirty thousand, leaving it to each Province to do what they like. Your object may be, as so many Honourable Members have said, other than the standardisation of educational qualifications, though that is the ostensible reason for this Bill. But if that is not so, you must follow it to its logical conclusion and meet the demands of the licentiates. I very well realise what is the object of these licentiates.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Is the Honourable Member quite sure that what the licentiates want is the standardisation of a lower form of education, a school education, as distinct from a collegiate education, or does he think that what they want is that there should be but one education, the collegiate education, or school education, or any in between the two? What is his impression, his information?

Sir Cowasji Jehangir: I will tell my friend what I understand to be their position—I may be wrong. Their position is this: that they want an All-India Register for the licentiates, if necessary along with the graduates, with the object of improving their standard of education. They

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do not mean to say that their standard shall be brought up to the standard of the graduates, but they do desire that their standard of education shall be improved and that it shall be equal in all Provinces and that there shall be a supervising body for All-India just as you are providing for the graduates. I must admit that their object is laudable. I cannot help feeling some sympathy for their aspirations.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: So do I.

Sir Cowasji Jehangir: Thank you. We know that a London L. R. C. P., who is styled a licentiate, is just as much a qualified doctor in England as a London M. D. I want to know from the Director-General whether there is a greater difference between our licentiates and our graduates than there is between the L. R. C. P. in London and a London M. D. Then, there is another class, the apothecaries—lower than the licentiate class: I shall leave that class alone. If the difference between the L. R. C. P. in London, who is a licentiate, and the graduates is less than that between the licentiates and the graduates in India, is it not the duty of this Government and of all Provincial Governments to see that the difference between licentiates and graduates is reduced? If it is the same, I will say that the argument of increasing their status, of improving their education, does not hold good. If there is some difference in England, the same difference may be maintained here. This is purely a technical question for the doctors to decide; but their contention is that in England the difference between the L. R. C. P.'s and the graduates is of a character which enables all of them to come on the same register, while the difference here is of a character which forces you to put them on different registers. If that be the case, I say, then it is your duty to raise the standard of education of the licentiates and bring them up, not to the standard of licentiates in England, but to an equivalent standard with regard to the graduates in India

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member is quite right when he says that there is hardly any difference between an L. R. C. P. of London and an M. B. of Edinburgh: he is perfectly right there; but what I wanted him to tell me is: does he think that in India one standard and one standard alone, that of graduates, is enough?

Sir Cowasji Jehangir: The answer is this: do not call them licentiates at all. Call them something lower and finish with it.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Will you kindly give a name?

Sir Cowasji Jehangir: Anything you like—apothecaries or anything you like: what we want in this country is a cheap kind of medical aid for villages: we want men of the fifth or sixth class who will have two or three years' training and who will be satisfied with 50 rupees and work in the villages: that is what we really want. Either have a class who cannot ever claim to be on a register, who cannot claim to be anywhere near the graduates, and have one standard: or have two standards, as they have in England with the same privileges. As my friend, the Doctor on my left, has said, you have made a mistake and you have got to do the best you can. I know in my own

Presidency the Surgeon-General put up a scheme which would take a young man from the sixth or seventh class, give him a couple of years' training and send him into the villages: he would be satisfied with 20 or 25 rupees: but that scheme was not accepted. If you are to go in for that; by all means do so; but so long as you have got a class which can claim to be called doctors, who are licentiates, then I take it that it is the duty of this Government and of Provincial Governments to look after their education, to see that it is standardised. I think, if it is within the reach of my Honourable friend, he will be able to meet public opinion and satisfy the profession. Of course the other question is a much bigger question, it is a wider question as to whether you should abolish this class or not: I am not here to speak about it; I am not here to criticise it. Your licentiates are of your creation, and I think it is due to them that you should, on the floor of this House, give some assurance that you will look after the standardisation of their education, that you will see that they maintain their position in this country, the position they have enjoyed as medical practitioners, that you will have a register of an All-India character, and that you will have a Central Body that will look after their education as you are providing for the graduates. I think it will be some satisfaction to the thousands of men who have served their country honourably, with the greatest credit to themselves and with benefit to the millions of the people of this country. (Cheers.)

Shafiq Sadiq Hasan (East Central Punjab: Muhammadan): Sir, before I discuss the merits of this Bill, I would welcome the idea of this All-India Medical Council.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

It is really a laudable object, but one has to look at it from two points of view, if not from three. The two points of view from which I am looking at it are the point of view of doctors and the point of view of the public. The object of this Bill, if I look at it from the point of view of the public, should be the alleviation of the sufferings of humanity, by affording relief and prevention of diseases, by maintaining a uniform minimum standard of qualifications in medicine. What I find here, the object of the Bill is not to maintain a uniform minimum standard of qualifications, but of higher qualifications. One thing is very clear, that the highly qualified doctors do not require such a strict supervision: nor does their education require so much supervision as that of doctors of the lower order. I think this Bill is not going to be the last of its kind; and the Government, in time to come, will have to think of thousands of *hakims* and *vaidas* who are practising in the country, and they will have to recognise and encourage these systems, because we find even nowadays millions of our countrymen suffer through quacks: and, may I inquire, if the Government are here only to look after highly qualified doctors? And, if so, what is to become of those people who are going to be treated by lower qualified doctors? I think the only way is to elevate them and not to degrade them, as this Bill is going to do. I consider this Bill to be a very reactionary Bill in its character. It takes us back to the Minto-Morley reform period. Nowadays we find that indirect elections are tabooed and there is enfranchisement of the masses: in the new reforms,

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one thing is certain: that there is not going to be an indirect election to this Assembly: and, moreover, the number of voters is going to be increased. . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: And there will be no nomination!

Shaikh Sadiq Hasan: Now, what do we find in this Bill? There is not going to be any direct election; and, as for the enfranchisement, we find that 30,000 medical practitioners, licentiates, are kept out of the purview of this Bill. The President is going to be a nominated member, and one member is to be sent up by each Provincial Government to this Council. As regards the Universities, we all know that these are more or less nominated bodies. They are also to send one representative, each from the Medical Faculty. Then, again, the Provincial Committees are also going to send one member each, and in most cases the Provincial Committees have got a majority of nominated members. Again, three members

4 P.M. are to be nominated by the Governor General-in-Council which means that the whole Council is going to be an official ridden body. And this is going to happen when the Provinces are going to get, what is called, autonomy and there is going to be a Federation in the Centre. I do not know what sort of responsibility the Centre will have, but we all hope that the elected Members will certainly have some responsibility. My first objection to the Bill is that it is reactionary, that the Council is going to be an official ridden body, and that there will be no popular element in it. Besides that, Sir, it must be remembered that the majority of medical practitioners are not in Government service and that the number of private practitioners is preponderatingly large, and, in spite of that fact, they have no chance to be elected on the Council. . . .

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Why should they come?

Shaikh Sadiq Hasan: I honestly thought that in these days of democracy everybody will have full opportunity to show his ability, and that wisdom is not the monopoly of a few officials. Even non-officials have got their own ideas which are very useful. These private practitioners, coming into the Medical Council, I should have thought, would release new forces of energy and that the Medical Council will not stagnate as our Government are stagnating at present

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Then better come into Government.

Shaikh Sadiq Hasan: I suppose, Sir, elected Members will come into Government in a short time.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): And their nominees will be the nominees of the public.

Shaikh Sadiq Hasan: The Honourable Member himself, when he is elected again, will find considerable scope for work in the House.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Very well, what about this Council?

Shaikh Sadiq Hasan: I think the elected Members will be able to do much better work.

Then, Sir, the second point is about the medical licentiates, and I have to say a few words. I had the honour to preside over a meeting of the Punjab medical licentiates, and so I have studied this question. I find that these people, who have undergone a strenuous course, have passed all the staff examinations and have borne heavy expenses for their medical studies; they can certainly be called qualified doctors and not quacks, and so they should find a place in this Medical Council. Sir, I consider that the pioneer work, which they have done in rural India in making the rural people believe in the scientific western methods of medicine, entitles them to great respect. These doctors may be slightly less qualified than the graduates, but it must be remembered that they have been working in a very efficient manner and when the Government could entrust them with hundreds of dispensaries, there is no earthly reason why they should be kept down or degraded in the eyes of their own profession. Generally, people of higher qualifications are narrow-minded, they do not allow people of lower qualifications to join their ranks, but I find that some of the eminent doctors, who have expressed their opinions, hold the view that these licentiates should be included in this Council. If the Government really consider that these licentiates are less qualified, they cannot take away the licences of these 30,000 men, who are practising in all parts of India with great success. All that Government can do is to abolish the Medical Schools, so that they may not have any more doctors of that type whom they do not want to admit into this Council.

As regards reciprocity, I think the attitude of the Government of India is one of subservience which I would consider rather undignified. I do not think it is fair on the part of the Government of India to humiliate us in the eyes of foreign countries. We are going to acknowledge their degrees, while they refuse to recognise our degrees. I just want to ask, Sir, whether our doctors will be allowed to practise in those countries which are mentioned in Schedule II?

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): That question does not arise. There is nothing to prevent them to practise in all those countries.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Except where they will not be allowed to enter.

Mr. G. S. Bajpai: Naturally when they are not allowed to enter, they will not be allowed to practise.

Shaikh Sadiq Hasan: There are certain countries which do not allow our people to enter, and so the Mover of the Bill says, that question does not arise. It means that we should allow the doctors of those countries to come here and practise, whereas our doctors are not even allowed to enter their country, and, therefore, that question does not arise. I think it is putting coals on the fire. I think it is a most undignified attitude of the Government. They are humiliating us by asking us to accept this provision. I do not appeal to those elected Members who, in

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95 per cent of cases, vote with the Government,—I am the last man to appeal to them,—but I do appeal to the Honourable Member in charge of the Department, for whom I have the greatest respect, who is one of the greatest statesmen of our country, to rise to the occasion and not to humiliate us before the world.

Now, with regard to the Medical Council, if you expect the medical practitioners to get themselves registered, if you expect them to pay heavy fees, they should have some privileges too, otherwise the object of this measure will be completely defeated, there will be no use in having a Bill of this character. After all, you must think of decentralisation and hand over to the Medical Council powers which may be useful to them, some powers to safeguard the interests of the public, so that if some members do something, which is injurious, suitable action may be taken against them.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I did not intend to intervene in the debate at this stage; I thought the debate, as it began, will continue, and I laboriously took down notes of criticisms which I felt were bound to be of the utmost possible use during the deliberations of the Select Committee. I was busy this morning too, but since the lunch interval it appears that the debate, in some cases, has proceeded on lines which can have but a remote bearing on the Bill. Therefore, I trust that the House will excuse me if I intervene in the debate at this stage, and place before it certain facts and considerations which, I feel certain, cannot but influence their opinion, and perhaps counteract the influences that have been in operation, as my Honourable friend, the Deputy Leader of the Independent Party, said, for the last eighteen months and more.

I quite appreciate that somehow or other our friends the licentiatees have got it into their head that the proposed legislation casts a very serious reflection on them, and in some cases they have gone so far as to say that it is intended to disgrace them and place them at a disadvantage. I very much regret that this impression has got abroad. I think it is useless for me simply to indulge in giving assurances that it is not so, or in telling them what I will do. For the present I want to place certain facts and certain points of view before the House and beg it that, in a matter of this kind, where there are no politics involved, where there are no considerations involved which divide this House into two sides,—the Government side and the Opposition,—the consideration given to this measure should be on lines other than those which are followed, so to speak, by convention. I trust I am not mistaken in the hope that the House will give this matter the consideration which it deserves and express its opinion on the merits of the Bill without fear and without favour—without any fear of the Government, or without any favour of any one, whether on behalf of the Government or on behalf of somebody else canvassing for it. (Hear, hear.) After all, the supreme consideration before the House is this. Is the particular measure that is for their consideration right or wrong? Is it in the best interests of the country or not? Is it calculated to achieve the object which it purports to set to itself? And I am prepared to take the judgment of the House. It is my ambition—I am free to confess—to act in this matter as if I were responsible to the House. (Cheers.) Sir, I wish to ask you, is there any reason why, in a matter like this, I should like to act irresponsibly? In whose interests please? Whose interests am I to serve if I am in this particular matter anxious not to serve the interests of this country? It is not a

matter of trade negotiations, it is not a matter of commercial rights, nor even of financial safeguards, that in a matter which to me seems extremely simple, I should be supposed to go out of my way to act in a manner different to the way that commends itself to most of you provided you also are prepared to act in a way responsible to yourself and to me? I want reciprocity, not only between our Medical Council and the General Medical Council, but between you and me too. If you are prepared to endorse this agreement, I on my part am prepared to endorse it.

Now, Sir, the first point is, what about the licentiates? I will go direct to it, because unfortunately that is the point which is uppermost in the minds of all of us. When we talk of the constitution, the nomination, and other things, the question of licentiates tinges all our considerations. In the matter of licentiates, I claim that I, in all probability, more than any other Member of this House, have deep regard for the licentiates. (Cheers.)

What is my claim based on? First and foremost, I count a large number of friends amongst the licentiates, and particularly four or five of them who have been my friends for the last 30 or 35 years. I have the highest respect for them, and in many cases I have placed myself under their treatment in preference to being treated by medical graduates, whether of an Indian or foreign University. You will, Sir, realise the difficulty of my position, when I have such a high opinion of several members of that distinguished order, is it easy for me to do anything which even indirectly may cast a reflection on that body of which they are distinguished members? (Cheers.) In the second place, as Minister for five years I had the good fortune of working with a large number of licentiates, perhaps seven or eight times larger than the medical graduates in my province. I found amongst them men of great ability, and, further, I had the good fortune of breaking down in the province the caste system from which they were suffering. A sub-assistant surgeon was a sub-assistant surgeon for all time and he could not move into the higher caste of assistant surgeons. Well, Sir, the rules were modified to permit of a sub-assistant surgeon rising to be an assistant surgeon. I find that about the same time, perhaps a little earlier or perhaps a little later, the same thing was done in the Presidency of Madras. It may be that the same has been done in other provinces. I am not aware of that, but still that was done and done under the reforms. In the third place, when I became Revenue Member of the Punjab, medical school education was one of the subjects for which I was responsible, medical school education not being a transferred subject. Therefore, Sir, I naturally took interest in that matter. It was there for the first time I came in touch with, or you may say in conflict with, the Government of India proposal as to legislation on the subject. I was not able to see eye to eye with the proposal which emanated from here in 1928 and many other Governments were in the same position, with the result that the proposals of 1928 were thrown out. A distinguished member of the Independent Party yesterday laid stress on the allegation that there have been three sets of proposals resulting in a Bill of 1929, a Bill in 1931 and a Bill in 1932, and he urged that the Bills have continued to deteriorate. On a comparison of these Bills, it will be found that this is not correct. All of us have our own points of view, but the first Bill had in it a provision that about 12 or 18 members will be nominated by the Governor General-in-Council. I do not know in what way it can be said that it is an improvement on the later provision that Local Governments will nominate their representatives. When you find in a Bill which deals with medical education for which the

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Provinces are entirely responsible financially as well as administratively, the curriculum of which is under the control of the Universities which again are under the Provinces, can it be said that any measure designed to control that education, to impose a superior control over that control should be such as to make provision for the representation of an independent profession on it? There is the medical education for which the Province is responsible, financially and administratively. There is the local University controlling that education. This province wants to work with a sister province on co-operative lines, to arrange for a board of control which will co-ordinate their education, their efficiency, their instruction and their examinations.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

Won't these provinces insist upon having representation on it? Would you devise a method in which they are altogether ignored? That is the reason why in the constitution there is a provision to which such strong objection has been taken by the last two or three speakers, saying that it is all nomination, what does it mean? Are not we going forward? Are we to go backward? We should have election. Yes, have it by Local Governments by all means. They are the units concerned. That is practically nomination. You are not going to have representatives of the people on it. This Council is not an institution like the Legislature to cater for the public at large in the sense in which legislative bodies are or local bodies are. Here is a very particular matter, a system of medical education under the control of the Provinces and the Medical Faculties and you cannot possibly make them agree to an institution placed above them without giving them representation on it. However, I am perhaps digressing. I was really talking about the licentiates. I was saying that licentiates have been all along, so far as I am concerned, those in whom I have been interested in a way as to do all I could for them and they have done very good work, but what do the licentiates want? That, I am afraid, they themselves do not know. That is the trouble. There are several schools of thought amongst us. One school of thought holds the view that has been expressed by some members in this House and their view has a great deal of merit in it, one uniform standard of medical qualifications in this case as is the case in England for instance. I am free to admit that there is a great deal of force in that contention. If you agree to that, the claim of licentiates for improvement of their education cannot be denied or challenged. The schools must be raised to the status of colleges or done away with. Either mend them or end them. There is no half way house between them. That is really what the bold spirits amongst the licentiates want and say. Those who are not as bold as this class say: "We do not know what will happen in future, but for the present improve our training, just add one more year, the fifth year to our instruction and we will be satisfied." With due deference to them, I do not believe that their sole desire is to have one more year added to their instruction without any compensation being given in return for the additional year of instruction given and in this lot of printed papers there is a good deal of material to the effect that this one year does not end the trouble. At once the question arises of initial general qualification before you start upon a study of a scientific course

like medicine. Is the matriculate the right person to start upon that course? Many are already shaking their heads with Dr. Ziauddin Ahmad and say "No". He must possess better qualifications than that. He must have more scientific education before he begins to grapple with scientific instruction in medicine. If you add the two years course to it, you get the medical graduate. Therefore, the position resolves itself into this. Does this House consider that there should be but one uniform medical qualification for India, or does it think that the peculiar financial and economic conditions of the country necessitate, unsatisfactory though it may be, the position that there should be more standards than one? I shall not say whether there should be two or three. Well, on this point, I do not know whether Honourable Members have had time to do any research or whether the Licentiate's Association have supplied them with any material? But I manage to have plenty of leisure and one does not give up one's studious habits even in these days of political turmoil and I found time for going through a good deal of literature on the subject.

Sir Cowasji Jehangir: We have all been supplied with it.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That does not mean that we all have read it! (Laughter.)

Dr. Ziauddin Ahmad: A good many of us have read it.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Well, I must say that Major Naidu's presidential address delivered at the 9th Session of the All-India Medical Conference last December showed that he had made a genuine effort to think constructively for his country. He did not indulge in the usual platitudes of what science has done, what sort of laboratory you ought to have, and all sorts of expensive instruments and expensive laboratories, but he set himself the task of answering the question, "have we got adequate provision for the supply of medical aid to the rural areas or not?" And he, agreeing with Sir Nil Ratan Sircar, came to the conclusion that we have not. He said that, according to Sir Nil Ratan Sircar, we ought to have 150,000 men more than we have in order to meet the requirements of the country. He thought that was an under-estimate and that we ought to have 200,000. Then he proceeds to say that we must have a third class of medical practitioners whom the country can afford. His idea was to have a man who is fairly well up in literacy and that he should have two or three years' training with individual practitioners and that then he should be examined and then sent out to the villages to work there. Well, some people may agree with him, others may disagree with him, but there is that idea that the most essential need of the country is the supply of medical relief for rural areas. Secondly, he recognised that medical graduates were not likely to do that duty. I have put it very crudely, when I have said that they were not likely to do that duty. What I really meant was that financially and economically it was not possible to conceive a scheme in which the medical graduates can be used to meet this demand. Why? Sir, the rural areas cannot afford it and the State cannot afford it,—and the medical graduate is not a philanthropist, he cannot afford to be,—like you and me he has to earn his living. Major Naidu was, Sir, presiding over a Medical Conference in which the licentiate's preponderated, may be, to

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the extent, as some Honourable Members were saying, of 30 to 1 or something like that. And he said, dealing with the question that the licentiates want to improve their position, that that is excellent, but what does it lead to? What are you after? He said at the Conference of the All India Medical Licentiates Association recently held in Madras:

"The Chairman of the Reception Committee, a valued member of our Association and a veteran fighter, asked for the following reforms on behalf of the Licentiates:

- (1) The licentiates to be permitted to qualify themselves for the M.B.B.S., on such terms as the University may stipulate and lay down;
- (2) that the course of training be raised from four to five years;
- (3) that the standard of qualifications be levelled up by means of a minimum uniform standard of medical education being maintained throughout the length and breadth of India so that the licentiates may be eligible for recognition by the General Medical Council of Great Britain for post-graduate study;
- (4) that the licentiates be eligible for recruitment to Government service on such terms as the University graduates."

My Honourable friend sitting opposite, the Deputy Leader of the Independent Party, said that those were objects with which one cannot but sympathise. Well, Sir, is it right to sympathise with those objects when you know perfectly well that no Province in India can afford to satisfy them? Can you pay all the licentiates that you employ in the Bombay Presidency the same pay that you give to your medical graduates? If you cannot, is it right to encourage them in the belief that the time is not far off when you can hope to raise them to the same status as the graduates and that it will be the duty of the State to pay them in the same way? If you cannot do it, is it any use to play with this problem? Therefore, Sir, there are but two courses—either you say that you shall not supply medical relief to the vast rural parts of India and limit yourself within the limits of the most favoured of urban areas and have all your education of one standard and that the University standard. Within the means that your revenues allow you, promote that education. But you cannot go any further and leave the rest, Sir,—to whom? To fate? Is that the policy that this House advocates? That is not the policy that the Provincial Governments have accepted. In another medical journal, Sir, . . .

Sir Cowasji Jehangir: May I ask a question? Does my Honourable friend mean to contend that Sir Nil Ratan Sircar supports this Bill?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I thought I was dealing with the problem whether licentiates should be included in the Bill or not. I have told him that the views of the licentiates themselves are, as I understand them, not yet formulated; some of them have one view, some of them have another and, if the House waits for a few minutes, it would appear that some of them have still another view. I have told my Honourable friend what is the view of Major Naidu who presided at the last Conference. I shall presently be able to tell him what the view of Sir Nil Ratan Sircar is. The trouble really arises in this way. The hard-worked Members of the Legislative Assembly, getting

this mass of literature from the Medical Associations, naturally feel that this is the view of the Association. Undoubtedly it is the view of the Association. What is the Association? The Association consists of, say, 100 members, 70 per cent. of whom, perhaps 80 per cent., are licentiates. As the Honourable Members perhaps know, I sympathised with the deputation of the Association (with which I had the pleasure of having a talk) in this domestic trouble of theirs. Medical graduates are in an extraordinarily difficult position. If they tell their fellow brothers: "My dear fellows, we are graduates and you are licentiates. Is college education the same as school education? Is an overseer the same as an engineer? What are you talking about? You must be sensible". Then those 80 people get excited. And you know when people are excited, they are not quite safe. The result is that they say: "All right, anything for peace sake". I trust that will not be the attitude of the present Assembly or the future Assembly. So, really they are in a great fix, but do not put them in a greater fix. Let us shoulder our responsibility boldly.

Let me now proceed, Sir, with the point I was developing. The real position is that the views of the graduates on the point are that they do not want the licentiates to come on to this register. If you do not believe me, I can give you the references. The Punjab Medical Council, in its letter dated the 6th November, 1931, says that the feeling amongst the graduates is pretty strong. On page 45, you will find that the Burma Medical Association also says something of the same sort. They say:

"This Council is of opinion that recognition to qualifications in medicine granted by medical schools cannot be accorded at present. Sd./Registrar, Burma Medical Council."

The opinion of the Faculty of Medicine of Bombay (page 60) is:

"For the present such licentiates should not be brought within the purview of the Council."

Are the Honourable Members really serious in thinking that on the question of the qualifications

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Urban): May I know, Sir, if that Faculty is an official body?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: It is no more official, Sir, than this Assembly or the coming one. Do not be under any delusion.

Sir Cowasji Jehangir: If the Honourable Member wants references, I have numbers of them signed by London M. D.'s from Bombay, and all parts of India. They say that licentiates should be on the register.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Perhaps the Honourable Member is not unacquainted with Sir Nassarwanji Choksi who comes from the same place as the Honourable Member does.

Sir Cowasji Jehangir: If I may say so, he is the only one who supports this Bill.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Again, Sir, I want to keep away from the point of supporting the Bill or opposing it, because a perfect Bill has never yet been produced, and most people have got objections to urge against something or other. Some may object to the Bill, because of the official President: others may object to it, because of the nomination of Local Governments, and still others, because of the various other points. Therefore, to say that they are all opposed to it does not really matter very much with reference to the question that we are discussing. Is it really an issue between me and my friends sitting opposite that as regards the licentiates and the graduates in the matter of initial qualifications, in the matter of professional qualifications, in the matter of service which is open to them, and in the matter of their emoluments, there is the slightest doubt on the subject? If there is, then I do not see that there is much chance of our agreement on the subject. If, on the other hand, we realise definitely that the product of medical schools, who can get from Rs. 60 a month to perhaps Rs. 150 a month, is not the same article as the medical graduate who starts on Rs. 225 a month and can rise up to Rs. 450 and more

Sir Cowasji Jehangir: That is admitted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Further, my second proposition is that knowing the revenues of Provinces, knowing the desire of the Honourable Members opposite as well as my own desire to lighten the burden of the tax-payer, who is at present groaning under the heavy burden of taxation, do the Honourable Members propose to impose fresh medical tax so as to raise the standard of education of medical schools to medical colleges? Or, afterwards, do they want the remuneration of licentiates to be raised to that of the degree holders?

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Are you aware that in Madras in the rural scheme the medical graduates are paid only about Rs. 60?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: With reference to the Honourable Mr. Raju's interjection, I was not aware of the fact that in Madras the scale of remuneration was somewhat lower than what prevails in other Provinces and that is the secret of the domination of Madras at the Centre as well as in other Provinces. But that surely does not mean that it is intended that Madras should supply the rest of India with medical men. No, Sir, I am perhaps misunderstood. I certainly do not mean that the Madras practitioners would not be welcomed. They will be welcomed everywhere. What I mean is that even so the Madras Government is not yet able to reduce the scale of Provincial Medical Services in the light of what the Honourable Member has said.

Sir Cowasji Jehangir: May I interrupt the Honourable Member? The point is not whether the licentiates' education should be so improved as to make it equal to that of the graduates, but whether there should or should not be a register and a central body even to maintain the standard of education amongst the licentiates and make it equal throughout India and put them on a common register throughout India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: That is quite a different story. If once we are agreed that for India one uniform standard of medical qualifications is not practicable, then we go on to the second stage. Since one uniform standard is impracticable, let us now put our heads together and see what can be done when for India two standards of medical education are inevitable.

Now, Sir, I proceed on to that part of the case which tries to deal with the situation of what should be done when there are two standards of medical education and what is the right course to adopt. For the sake of economy of time and brevity of expression, I might say that the two standards are the school standard and the University standard. Here, Sir, with your permission, I will take up the question how is it that the present Bill has come to be what it is? Various Members have given various reasons for it; some have said that it is entirely due to the General Medical Council hustling us or hurrying us or dictating to us. Others have said that we want to conceal that fact and, therefore, pretend that it is to standardise University education or to co-ordinate the efforts of various Universities in that direction. As was said by my friend, Mr. Bajpai, the truth lies between these two extreme views. There is no denying the fact that the question became acute on account of the insistence of the General Medical Council, insistence on being supplied with evidence that the standard of medical instruction in our Universities was not deteriorating. They said, they have to discharge a statutory obligation to the effect that those who are on their register get thorough instruction and examination which is not below a certain standard. They said: "We do not want to interfere with your affairs, only give us the evidence." Now, Sir, how can you give evidence? First, knowing yourself what your standard is. Now, Sir, the Honourable Member for Education in the Government of India, my predecessor, had no means of knowing what the minimum standard of medical instruction in colleges was, because after the reforms each Province looked after its medical education itself and no reports were furnished to the Government of India whether one particular University was stiffening or relaxing its control over examinations, and so on. There was no means of judging; and naturally inspection was resorted to. That went on for two or three years. The Government of India and the General Medical Council fell out on the question of personnel of the commission. A deadlock resulted and the idea of the General Medical Council was considered to be a solution of that matter. I do not think Honourable Members opposite have any better suggestion to make. If there are eight or nine Universities and if each one of them is within its own Province autonomous and they are each anxious to know what is happening in the other Universities, the cheapest way of their knowing is that there should be a common organisation for these nine Universities which would report to them, comparatively speaking, what is going on in each University. And it was but natural that the Government of India should offer its good offices to the Provinces to bring about that co-ordination. Therefore, Sir, when it is claimed that the Government of India desired to afford this necessary co-ordination, there is nothing wrong at all about it and it is not a claim which is untrue or false. On the other hand, when it is said that the General Medical Council pushed us into it, that is not altogether inaccurate though it is not quite correctly put. Therefore, Sir, when it is said that I was hustled and so on, my friends are very well aware that being hustled is not one of my peculiar weaknesses.

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I feel a little bit hurt when one friend after another says that I am rushed and hustled, and so on. I should like to see my friends hustling me or rushing me. I am not hustled and I am not rushed, but I am absolutely at their service in meeting them on every reasonable point. When the General Medical Council said that an Indian Medical Council was the solution, they looked at it from their point of view, and I looked at it from my point of view and I welcomed the idea. As a matter of fact, when I say "I", it means my predecessor, because I had not come into office then. Then, when the idea was mooted, naturally difficulties arose resulting eventually in the present Bill. So, in the present Bill, when it was circulated, the preamble was a vague one, which said medical qualifications, and so on, without mentioning whether it was the higher qualification or the lower or it was intended to apply to all. When that Bill was circulated, it very naturally, I now find, gave occasion for misunderstanding and misinterpretation. That was a very very unfortunate preamble and I sincerely regret that we were responsible for it. But then most people are wise after the mistake is committed and we are no exception to it. You will find on page 5 of this paper-book that we want to establish:

"A Medical Council in India and to provide for the maintenance of a register of qualified practitioners of modern scientific medicine in order to establish a uniform minimum standard of qualifications," etc.

Very naturally the licentiates said: "We have been up till now treated by Government as qualified medical men. Here is this preamble
5 P.M. which says that on this register medically qualified men come and these fellows do not want to let us in. This is sheer jobbery." I entirely agree that their criticism was very well founded indeed and that criticism was made by the licentiates and by a number of other people. In fact amongst those, who pointed this out, was Dr. Anderson.

You will find it at page 22, Burma pointed this out at page 43, and United Provinces Government did it at page 54, and you will find the President of the Licentiates' Association at page 136 telling the same thing and a number of other people, but I want the Honourable Members to bear this particularly in mind. May I ask them whether they have had access to another interesting piece of literature on the subject: "The Proposed All-India Medical Council and All About It". It is a very useful publication, it contains the history of this problem, contains opinions and very useful comments, and the Secretary has tried to be extremely fair and has added a foreword to this publication.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Order, order. The Chair would like to know from the Honourable Member if he proposes to take a longer time.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I will take some more time. But may I, with your permission, Sir, read this before you adjourn the House. In the foreword, this authoritative communication from the Association says, after the first two paragraphs dealing with the importance of licentiates and their claims:

"There could be some reconciliation in the Association if the proposed council was termed the council of medical graduates of an All-India Medical Council."

It was, Sir, this suggestion of the Licentiates' Association themselves which made us alter the preamble of the Bill in order to make it accord with what is the Bill intended to achieve and what is the substance of the Bill. This is, Sir, to meet the charge which was levelled against us by the Honourable Mr. Raju and we are grateful to the other Member of the Independent Party, the Honourable Mr. Mudaliar, for defending us that to alter the Bill after circulation is to show responsiveness to public opinion and not to commit a heinous offence.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Does the Honourable Member like to resume his speech on the next day?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Yes, Sir, I will continue.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th February, 1938.