

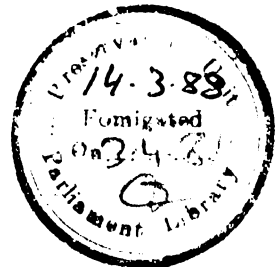
Wednesday, 10th April, 1940

THE COUNCIL OF STATE DEBATES

VOLUME I, 1940

(16th February to 10th April, 1940)

SEVENTH SESSION OF THE FOURTH COUNCIL OF STATE, 1940



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COUNCIL OF STATE.

Wednesday, 10th April, 1940.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

POSTPONEMENT OF THE PROPOSED ALL-INDIA SUGAR CONFERENCE.

102. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state the reasons for not calling the meeting of a small Advisory Committee and the Sugar Conference which they had decided to call ?

THE HONOURABLE MR. J. D. TYSON : A copy of the Press Note which was issued on the 29th November, 1939, is laid on the table of the House. As the Conference itself was postponed the summoning of a committee to scrutinise suggestions for the agenda of the Conference became unnecessary.

As regards the future, the matter is receiving the attention of the Government of India as the Honourable Member may have gathered from the statement of the Honourable the Commerce Member in this House on the 3rd April.

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

NEW DELHI, THE 29TH NOVEMBER, 1939.

Press Note.

It was announced in August last that the Government of India had decided to convene an all-India Sugar Conference to consider measures for the rationalisation and stabilisation of the sugar industry in India. In the light of subsequent events brought about by the outbreak of War, it has now been decided not to proceed with the proposal until the situation becomes clearer. It is considered inopportune to convene a conference with the object of concerting measures for the stabilisation of the industry at a time when conditions in India and elsewhere are so unstable.

SUBMISSION OF THE CASE OF SUGAR INDUSTRY TO A TARIFF BOARD.

103. **THE HONOURABLE MR. HOSSAIN IMAM :** Do Government propose to submit the case of sugar industry to a Tariff Board before the expiry of the present protective Act or not ? If not, what do they propose to do in the matter ?

THE HONOURABLE SIR ALAN LLOYD : The question is receiving the consideration of the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM : When will the Government be able to announce their decision ?

THE HONOURABLE SIR ALAN LLOYD : I am afraid I cannot tell that. We have practically a whole year to go before the existing duties lapse.

EXPIRY OF CONTRACTS OF RAILWAYS IN 1941.

104. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the names of Railways whose contracts expire in 1941? Do Government propose to give notice of termination now? If not, why?

THE HONOURABLE SIR GUTHRIE RUSSELL : The contracts of the following Railways will expire in 1941 :—

- (i) Dibru-Sadiya Railway on 5th February, 1941.
- (ii) Shahdara-Saharanpur Light Railway on 18th April, 1941.
- (iii) Assam Bengal Railway
- and
- (iv) Bombay, Baroda and Central India Rail- } on 31st December, 1941.
- way

It has been decided not to purchase Dibru-Sadiya-Railway because it was not expected to be a good financial proposition. The case of the other Railways is under consideration.

THE HONOURABLE MR. HOSSAIN IMAM : What is the time for giving notice for Saharanpur Railway which expires on the 18th April, 1941?

THE HONOURABLE SIR GUTHRIE RUSSELL : 18th April this year.

THE HONOURABLE MR. HOSSAIN IMAM : Has the Government come to any decision on that?

THE HONOURABLE SIR GUTHRIE RUSSELL : Government has not yet come to a final decision.

ACTION PROPOSED TO BE TAKEN ON THE WOOLLEY REPORT.

105. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state what action they propose to take on the Woolley Report? Do they propose to give time to the Council for discussing the report? If not, why not?

THE HONOURABLE MR. J. D. TYSON : The attention of the Honourable Member is invited to the reply given to part (e) of his question No. 53 on the 14th March, 1940. With regard to the latter part of the question, Government will consider the suggestion.

ECONOMIC CORRESPONDENT TO THE ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

106. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Was the post of Economic Correspondent to the Economic Adviser, India, created with effect from the 1st November, 1938, in the Trade Department, Office of the High Commissioner for India, London, and was Mrs. A. A. Henderson appointed to it?

(b) What are the duties of the post and what are Mrs. Henderson's qualifications for it? What was the method followed in selecting her? Was any effort made to find a suitable Indian for the post?

(c) What is the salary attached to the post and what are Mrs. Henderson's present emoluments including allowances, if any?

(d) When did Government sanction the creation of the post ? Was the matter placed before the Legislative Assembly, and, if so, when ? Is the post permanent or temporary ?

THE HONOURABLE SIR ALAN LLOYD : (a) Yes.

(b) The principal duties of the Economic Correspondent are to keep the Economic Adviser to the Government of India posted with up to date developments in general economic and financial matters. Mrs. Henderson is fully qualified to perform these duties. She was interviewed by certain officers of the Government of India at the request of the High Commissioner, and being found suitable for the post was selected. The answer to the concluding portion is in the negative, so far as I am aware.

(c) £350—50—500 per annum. Mrs. Henderson's present pay in this scale is £400 per annum. There is no allowance attached to the post.

(d) In August, 1938. The matter was not placed before the Legislative Assembly. The post is temporary.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why was not an effort made to select an Indian ?

THE HONOURABLE SIR ALAN LLOYD : Well, Sir, I am not in a position to answer that question as a matter of actual fact, but it is a fair inference that it was thought quite unlikely that any Indian who had the necessary contacts and experience of economic life in London would be available at anything like such a small salary.

THE HONOURABLE MR. HOSSAIN IMAM : What are the special qualifications for this job ? The Honourable Member did not amplify.

THE HONOURABLE SIR ALAN LLOYD : I said that Mrs. Henderson was fully qualified to perform the duties of keeping the Economic Adviser posted with up to date developments in general economic and financial matters. Those are Mrs. Henderson's qualifications.

THE HONOURABLE MR. HOSSAIN IMAM : Has she any academic qualification ?

THE HONOURABLE SIR ALAN LLOYD : I am afraid I cannot answer that question. I do not think it is a question of academic qualification, but it is a question of qualifications derived from experience.

THE HONOURABLE MR. HOSSAIN IMAM : What was her special experience in this respect ?

THE HONOURABLE SIR ALAN LLOYD : I want notice of that question.

THE HONOURABLE MR. P. N. SAPRU : Was the post advertised ?

THE HONOURABLE SIR ALAN LLOYD : I believe not.

THE HONOURABLE MR. P. N. SAPRU : Was she interviewed by any formal selection committee or by some officials only ?

THE HONOURABLE SIR ALAN LLOYD : I am not aware, Sir, of the distinction between formal and informal committees. There is no standing committee to select Economic Correspondents, if that is what my Honourable friend means.

THE HONOURABLE MR. P. N. SAPRU : Who were the people who interviewed ?

THE HONOURABLE SIR ALAN LLOYD : The Indian Trade Commissioner and the Additional Secretary to the Government of India in the Finance Department who was in England on leave at the time.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why was no reference made to the Assembly which usually meets in August ?

THE HONOURABLE SIR ALAN LLOYD : I am afraid I must ask for notice of that question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why was no opportunity given to an Indian to acquire the contacts which the Honourable Member spoke of ?

THE HONOURABLE SIR ALAN LLOYD : Because it was desirable to fill the post at once and not to wait for several years.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Could not an Indian have been appointed immediately who could have proceeded to England and established contacts immediately ?

THE HONOURABLE SIR ALAN LLOYD : No, Sir ; I do not think it is at all possible for an Indian or a European who came fresh into the field to establish contacts in a short space of time.

THE HONOURABLE MR. HOSSAIN IMAM : How long will this post last ? For what period has she been appointed ?

THE HONOURABLE SIR ALAN LLOYD : I must ask for notice of that question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The question asks whether the post is permanent or temporary. Why is not the Honourable Member ready with an answer ?

THE HONOURABLE THE PRESIDENT : It is temporary.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : He ought to tell us really what is the period for which the post is to be in existence. Here is a post, Sir, to which a person without any academic qualifications has been appointed on the ground that she possesses general practical experience and the Honourable Member is not in a position to give any definite information with regard to it.

THE HONOURABLE MR. P. N. SAPRU : What is the salary attached to the post ?

THE HONOURABLE SIR ALAN LLOYD : I apologise. I have the information with me. I was not sure that I had. The present tenure of the post is for four years from the 1st of May, 1939.

TRANSFER OF REFORMS OFFICE TO THE SECRETARIAT OF THE GOVERNOR GENERAL.

107. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Has the Reforms Office been made part of the Secretariat of the Governor General ?

(b) Why is its retention in any form necessary after the decision of the authorities "to hold in suspense the work in connection with preparations for federation" as announced by His Excellency the Viceroy in his address to the Members of the Central Legislature on the 11th September, 1939 ?

THE HONOURABLE SIR REGINALD MAXWELL : (a) and (b). With the present suspension of preparations for Federation the question was considered of the continued existence of the Reforms Office as a separate organisation. As a result, and in view of the present political situation, it was decided, with effect from the 1st March, 1940, to abolish the Reforms Office and to transfer a small portion of the clerical establishment of that office to the Governor General's Secretariat ; and to continue for the present in that Secretariat the posts of Reforms Commissioner and Deputy Secretary.

THE HONOURABLE MR. HOSSAIN IMAM : How long is this post to be continued ? Has the Government come to a decision ?

THE HONOURABLE SIR REGINALD MAXWELL : There is no decision ; the tenure is indefinite.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that in the volume containing the Demands for Grants in connection with the Budget the word "temporary" within brackets is to be found after the words "Reforms Commissioner" ?

THE HONOURABLE SIR REGINALD MAXWELL : I was asked whether there was a definite period. I said it was indefinite.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the period is indefinite and it might be permanent, why is the word "temporary" to be found in brackets against the post of Reforms Commissioner ?

THE HONOURABLE SIR REGINALD MAXWELL : A thing which is temporary can also be indefinite, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What are the duties which these officers, whose posts are temporary but at the same time indefinite, discharge ?

THE HONOURABLE SIR REGINALD MAXWELL : They are experts on constitutional questions on which the Governor General needs their assistance.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has this arrangement been resorted to only in order to employ in high positions people for whom no jobs can be found at the present time ?

THE HONOURABLE SIR REGINALD MAXWELL: The answer is in the negative, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: May we ask whether the Reforms Commissioner now functions as a co-ordinating officer between the Governors and the Governor General with regard to the suspension of the provincial part of the constitution?

THE HONOURABLE SIR REGINALD MAXWELL: The suspension of the constitution requires no co-ordination.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: The introduction of Federation having been temporarily but indefinitely suspended, what are these officers expected to do?

THE HONOURABLE SIR REGINALD MAXWELL: May I remind the Honourable Member that the constitution is still fully working in four provinces?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is it intended then that the arrangement should be permanent, because the constitution will continue to be worked till it is permanently withdrawn by Parliament?

THE HONOURABLE SIR REGINALD MAXWELL: That is the reason why I said that the post is indefinite.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Why does the Honourable Member call it indefinite since the Government hope that the provincial part at any rate will be permanent?

THE HONOURABLE SIR REGINALD MAXWELL: Possibly at some time or other an end will be reached in these constitutional discussions.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But I understand from what the Honourable Member says that the need for the Reforms Commissioner and his deputies will remain so long as the part of the Government of India Act relating to the provinces remain in force.

THE HONOURABLE SIR REGINALD MAXWELL: I did not say that, Sir. Constitutional questions arise not only in regard to the Provinces but also in regard to the Centre.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to questions Nos. 14 and 42 asked by the Honourable Pandit Hirday Nath Kunzru on the 6th March, 1940.

AMOUNT SPENT ON STIPENDS AND SCHOLARSHIPS IN OAKGROVE SCHOOL.

(a) Scholarships were granted from railway revenues at Oakgrove School up till 1937 when these were discontinued. But scholarships granted prior to this date have been allowed to run their full course. The expenditure from railway revenues on such scholarships in 1938-39 was Rs. 3,425, but this expenditure will disappear altogether in the course of the next year or so. Since 1937 grants have been made from the Staff

Benefit Fund for scholarships for pupils of East Indian Railway schools. The annual grant from the Staff Benefit Fund for Oakgrove is Rs. 3,000 and the actual expenditure in 1938-39 was Rs. 800 for scholarships and Rs. 400 for bursaries.

(b) The annual grant from the Staff Benefit Fund for scholarships for pupils of Indian H. E. Schools is Rs. 4,080 and the actual expenditure in 1938-39 was Rs. 2,095-7-0.

FOREMEN, ASSISTANT FOREMEN AND CHARGEMEN IN RAILWAY WORKSHOPS OF THE E. I. R. IN POSSESSION OF MECHANICAL ENGINEERING QUALIFICATIONS.

(a) Five Foremen, five Assistant Foremen and 38 Chargemen.

(b) Although the syllabus of the Technical School at Jamalpur is not as advanced as the syllabus of the various examinations of the City and Guilds Institute, apprentice mechanics are encouraged to appear for these examinations. Technical qualifications amongst others are given due consideration when filling selection posts.

CONGRATULATIONS TO THE HONOURABLE SIR GIRJA SHANKAR BAJPAI.

THE HONOURABLE THE PRESIDENT: Honourable Sir Girja Shankar Bajpai, I welcome you to this House on behalf of the Council of State and myself and congratulate you on your exalted promotion as Education Member of the Government of India. You come to this House not as a stranger because some years ago you acted for three or four months and we had the pleasure of meeting you here. We hope that in the future we shall have similar pleasure in seeing you often and hearing your eloquent speeches.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI (Education, Health and Lands Member): Mr. President, I am very grateful to you for the generosity and the warmth of your welcome. But, keen as my appreciation of that warmth is, Sir, I am pretty confident that the desire of most Honourable Members of this House to escape from the growing warmth of Delhi is no less, so that brevity will be the soul of my gratitude on this occasion. I thank you once again for your words of welcome and give the House an assurance that, whenever I have the privilege of addressing them here, my endeavour will be to secure their confidence and goodwill.

DRUGS BILL.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary): Sir, I move:

"That the Bill to regulate the import, manufacture, distribution and sale of drugs, as passed by the Legislative Assembly, be taken into consideration."

The time is long past, Sir, I think, when the justification for legislation to regulate the import, manufacture and sale of drugs will be questioned, at all events in this Honourable House. Indeed, if Honourable Members accept this Bill today, they will only be setting the coping stone on a task which this House may claim to have initiated. Honourable Members will pardon me if I remind them that on the 9th March, 1927, in a debate in which you, Sir, participated and indeed played a decisive part, a Resolution was passed recommending to the Governor General in Council:

"to urge on Provincial Governments to take such steps as may be necessary to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and for the sale of such drugs."

[Mr. J. D. Tyson.]

It was in pursuance of that Resolution that the Drugs Enquiry Committee, more generally known by the name of its able and erudite Chairman, Colonel Chopra, was set up and the Bill we are considering this morning will, if accepted, represent the first fruits of that Committee's labours. In an attempt to give legislative effect to so much of the Chopra Committee's Report as affected the import of drugs, a Bill was introduced in 1937 ; but that legislation was not pursued, as the Select Committee in another place reported against a Bill which would leave uncontrolled manufacture in India and the distribution of drugs. It recommended more comprehensive legislation, not confined to the Central legislative field, and this, of course, required the concurrence of Provincial Governments. We have now been fortunate enough to secure the co-operation of Provincial Governments, signified by the passing of Resolutions under section 103 of the Government of India Act, and in pursuance of these Resolutions the present Bill seeks to regulate not only the import of drugs, which of course is a matter within the legislative field of the Centre, but also the manufacture and the sale of drugs, which are matters of provincial concern. There is already in existence a certain corpus of legislation dealing with the adulteration of drugs, but the provisions are scattered through a variety of Acts and even in respect of the ground they cover they have proved ineffective,—largely because, to quote the Chopra Committee,

“ the lack of definite standards and tests, the want of skilled experts, and the absence of well-equipped laboratories and the staff to work them have proved insuperable barriers in their way.”

It is these deficiencies, pointed out in the Chopra Committee's Report, which the present Bill seeks to remedy. Perhaps the most important thing which the Bill seeks to do is to lay down certain definite standards by reference to which samples of any drug may be tested : and, since science does not stand still, machinery is also provided by which the standards can be varied and new standards can be added. That is the purpose of the Drugs Technical Advisory Board, which Honourable Members will find provided for in clause 5 of the Bill. That Board will advise Governments, both Central and Provincial, regarding standards and regarding all technical matters arising out of the administration of the measure. The Bill also envisages the appointment of expert analysts, the provision of laboratory facilities so that drugs may be tested, at the instance of the customs authorities as far as imports go, and at the instance of magistrates before whom cases are brought, to establish whether the drugs comply with the standards prescribed. The standards laid down at the outset will be found in the Schedule to the Bill, but power has been given to add the standards adopted by other countries after consultation with the Drugs Technical Advisory Board. I should like, Sir, at this stage to explain that medicines used exclusively in accordance with the Ayurvedic and Unani systems have been specifically excluded from the scope of the Bill. I mention this because I wish to assure Honourable Members that no disrespect is intended to these systems of medicine. Their exclusion from a measure which initially at all events must be somewhat experimental is due to the insuperable difficulty which exists at present with regard to the standardisation of these medicines. As I have already indicated, without standardisation there can be no proper prevention of adulteration.

The Bill requires that all drugs, whether imported or manufactured in the country, shall comply with the standards laid down and it will be an offence to import, manufacture, distribute or sell any drug which does not comply with those standards. The Bill gives power to Provincial Governments to appoint Inspectors whose duty it will be, under limitations expressed

in the Bill, to visit shops and places of manufacture and to take samples of drugs. Provincial Governments may also appoint Government Analysts to test samples submitted to them. The Central Drugs Laboratory will grant certificates of registration in respect of patent and proprietary medicines, and it will be lawful to sell patent and proprietary medicines only if their formula is printed on the label or is registered with the Central Drugs Laboratory.

The arrangement of the Bill is fully explained in the Statement of Objects and Reasons and Honourable Members will, I am sure, be relieved to hear that I do not propose to take them through all the clauses of a fairly long measure. In respect of two matters, however, to which I shall refer briefly, the Statement of Objects and Reasons has now become both incomplete and slightly misleading. Both matters concern the question of uniformity—uniformity of executive action and uniformity of standards. In the matter of uniformity, both as between the Centre and the Provinces and between the Provinces themselves, we cannot in the last resort get round the constitutional difficulty. It is a difficulty which is inherent in the present Government of India Act. It is this. Even if the Provinces authorise the Central Government to legislate on their behalf in the provincial field, their own legislative power in that field remains unimpaired and so also does their executive power. We cannot, therefore, much as we have been pressed to do so, take any action, legislative or executive, to deprive Provinces of their power to take their own line both as to the date on which they will introduce the Bill in their own jurisdiction or as to the standards which they will fix in respect of drugs manufactured or distributed in their own jurisdiction. All that we can do is to ensure that no individual Government shall adopt different standards or do anything in that connection destructive of uniformity through inadvertence or in ignorance of the disadvantages that will accrue. There are several provisions in the Bill itself which aim at ensuring that at every stage, both before a start is made and if changes are contemplated, there shall be consultation and an opportunity for—shall I say—moral suasion in the interests of uniformity. For example, there is to be only one Drugs Technical Advisory Board. That single Board must be consulted both by the Central Government and by the Provinces before rules are made, before standards are altered,—in fact, on all technical matters arising in the administration of the Act. Presumably the Board will give the same advice to all the Governments that consult it, and that provision, we feel, cannot but have a strongly unifying influence.

Then again, there is to be a Drugs Consultative Committee,—clause 7 of the Bill. That will be representative both of the Centre and of all the Provinces and it is to advise both the Centre and the Provinces “on any matter tending to secure uniformity in the administration of the Act”. This provision was added in another place and is therefore not mentioned in the Statement of Objects and Reasons.

Again, there is now only one Schedule to the Act. A reference to the Statement of Objects and Reasons will show Honourable Members that originally two schedules were contemplated. Apart from these provisions in the Bill itself there are possibilities of executive action in various forms that can be taken to the same end, but that end in the last resort must be achieved by persuasion. We cannot compel uniformity. I will only add that while the Government of India are fully alive to the importance of uniformity in the administration of the Act, they see no reason to suppose that the Provinces will be oblivious of its advantages.

[Mr. J. D. Tyson.]

Sir, I have mentioned the principal features of the Bill. It is not a small Bill nor an unimportant one. It is, I believe, a measure fraught with great potentialities for the good of the people of British India. In that spirit I commend the Bill to the sympathetic consideration of the House.

Sir, I move.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, the Bill which has just been moved by the Honourable Mr. Tyson seeks to give effect to the recommendations of the Drugs Enquiry Committee so far as they relate to matters with which the Central Government is concerned. Sir, the history of the Bill which has been narrated by the Honourable Mr. Tyson illustrates how slow the machinery of Government is. It was in 1927 that a Resolution regarding the control of drugs was passed by this Council, and you, Sir, took a prominent part in the discussions on that Resolution. The Drugs Enquiry Committee was appointed in 1930. It did its work expeditiously and reported in 1931. I think it took about eight months to complete its work. Then, I believe we had a discussion in this Council in 1935. A respected Member of this House, the late Sir Nasarvanji Choksy, moved the Resolution, which was then opposed by the Government, regarding the control of drugs, and we were able to carry that Resolution in this House. In 1937, Government introduced a Bill which was later withdrawn and now we have this Bill before us. It has been fully considered and debated in the other place and I may say that I find myself generally in agreement with the Bill. It has taken the Government of India nine years to give effect to the recommendations of the Drugs Enquiry Committee, and this, Sir, in spite of the fact that India has been *par excellence* the dumping ground for every quack medicine and adulterated drug in every part of the world. Sir, Major-General Megaw, who was Surgeon-General with the Government of India at one time, once described India as "a land of quacks, quack traders and quack medicine mongers". You, Sir, who are in touch with life in this country, will not deny the truth of these observations. One has got only to read the advertisements that appear in Indian newspapers—even leading Indian newspapers—to realise how quackery succeeds and works in this country. I wish, Sir, there was some law which would check these disgusting advertisements—which disfigure even our leading newspapers—regarding the efficacy and potency or virtue of this or that drug on this or that part of the human system. They indicate how widespread the evil is in this country. The case for regulating the import, manufacture and sale of drugs is overwhelming. The Honourable Mr. Tyson is no doubt familiar with the gigantic fraud in connection with quinine which was exposed by Sir Henry Gidney. The mixing of inert substances with potent drugs is not unknown, and cases have been known where insulin, which is a treatment for diabetes, has been substituted by castor oil. There has been no machinery to test the strength, purity or deterioration through decomposition of foreign drugs, which are often tampered with by dealers. At page 52 of their Report the Committee made these observations :

"The Committee has considered the problem in all its aspects and feels convinced that it is justified in coming to the conclusion that the drugs in the Indian market are not above reproach and that many of them are of impure quality and defective strength. The evidence points to the conclusion that the traffic in such drugs is extensive and indiscriminate and that the strong language used by some of the witnesses in characterising the situation is by no means undeserved or exaggerated. It is not possible to estimate its exact extent with greater precision. Investigation into the reasons of the existence of this deplorable state does not fall within the scope of this Chapter."

Therefore the provisions of Chapter III of the Bill, which regulate the import of drugs and prescribe the standards of quality, etc., are clearly necessary. Clause 9 of the Bill gives a definition of what would be deemed to be a misbranded drug. Clause 10 empowers the Central Government to prohibit the import of certain drugs, and I particularly welcome in this connection sub-clause (d) of clause 10 which deals with patent or proprietary medicines.

Sir, the principle of Chapter IV which deals with the manufacture, sale and distribution of drugs is, I think, correct. The clauses have been carefully drafted and I particularly welcome clause 20 which gives to the Government power to appoint Government Analysts. I think it is a right principle that no person who has any interest in the manufacture, import or sale of drugs should be appointed an Inspector, and I am glad to see that there is a specific clause to this effect. Clause 29 defines the powers of Inspectors and it strikes me that those powers are neither too wide nor too large, and clause 26 will enable the purchaser of drugs to obtain a test or analysis of a drug purchased by him. Sir, I think the clauses are carefully drawn up and they should not hinder the growth of a healthy indigenous drug industry based on sound lines.

Chapter II is easily the most important Chapter in the Bill. It deals with the constitution of the Drugs Advisory Board, the Central Drugs Laboratory and the Drugs Consultative Committee. I may say that I am in agreement with the principles which underlie the constitution of these bodies. There is no substance in the criticism that the pharmaceutical profession and pharmaceutical chemists have only been given one seat each. Sir, the profession of pharmaceutical chemists in this country is not well organized. It is the easiest thing in the world to be a chemist in India. When you can't do anything else then you become a compounder, and when a doctor cannot get work in India he opens a chemist's shop. The compounder in an average Indian dispensary is a public danger, and I should therefore like to express the need for Pharmacy Acts in the Provinces, which would restrict the profession of chemists to qualified chemists. The dispensing of prescriptions in this country is most unsatisfactory. After all the dispensing of prescriptions is most important. A prescription will not have any effect on your system if it is not properly dispensed, and that does not seem to be always realised by even some medical professionals in this country. There are doctors who are not very careful about the dispensing of prescriptions which they give to patients. There ought to be stringent control over this profession of chemists. I think it ought not to be possible for any one to set himself up as a dispensing chemist without proper training. Sir, I will relate a personal experience which I had in Australia. I had a prescription which I wanted to get dispensed. I went to a shop in Melbourne and asked the chemist to dispense that prescription for me. It had been given to me by a very distinguished Indian physician, a professor of a Medical College and one of the leading practitioners in India. He told me that this was a special kind of prescription and he could not dispense it for me because the doctor's name was not on the Australian Register. I said that the doctor who had given me this prescription was a very eminent man at the top of his profession and so on. He said, "He may be all that, Sir, but he is not on the Register and if you will kindly have this prescription endorsed by an Australian doctor I will dispense it for you." Well, I spoke to a friend who took me to a doctor, who did not fortunately charge me any fee for endorsing that prescription. It was only then that I was able to get my prescription dispensed. Here anybody can go to a chemist's shop and get his prescription dispensed. I venture to assert with some confidence that if I

[Mr. P. N. Saprú.]

write a prescription—and I can write a few prescriptions—I venture to assert that if I write a prescription and my Honourable friend the Leader of the House takes it to a chemist, the prescription will be dispensed even though it may contain poisonous material.

Objection, I think, has been raised to a clause which provides for nominated representation of the pharmaceutical profession. We do not like nomination; none of us likes nomination, but the fact has got to be recognised that the profession is not well organised today and it is quite true that there are two organisations of chemists in this country, the Indian Pharmaceutical Association and the Bengal Pharmaceutical Association—I am forgetting their exact names. But I think, Sir, in view of the fact that the profession is not well organised I am not disposed to object to nomination. The Board I think has been well constituted. It will have the Director General of the Indian Medical Service, the Director of the Central Drugs Laboratory, the Director of the Central Research Institute, the Director of the Imperial Veterinary Research Institute, the Chief Chemist, Central Revenues, the Government Analyst, the representatives of the pharmaceutical profession and representatives of the Medical Council of India. Now, Sir, the medical man is better qualified to lay down standards than pharmaceutical chemists and I am not therefore disposed to quarrel with the over-representation—I will not call it over-representation—with the representation which has been given to the medical profession. A professor of Pharmacopoeia in a medical college knows far more about the chemistry of the medicine than a pharmaceutical chemist. I also welcome the proposal to constitute a Central Drugs Laboratory. I notice, Sir, pending the establishment of a Central Drugs Laboratory work will be done by the Central Research Institute at Kasauli. Reference has been made by the Honourable Mr. Tyson to the constitution of the Drugs Consultative Committee and I may say that I am in general agreement with the constitution proposed by the Bill.

Sir, I come to another aspect of the Bill. The Bill excludes from its operation the Unani and Ayurvedic drugs. On a careful consideration of the issues involved I have come to the conclusion that the Unani and Ayurvedic drugs need separate treatment. The great difficulty so far as the Unani and Ayurvedic systems are concerned is that no certificate or diploma is needed for one to become an Ayurvedic or Unani practitioner. In most cases the Ayurvedic or Unani practitioner is a hereditary practitioner and he has prescriptions handed down to him from ancestors. He does not want those prescriptions to be known to his fellow practitioners. His living depends upon the secrecy of those prescriptions. The systems are empirical and in certain class of cases they have their use—I do not say that there is nothing in the Indian Pharmacopoeia, probably there is. We need research into these systems and greater research into these systems of medicine which have shown great vitality in this country. In any case people have faith in these systems and we know that suggestion and faith are very important factors in the cure of diseases. Now, it strikes me that Western medical men cannot by any test known to them test the efficacy or otherwise of the medicines used by Ayurvedic and Unani practitioners. As I say, these medicines are different in quality from Western medicines; the system is different and the system is empirical and a Board constituted as the Board under this Bill would be ill-qualified to lay down standards for Indian medicines. Therefore separate treatment of Unani and Ayurvedic medicines is necessary. This does not mean that I do not wish this question of standardisation of Indian medicines

also to be taken up by Government. There are certain medicines which can be standardised. For example, in the Ayurvedic system you have *Makaradhwaj* or *Chavanaprash*. Every *hakim* or *vaid* will be able to supply you with these drugs, but drugs of this nature supplied by the ordinary *vaid* are not of the same quality as those supplied by a first class *vaid*. If you want good *Makaradhwaj* or good *Chavanaprash* you will probably go to a distinguished *Kaviraj* in Calcutta or Bombay or Madras or Delhi or some other big place. One has got to get these drugs from recognised firms. That is the only guarantee one has as to the purity of these drugs. The common man cannot go to the best firms and therefore there is need for the standardisation at all events of drugs which are in common use in these systems, and there is need for greater vigilance also so far as the use of these drugs is concerned. Sometimes you find that a *hakim* or a *vaid* prescribes drugs which are dangerous to the human system and I think this has been pointed out by the Drugs Enquiry Committee. I should like therefore this question of Unani and Ayurvedic medicines also to be taken up by the Government. Whether we like these systems or not, people have faith in these systems and our people will go to these *vaid*s and *hakims* even if we provide them with a much greater number of doctors in rural areas than they have today. I have known men who have had Western education, who have spent 10, 12, 15 years in British Universities, resorting to these *hakims* and *vaid*s because their inheritance, their sub-conscious mind, compel them to have faith in these systems which are as it were their inheritance, and from the point of view of the common man it is important that the question of the control of Ayurvedic and Unani drugs should be taken up at an early date.

There is one other suggestion, Sir, that I should like to make. Perhaps it is not strictly relevant to this Bill and it is more a matter for Provincial Governments than for the Central Government, but the Central Government can pass the suggestion on to the Provincial Governments, and that is why I am making the suggestion. The suggestion is that, I think the time has come when there should be a Register of Ayurvedic and Unani practitioners. No one should be allowed to set up as a Unani and Ayurvedic practitioner unless he has some training in a recognised institution. Sir, the Benares Hindu University has a very good college of Ayurvedic medicine. I believe the Aligarh University has a college for the promotion and study of the Unani system of medicine. I believe in Delhi the late Hakim Ajmal Khan started with training *hakims*. I know there is an institution in Allahabad which trains *hakims*. Now in Calcutta there is a college for training in Ayurvedic medicine by that very distinguished Indian physician, Kaviraj G. N. Sen.

Now, Sir, there is an awakening among *hakims* and *vaid*s. They themselves are moving with the times and, if you just give them a little helping hand and if you establish some colleges or schools for them, then it will be possible for you to insist that before a man is allowed to practice, he should have a certificate or diploma from a recognised institution. You will not be able to dispense with these systems of medicine so far as this country is concerned. I may have faith in these systems of medicine or not. That is a different matter. But you and I do not constitute India. It is the masses who constitute India and the fact has to be recognised that the masses have faith in these systems. Therefore, I think, the time has come when the Provincial Governments should take up the organisation of the Unani and Ayurvedic systems in a proper manner.

Sir, with these words, I desire to give my cordial support to this valuable and beneficent measure.

THE HONOURABLE MR. J. D. TYSON : Sir, I am grateful to the Honourable Mr. Sapru for his very wholehearted support of the Bill. I think there is only one point to which I wish to make a reference, for in what he said, on almost every point in which he addressed himself to the Bill, Sir, he expressed his satisfaction of the way in which it had been drawn. He did refer to the fact that, under clause 5, sub-clause (1) (ix), one member of the pharmaceutical profession is to be nominated by the Central Government but he also supplied Honourable Members with the reason for that. The pharmaceutical profession is not organised in India at present. There are, as a matter of fact three associations that we know of who would expect to be allowed to select, elect or choose the pharmaceutical representative, and in these circumstances we thought it better to retain a power to nominate at this stage. Should a time come, and it has been suggested that the time will come, when the pharmaceutical profession is organised in India, really organised under legislation, it may be possible to allow that profession, through its recognised body, to select their representatives on the Drugs Technical Advisory Board. I am not, Sir, in a position to say anything about separate standardisation for the Unani and Ayurvedic systems of medicine. As I have said, we have excluded them from the scope of this Bill.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI (Education, Health and Lands Member) : Sir, I do not really know that it is necessary for me to stand long between this measure and the one next on the order paper, but I might, perhaps, touch on one or two points which my Honourable friend Mr. Sapru raised,—first, with regard to the standardisation of Unani and Ayurvedic drugs, and, secondly, with regard to the registration of Ayurvedic and Unani practitioners.

As regards the first, Sir, my Honourable friend, who has made a careful study of Colonel Chopra's Report, is doubtless familiar with what Colonel Chopra has to say on the subject in paragraph 168 of that Report. This standardisation is an extremely difficult business. For instance, take a thing which is advertised under the romantic name of "Royal Yakuti". Well, how is anybody to know what the Royal Yakuti contains? It is intended for kings and princes only. I do not know that the kings and princes who are supposed to use it would be prepared to disclose the secrets of this particular medicine. Colonel Chopra certainly told me that he would find it impossible to pass any judgment on the efficacy of this drug or the claims that are made on behalf of this drug. To the extent that it is possible for Colonel Chopra or others interested in the drug question to investigate the prophylactic or pharmaceutical properties of Indian drugs, research is being done. And I think my Honourable friend is aware of the fact that Colonel Chopra at the School of Tropical Medicine in Calcutta has been doing this for the last nine years. But only the other day he told me that in these nine years he has been able only to touch the fringe of the subject. That being so, it is rather difficult to expect the Central Government to do what really needs not only the co-operation of but primary effort on the part of Provincial Governments.

As regards the registration of *vaid*s and *hakims*, my Honourable friend is well aware that medical education and the regulation of medical standards are provincial subjects. There again, I submit, Sir, that the correct forum for making the suggestion is the Provincial Legislature and not the Central Council of State. But I will undertake to circulate a copy of the debate on this Bill to Provincial Governments in the hope that it may serve to stimulate their interest in this particular suggestion of the Honourable Member.

That, Sir, is all that I need say. I should like on the occasion of my first appearance in this House to thank the House for the brevity with which they have given their blessing to this measure. After all, Sir, it provides an illustration of the truth of the French saying "*Noblesse oblige*".

THE HONOURABLE THE PRESIDENT : Motion made :

"That the Bill to regulate the import, manufacture, distribution and sale of drugs, as passed by the Legislative Assembly, be taken into consideration".

Question put and Motion adopted.

Clause 2 was added to the Bill.

Clauses 3 to 7 were added to the Bill.

The Schedule was added to the Bill.

Clause 8 was added to the Bill.

Clauses 9 to 34 were added to the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

"That clause 1 stand part of the Bill".

THE HONOURABLE MR. HOSSAIN IMAM : May I say a word, Sir ? I only want an assurance from the Government—it says here :

"Part III shall take effect only from such date as the Central Government may, by notification in the official Gazette, appoint."

—that it will be early enough that Part III will come into effect, and that they will use their good offices with the Provinces to see
12 NOON. that Part IV is given effect as soon as possible. There has been no assurance from the Government that they will not take nine years as they did in giving effect to the Report of the Committee.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI : Sir, I think I can assure my Honourable friend that so far as the Central Government is concerned there will be no lag or lassitude.

The Motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. D. TYSON : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed".

The Motion was adopted.

INDIAN MINES (AMENDMENT) BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary) : Sir, I move :

"That the Bill further to amend the Indian Mines Act, 1923, as passed by the Legislative Assembly, be taken into consideration."

Sir, I do not think it is necessary for me to make a speech explaining the objects of this Bill which are stated in the Statement of Objects and Reasons.

[Mr. M. S. A. Hydari.]

All that I need say is that it seeks to implement one of the recommendations of the Coal Mining Committee and gives Government power to make a regulation to ensure the efficient supervision of mines.

Sir, I move.

The Motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

PETROLEUM (AMENDMENT) BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary) : Sir, I move :

"That the Bill further to amend the Petroleum Act, 1934, as passed by the Legislative Assembly, be taken into consideration."

Sir, there are only two small amendments in this Bill. One seeks to carry out the intention of the Act of 1934 and the other seeks to avoid duplication of work. The reasons are stated in the two notes on clauses appended to the Bill and I commend the measure to the consideration of the House.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

MOTOR VEHICLES (AMENDMENT) BILL.

THE HONOURABLE MR. S. N. ROY (Communications Secretary) : Sir, I move :

"That the Bill further to amend the Motor Vehicles Act, 1939, as passed by the Legislative Assembly, be taken into consideration."

Sir, the Bill is a very simple one and deals with a drafting point. As Honourable Members are aware, the scheme of Part IV of the Act is that all transport vehicles, whether they be stage carriages or vehicles operating as public carriers of goods, should operate in accordance with the conditions of the permits granted by the Regional Transport Authority. Now, both categories of vehicles are required, when they make their applications for permits, to state the routes or the areas in which they propose to operate, and Transport Authorities have power to lay down conditions as regards the routes

on which they are going to operate or in certain cases, if that is more convenient, the areas. Section 56 of the Act, which deals with public carriers of goods, gives specific power to the Regional Transport Authority to attach a condition in the permit to the effect that the vehicle shall be used only on specified routes or in a specified area. In section 48, although it was intended to have precisely the same effect, that particular clause has not been included and Government are advised that the difference in wording between the two sections may lead to difficulties of interpretation. That is the only reason why this Bill has been brought before the House. The operative part of the Bill is the last clause which seeks to add to the section the clause

"That the stage carriage or stage carriages shall be used only on specified routes or in a specified area."

The opportunity has also been taken to amend the wording of the remaining part of the section in order to bring it into line with the wording of section 56, so that no difficulty of interpretation may arise.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. S. N. ROY : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : I understand from the Honourable the Leader of the House that there is no further business before the House.

THE HONOURABLE SIR REGINALD MAXWELL (Leader of the House) : Yes, Sir, there is no further business.

THE HONOURABLE THE PRESIDENT : The Council will now adjourn *sine die*.

The Council then adjourned *sine die*.

ERRATA.

In the Council of State Debates, 1940, Vol. I,—

(A) Pages 31-32,—

In the Answers to Questions Nos. 5 and 6,—after “THE HONOURABLE MR. A DEC. WILLIAMS” add “(on behalf of His Excellency the Commander-in-Chief)” ;

(B) Page 80,—

In the Answer to Question No. 10, in the Statement, against “Department of Supply”, in the second column,—

for “Lt.-Col. R. Wood”

read “Lt.-Col. E. Wood” ;

(C) Page 123,—

In the Answer to Question No. 31, in the Statement,—

(1) against 1934,—

(a) in column 5—

for “2” read “3” ;

(b) in column 7,—

insert “2” ;

(2) against 1937, in column 9,—

for “3” read “8” ;

(3) against 1938, in column 7,—

for “1.” read “3” ;

(4) In item (a) (v),—

for “118” read “119”.

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126.

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