

say this before, but I shall do so now, that the convention in this House has been of a different nature altogether. I know with regard to elections to committees there has been consultation with Congressmen and the Opposition and it is with mutual consultations that nominations have been made. And generally there has been no election so far, in the last six years that I have been a Member of this House. Therefore, it is not as if there have been no consultations and the principle that a member should be from this party or that party has not been followed in this House. I think it is up to us to allow this convention to go on and I think these remarks were not necessary here.

SHRI H. P. SAKSENA: Sir, I simply want to thank my hon. friend, Shri Dhage, for the clarification he has given.

SHRI DEOKINANDAN NARAYAN: In a year some ten to fifteen times public prayers are held on these grounds. So I would request the hon. Minister to have a public prayer hall also constructed there nearby so that the public may be able to avail of it.

SHRI K. C. REDDY: Sir, the question has been asked as to why such a long period like four to five years would be required to build this new memorial the design of which has been finally approved. We have been advised, Sir, that it would not be possible to do it in a shorter time. The work has to progress in such a way as not to put any obstructions in the way of the people who want to go to the Samadhi and pay homage to the Father of the Nation. So, it has to be taken up bit by bit. The work will begin first of all on the south side. After that is completed, we will take up the north side, then the eastern side and finally the western side. We cannot take up the work on all sides all of a sudden, dislocate the whole thing and build in a hurry. There are considerations like this. The idea is that there should be a sort of mount erected, sloping

gradually. Earth should be put there and this has to settle down. This will take some time for settling down. Such technical considerations are also there. I assure the hon. Member that no avoidable delay will take place. While expediting the construction of this Samadhi to the maximum extent possible, I cannot give any assurance that it can be finished before the period that I have indicated. This reply I am giving on the advice of our technical people.

With regard to the prayer hall, Sir, the idea is to have an open-air-prayer-hall. The intention is not to put up any elaborate structures and buildings near the Samadhi. If that is accepted the question of having a prayer hall near the Samadhi, I think, will not be proper.

Regarding the conventions to which Mr. Dhage referred, that has been the practice of the House. It is for the various parties in the House to consult each other and to see that someone is nominated to the Committee unanimously.

With regard to the observations made by Shri Bhupesh Gupta, personally I would not have been averse if two Members had been nominated by the Speaker and one by the Chairman of this House. There is no fundamental principle in this so far as I am concerned but it was felt that we might introduce the elected element to some extent. It was also felt that this House and the other House, the august Houses, could be trusted to elect the proper persons to serve on this Committee. It is under these circumstances that the provision has been for three Members of Parliament to be elected by both the Houses in the proportion that I have indicated.

I do not think it is necessary for me to say anything more.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

**THE INDIAN MEDICAL COUNCIL  
(AMENDMENT) BILL, 1958**

THE MINISTER OF HEALTH (SHRI D. P. KARMARKAR): Sir, I beg to move:

"That the Bill to amend the Indian Medical Council Act, 1956, as passed by the Lok Sabha, be taken into consideration."

The Indian Medical Council Bill, 1956, was introduced in the Rajya Sabha on the 17th May, 1956. It was considered and passed by the Rajya Sabha on the 2nd August of the same year. It was considered and passed with certain amendments by the Lok Sabha on the 10th December, 1956. It was again considered and passed by the Rajya Sabha on the 18th December, 1956. It received the assent of the President on the 30th December, 1956. Under sub-section (3) of section 1 of the Act, it shall come into force on such date as the Central Government may, by notification, appoint. But, before the Act can be brought into operation, it is necessary that the States, more particularly the reorganised States, get the State Medical Registers prepared as the Medical Council to be constituted under the Central Act will consist, among others, of members elected from among themselves by persons enrolled on the State Registers. Action in this behalf has been or is being taken by the State Governments but this is bound to take some more time. I regret to say that the State Governments have taken so much time. In fact, whenever we tried to ascertain from them as to whether we could bring the Act into force within the shortest period, some of them requested us to give them more time for getting the State Medical Registers prepared.

DR. R. P. DUBE (Madhya Pradesh): Have they started?

SHRI D. P. KARMARKAR: I am hoping that they have. We do not want any unconscionably long time to

elapse before bringing the Act into force.

DR. R. P. DUBE: How long will you give them? I think some definite period must be fixed and if they do not take action within that period, some action must be taken.

SHRI D. P. KARMARKAR: I think, Sir, I will reply to that at the end of my observations.

In the meantime, it has been represented to the Government that unless the Act is brought into force, persons possessing certain licentiate qualifications and persons who are citizens of India possessing certain foreign medical qualifications, which are not recognised under the Indian Medical Council Act, 1933, will not be eligible for enrolment on the State Medical Registers. In the circumstances, Government consider that the Act should be brought into force without further delay. Already the delay has been too long.

As soon as the new Act is brought into force, the Council constituted under the Indian Medical Council Act, 1933, will cease to function as there is no provision in the new Act for continuing the existing Council until such time as a new Council is constituted under the Act. Some time will necessarily have to elapse before a new Council can be constituted as it is not possible to hold fresh elections under section 3 of the new Act before the Act is brought into force.

I should like to inform the House in reply to the query made by my esteemed colleague, Dr. Dube, that we think that about six months' time will be necessary and that the prolongation of the life of the old Council should not be for more than a period of six months. To get over this difficulty, the following provision was originally made in the Bill as introduced in the Rajya Sabha, which was intended to give the power of nomination to the State Governments pending the preparation of the Indian Medical Register of members under

clause (c) of section 3 of the Act. The proposal made was like this:

"Provided that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, clause (c) shall have effect as if for the words 'to be elected from amongst themselves by persons enrolled on such Register', the words 'to be nominated by the State Government from amongst persons' had been substituted and clause (d) shall have effect as if for the words 'to be elected from amongst themselves by persons', the words 'to be nominated by the Central Government from amongst persons' had been substituted."

This provision was amended as shown below by the Rajya Sabha:

"Provided that clause (c) shall have effect in any State where a Medical Register is not maintained, as if for the words 'in which a State Medical Register is maintained, to be elected from amongst themselves by persons enrolled on such Registers', the words 'to be nominated by the State Government from amongst persons' had been substituted; and pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, clause (d) shall have effect as if for the words 'to be elected from amongst themselves by persons' the words 'to be nominated by the Central Government from amongst persons' had been substituted."

This was the amendment made by the Rajya Sabha and when the Bill came up for discussion in the Lok Sabha, this provision had to be omitted in so far as it related to nomination by the State Governments of members under clause (c) of Section 3 of the Act, as it was considered that the proviso below sub-clause (e) of clause 3(1) was not necessary. As it is desirable that there should be continuity in the existence of the Medical Council it is proposed to provide for the continuance of the existing Council after the commencement

of the new Act until the new Council is constituted. This will enable the Government of India to enforce the new Act immediately without awaiting the completion of the State Medical Registers by State Governments. The enforcement of the Act will also entitle persons possessing certain licentiate qualifications and citizens of India possessing foreign medical qualifications to registration in the State Medical Registers.

Sir, when this Bill was being considered in the Lok Sabha, the Members who participated in the Debate in that House thought that in view of the fact that the licentiates will get representation under the new dispensation, it should also happen that they should get some representation on the Indian Medical Council as at present constituted so that they need not wait unconscionably long for having their representation even in the existing Medical Council whose life will expire immediately the new Council comes into being. With a view to meeting that suggestion, Government thought it right to accept that suggestion and a suitable amendment was incorporated by the Lok Sabha in the Bill. We agreed to have seven members nominated by the Central Government on the present Indian Medical Council.

Sir, actually speaking, I feel that perhaps we might have come to the Houses of Parliament earlier but in a matter of this kind, where the co-operation of the States is entirely necessary, we cannot simply ignore their request for extension of time. We therefore waited but then there comes a time when we can wait no longer. I think, Sir, it should be defeating the purposes of the new Act if we were to wait any longer. Therefore we have come up with this enabling Bill so that the Indian Medical Council as it existed under the old Act—in fact it is the Act which is technically in force today—will get out of existence immediately this Bill is brought into force, and that will happen immediately after the present Bill receives the assent of the President.

[Shri D. P. Karmarkar.]

Now, I do feel that really there will be no difference of opinion about this amendment which is absolutely necessary. There was of course another alternative which, however, the Government did not like. There is provision in the Act saying that nothing done by the Indian Medical Council as constituted under the new Act shall be considered to be, what might be called, defective, simply because the Council is not properly constituted. Under the provisions of that particular provision we could have just been content to go ahead with nominations where nominations are to be made and gone on with the Indian Medical Council. It would not be complete but deficient in respect of the members to be elected on behalf of certain interests. But rather than do that, we thought that it was proper to have the Indian Medical Council—because it had been constituted under some law—in a proper manner, to prolong its existence rather than take recourse to an expedient which was not satisfactory.

Sir, I move.

MR. DEPUTY CHAIRMAN: Motion moved:

“That the Bill to amend the Indian Medical Council Act, 1956, as passed by the Lok Sabha, be taken into consideration.”

DR. A. SUBBA RAO (Kerala): Mr. Deputy Chairman, Sir, nearly a year and eight months after the passing of the Act the Health Minister at last comes and puts forward this amendment to the original Act, to enforce the original Act. It took nearly two years for them just to think of enforcing it. Now, Sir, when the original Act was brought before the House in the year 1956, some of the Members wanted it to be referred to a Select Committee, and one of the pleas put forth against it by the then Health Minister was that it might cause some delay if it went to the Select Committee, that they did not want that

delay and they wanted it to be implemented as early as possible. So reference to a Select Committee was rejected. It is curious, Sir, to find that they have taken nearly two years to think of an Act which had already been passed, being enforced. Even there we find that it cannot be enforced without an amendment. I feel sorry that this really does not augur well for the Health Ministry. It shows their lack of foresight since even to enforce that Act they have to bring forward this amending Bill. One excuse put forth by the Health Minister was that the State Medical Register was not ready, it was not yet complete. We do not know whether one has yet been started. The excuse put forward for not having started or completed the State Medical Register was that States reorganisation came and so there was delay, but then, Sir, when the Act was passed we knew that States' reorganisation was going to take place. So that cannot be put forth as the only plea, as the only cause for the delay because, later on he himself admits that to include the licentiates and the other categories mentioned in the Third Schedule, in the State Register this Act has to be enforced. So without this Act being enforced the State Governments also will not be in a position to complete the State Medical Register. So we cannot put all the blame on the State Governments. Now at last they have realised that without this amending Bill the State Governments will not be able to complete the State Medical Register. Then the question comes as to what happens to the Medical Council which is already existing. If the Act is enforced then the present Medical Council ceases to exist, and the new Medical Council that has to be constituted under this Act cannot come into existence because the Medical Register will have to be prepared and then it will have to come into existence only by elections and other things. So, just to bridge that gap we have got this amendment. Of course, it is quite correct we have got this amendment to enable the existing Medical Council to continue till the new Medical Council under this Act

takes office. The only thing I want to bring to the notice of this House is—I hope I am not wrong—that this lacuna was brought to the notice of the former Minister and that was not set right. Even taking for granted that it did not come to the notice of the Ministry, even then it was not necessary that this should have dragged on for such a long time, for nearly two years for this small amendment to come up. The hon. Minister could have brought this amendment earlier and then insisted on the State Governments to start to prepare the Register. Now they can very easily put forth the plea that because this Act had not been enforced they were not in a position to prepare the Register or to complete the Register. So that is my point. At last they have brought forward this amendment. That is good, and I do not think there will be opposition from any Member here to this amending Bill. Now I take this opportunity to make certain general observations with regard to the Act and to bring a few points to the notice of the hon. Minister and the House.

Sir, the Medical Council is responsible to maintain the standard and to improve the standard of medical education and practice, to maintain the ethical and professional standard as well. In recent years a number of medical colleges have been started by the State Governments and many medical colleges have sprung up in the last two years. It is good, but the problems they face are that they cannot find sufficient personnel, sufficient teaching staff to teach the students in the various colleges. We must admit that compared to the standard of medical education some years back the standard of medical education in the medical colleges has been considerably raised, and it goes to the credit of the Medical Council as well, but the new medical colleges that have been started in the last few years cannot find the required personnel to teach the students. Again we have recently started the All-India Medical Institute which should make available the required staff to the needy medical

colleges that have been started already and will be started. Of course, it is in its infancy and it cannot meet the requirements of the various medical colleges that have already been opened and proposed to be opened. So, Sir, it is a problem for the Medical Council to look after the standard of education that is imparted in the various newly opened medical colleges.

MR. DEPUTY CHAIRMAN: You can continue at 2.30.

#### STATEMENT RE BUSINESS IN RAJYA SABHA FOR THE WEEK COMMENCING ON 22ND SEPTEMBER, 1958.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA NARAYAN SINHA): With your permission, Sir, I rise to announce that Government business in this House for the next week will consist of:

1. Consideration of any item of business carried over from today's Order Paper;

2. Consideration and passing of the following Bills as passed by Lok Sabha :

The Merchant Shipping Bill.

The International Finance Corporation (Immunities, Status and Privileges) Bill.

The Supreme Court Judges (Conditions of Service) Bill.

The High Court Judges (Conditions of Service) Amendment Bill;

3. Consideration and return of the Appropriation Bill relating to Supplementary Demands for Grants:

4. Discussion on the following matters will also come up on the dates mentioned:

- (a) Statement laid on the Table of the Sabha on 2nd September, 1958, regarding Ganga