

[Shri B. N. Datar.] traffic in human beings, *begar* and other similar forms of forced labour. I am afraid this question is not covered by this article.

SHRI BHUPESH GUPTA : What is the answer, Sir.

MR. DEPUTY CHAIRMAN : He has said that it is not covered.

SHRI BHUPESH GUPTA : It is quite clear that the hon. Health Minister does not seem to have seen this or does not even seem to have been consulted in this matter and I think Government is responsible . . .

MR. DEPUTY CHAIRMAN : That is a different matter.

SHRI BHUPESH GUPTA : Why? If is quite relevant.

MR. DEPUTY CHAIRMAN : Order, order. Please resume your seat. I am putting the question.

SHRI BHUPESH GUPTA : It is a matter of right.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed." The

motion was adopted.

THE INDIAN MEDICAL COUNCIL BILL, 1956

THE MINISTER FOR HEALTH
(RAJKUMARI AMRIT KAUR)

:
Sir, I beg to move:

"That the following amendments made by the Lok Sabha in the Indian Medical Council Bill, 1956. be taken into consideration:—

Clause 2

1. That at page 1, line 17, omit 'comprised in the States'.

Clause 3

2. That at page 2, line 22, after 'each State' insert 'other than a Union Territory'.

3. That at page 2, for lines 25 to 27, substitute:

'(b) one member from each University to be selected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate by members of the Court;'.

4. That at page 2, line 37, for 'six members' substitute 'eight members'.

5. That at pages 2 and 3 omit lines 39 to 42 and 1 to 6 respectively-

6. That at page 3, line 7, for 'The Chairman and Vice-Chairman' substitute 'The President and Vice-President'.

Clause 4

7. That at page 3, for lines 12 to 14, substitute:

'4(1) An election under clause (b), clause (c) or clause-(d) of subsection (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf, and any rules so made may provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause (d) of subsection (1) of section 3 may be nominated by the Central Government instead of being elected as provided therein.'

Clause 7

8. That at page 3, line 30, for 'The Chairman or Vice-Chairman' substitute 'The President or Vice-President'.

Clause 9

9. That at page 4, lines 32 and 33, for 'the Chairman, Vice-Chairman' substitute 'the President, Vice-President'.

Clause 10

10. That at page 4—

(i) line 36, for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President'.

(ii) lines 40 and 41, for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President'.

Clause 12

! I. That at page 5, line 22, omit 'may apply to, or'.

Clause 17

12. That at page 6, for lines 18 to 22, substitute:

'(3) The medical qualifications granted by medical institutions outside India which are included in Part II of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Medical Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country or State granting the qualification or if he has not undergone any practical training in that country or State, he has undergone such practical training as may be prescribed'.

Clause 18

13. That at page 6, line 38, after 'Central Government' insert 'after consultation with the Council'.

14. That at page 7, line 6, for 'and for so long as they continue to do such work' substitute:

'and shall be limited to the period specified in this behalf by the Central Government by general or special order'.

Clause 18

15. That at page 8—

(i) lines 4 and 5, for 'the Chairman' substitute 'the President'; and

(ii) line 9, for 'the Chairman' substitute 'the President'.

Clause 20

16. That at page 9, line 7, for 'and' occurring for the second time substitute 'or'.

Clause 33

17. That at page 12, lines 24 and 25, for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President'.

The First Schedule

18. That at page 14, lines 29 to 33, omit 'This qualification shall be a recognised medical qualification only when granted after the 20th May, 1952'.

19. That at page 14, lines 58 to 61, omit 'This shall be recognised medical qualification only when granted after the 1st April, 1954'.

The Third Schedule

20. That at page 18, after line 43, insert—

"East Punjab Licence in L.M.S., East Punjab State Medical Faculty, and Sur- fication shall be recognised a gery.

one only when granted on or after the 15th August, 1947, to a person other than any person referred to in the entry relating to East Punjab State Medical Faculty in the First Schedule, provided he had passed the pre-medical examination"

The House is aware that the Indian Medical Council Bill, 1956, was introduced in the Rajya Sabha on the 17th May, 1956, and was passed with certain amendments in the same House on the 2nd of August, 1956. The Bill,

[Rajkumari Amrit Kaur.] as passed by the Rajya Sabha then went to the Lok Sabha and was discussed there on the 10th December and passed on the same day with certain amendments. Now, the amendments are given in the list which has been circulated to the Members of this House. Some of the amendments became necessary as a result of the passing of the States Reorganisation Act, 1956. Some amendments were agreed to as a result of discussions which we had with the representatives of the Medical Council at their special request and I may say that at the last meeting the Prime Minister was present. A request was also received from the L.M.S. Members Association of the Punjab State Medical Faculty because it had been held that those who had not passed the F. Sc. but had passed only the premedical examination would not be eligible for registration. We felt that there was some substance in their claims and so, in order to remove this hardship to persons who had not passed the F.Sc. examination, we agreed that if they had passed the premedical examination then they would be included in Part I of the Third Schedule to the Bill.

Sir, as we go on with the amendments, I will explain them one by one if you will permit me to do so.

MR. DEPUTY CHAIRMAN :
Motion moved:

That the following amendments made by the Lok Sabha in the Indian Medical Council Bill, 1956. be taken into consideration :—

{For texts of amendments vide cols. 2945-48 supra.}

SHRI RAJENDRA PRATAP SINHA (Bihar) : Can I speak on all the amendments, Sir?

MR. DEPUTY CHAIRMAN: Yes. At the second stage, we will only put the amendments to the vote one by one and pass them without any further speeches. One hour is the time allotted for this.

SHRI RAJENDRA PRATAP SINHA : Sir, I should like to draw your attention to amendment No. 20. What I feel, Sir, is this that this amendment No. 20 is a product of ignorance and mis-conception. Sir, it states that the L.M.S. Examination is also recognised. Of course, " this applies to those who have passed the premedical test. Now, Sir, I would like to put before you that there is absolutely no difference between F. Sc, that is. Inter Science and the premedical test. What used to happen was this. During the years 1939 to 1942. the Amritsar Medical College and the Miss Brown's Medical College, Ludhiana, used to grant diplomas of L. M. S. Of course, the second institution, Miss Brown's Medical College, continued to grant these diplomas till the partition. Now, they used to admit, I mean the Pan-jab State Medical Faculty, students who had done Inter Science. But later on, they also decided to admit matriculates, provided they underwent one year's training in Botany, Zoology. Physics, Chemistry and English—the, same course which was done by the Inter Science students. And these matriculates were expected to pass the premedical test and when they . had passed this test, they were put by the East Punjab State Medical Faculty on the same footing as the Inter Science students. Now, both these clashes of students, the premedical test students and the Inter Science students, studied for five years, on the same benches, underwent the same course and they passed the same diploma examination of L.M. S. So far as the Medical Faculty is concerned, they do not differentiate between the premedical test boys and the Inter Science boys. There was no difference between the diplomas also that were granted to them. In 1948, I understand that the East Punjab Government by a special Notification, put all these L.M.S., both types, that is to say. those who had done the Inter Science and those who had done the premedical test, on the same footing and they were placed in the First Schedule. Of course, probably, so far as the Punjab State was concerned, no differentiation was

made between M.B.B.S. and L.M.S. But in 1950, what happened was that that Government of India, in consultation with the Indian Medical Council recognised the L.M.S. for Schedule One, provided they had passed the Inter Science as well before entering the course of study for L.M.S. Therefore, for the first time, this discrimination was introduced between those who had done the premedical test and those who had done the Inter Science course. The result was that the premedical test L.M.S. were put as licentiates in the Third Schedule and in Part I. But this entails a good deal of discrimination against them. I understand that an ordinary L.M.S. with Inter Science can join a gazetted job on a basic pay of Rs. 250 per month whereas the L.M.S. who has done the same course of study but had done the premedical test, cannot join a gazetted post and his basic pay can only be Rs. 100 per month. The first category, that is to say, those who had passed the Inter Science course can get into the army, whereas with this differentiation, the others cannot join the army, I mean those who had done the premedical test. The L.M.S. doctors who had done Inter Science, can go in for higher studies, whereas the diploma test L.M.S. cannot go in for higher studies. This is a very hard thing on those who had done only the premedical test and I am told that in Pakistan there is no difference between those who had done the premedical test and those who had done Inter Science. But those who had migrated to India are put to this type of differentiation. If they had stayed behind in Pakistan, they would not have had to face this kind of discrimination. What I would like to submit to the hon. Minister is that I cannot understand what she means in amendment No. 20 where there is a proviso to the effect: "provided he had passed the premedical examination." That is to say, he becomes a recognised L.M.S. provided he had passed this premedical examination. This comes as a complete betrayal of what the facts were. Can you think of an L.M. S. who has not passed his premedical test? You cannot think of a graduate

who has not passed his matriculation examination. Those who had not been successful in the premedical test would not have been admitted to the L.M.S. This is, therefore, redundant and meaningless. So far as the object of the hon. Minister is concerned, it is a very good one and it must be achieved in this Bill. But the way she is trying to achieve that object is causing a great deal of hardship heart-burning and injustice to those who had done the premedical test, for no fault of their own. You have said that they must have passed the Inter Science examination before undergoing the L.M.S. course and taking the L.M.S. diploma. Now, if that person wants to pass the Inter Science today, he cannot be recognised and put in the First Schedule or in the Second Schedule. Therefore, my suggestion is that the purpose that the hon. Minister has in view would have been better achieved if she had amended the First Schedule and the Second Schedule on pages 14 and 17. On page 14, if you read the lines between lines 16 and 25, you will find that the East Punjab State Medical Faculty Diploma is recognised and put in the First Schedule. It reads as follows. I hope, Sir, you have the Bill before you.

MR. DEPUTY CHAIRMAN: Yes.

SHRI RAJENDRA PRATAP SINHA : It runs as follows :

"L.M.S. East Punjab. This qualification shall be a recognised one only when granted on or after the 15th August, 1947, provided the holders thereof had passed the F. Sc. examination before taking up medical studies."

Here it is not necessary to put in this proviso. If you insist on putting in the words "the F. Sc. examination." then put in also "or premedical test." You are now putting them in the Third Schedule and putting them in the Third Schedule means that they have to be under certain great disadvantages which I have already referred to. There is no difference so far as F. Sc. and the premedical test are concerned. The East Punjab Medical

[Shri Rajendra Pratap Sinha.]

Faculty never differentiated between one who has passed the premedical test and another who had passed the Inter Science examination. Both of them received the same training and passed the same diploma examination. There was no differentiation in the East Punjab Government till 1950. There is no difference still in Pakistan. Therefore, why not put both of them on par? Why differentiate between them and put one of them in the Third Schedule which gives them a lower status and a lower start in pay? Therefore, what is necessary now is to put in the words "or premedical test" after the words "F. Sc. examination". Similarly, on page 17 after line 5 where they have defined the qualification, you will have to insert the words "or premedical test" after the words "F. Sc. Examination". Then the purpose would be served. Then there would have been no differentiation between the two licentiates.

RAJKUMARI AMRIT KAUR : Sir, in reply to this, I may say that the question of including the L.M.S. East Punjab qualification, when the holders thereof have only passed the premedical examination, in the First Schedule will be taken up separately with the Medical Council of India. I took up this matter with them and in their recent communication they have recommended the inclusion of that qualification only in Part I of the Third Schedule. But I am alive to this fact and I will take it up with the Medical Council again, and the moment they agree*, these people will come under the First Schedule. But until I have got that agreement of the Indian Medical Council, I must content myself with only putting in the Bill the fact that the *premedical examination shall be equal to the F. Sc. examination. I think I have given them what they want and, as a matter of fact, I believe they are satisfied.

SHRI RAJENDRA PRATAP SINHA : Since the hon. Minister has got the power to change the Schedule, she can put them in the First or the Second Schedule.

MR. DEPUTY CHAIRMAN: After discussion with the Indian Medical Council this thing will be done.

The question is :

That the following amendments made by the Lok Sabha in the Indian Medical Council Bill, 1956, be taken into consideration.

(For texts of amendments vide cols. 2945-48 supra)

The motion was adopted.

RAJKUMARI AMRIT KAUR: Sir, I move :

"That the amendments made by the Lok Sabha in the Bill be agreed to."

I do not think anybody will have any difficulty in agreeing to any of them.

MR. DEPUTY CHAIRMAN: I will put the amendments one by one. The question is :

Clause 2

1. "That at page 1, line 17, omit 'comprised' in the States."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

Clause 3

2. "That at page 2, line 22, after 'each State' insert 'other than a Union Territory'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

3. "That at page 2, for lines 25 to 27, substitute :

'(b) one member from each University to be elected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate, by members of the court'."

The motion was adopted. >

MR. DEPUTY CHAIRMAN: The question is :

4. "That at page 2. line 37. for 'six members' substitute 'eight members'."

The motion was adopted.

MR. DEPUTY CHAIRMAN. The question is :

5. "That at pages 2 and 3 omit lines 39 to 42 and 1 to 6 respectively."

The motion was adopted.

Amemhiwut No. 6

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Sir, may we know the reason for this amendment?

MR. DEPUTY CHAIRMAN: This I has been done after discussion with the members of the Indian Medical Council.

SHRI JASPAT ROY KAPOOR : True; for Chairman and Vice-Chairman you want to say President and Vice-President. Why this change? There is hardly any point in it.

RAJXIMARI AMRIT KAUR : May I explain that the Indian Medical Council were very insistent on this? At the last meeting over which the Prime Minister himself . . .

SHRI JASPAT ROY KAPOOR: But what is the reason for suggesting this change? Is the word 'President' more dignified than the word 'Chairman'?

RAJKUMARI AMRIT KAUR : Apparently. Anyhow, on the basis of "what is in a name" we accepted the amendment.

MR. DEPUTY CHAIRMAN : The question is :

6. "That at page 3. line 7, for 'The Chairman and Vice-Chairman' substitute 'The President and Vice-President'."

The motion Was adopted.

MR. DEPUTY CHAIRMAN- The question is :

Clause 4

7. "That at page 3. for lines 12 to 14. substitute :

'4. (1) An election under clause (b), clause (c) or clause (d) of sub-section (I) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf, and any rules TO made may provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause (d) of sub-section (I) of section 3 may be nominated by the Central Government instead of being elected as provided therein.'"

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

Clause 7

8. "That at page 3, line 30, for 'The Chairman or Vice-Chairman' substitute 'The President or Vice-President'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

Clause 9

9. "That at page 4, lines 32 and 33, for 'the Chairman. Vice-Chairman' substitute 'the President. Vice-President'."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

Clause 10

10. "That at page 4—

(i) line 36, for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President':

[Mr. Deputy Chairman.]

(ii) lines 40 and 41. for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President'."

The motion was adopted.

MR. DEPUTY CHAIRMAN. The question is :

Clause 12

11. "That at page 5, line 22, omit 'may apply to, or'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

Clause \ 3

12. "That at page 6. for lines !8 to 22, substitute:

'(3) The medical qualifications granted by medical institutions outside India which are included in Part II of the Third Schedule shall also be recognised medical | qualifications for the purposes of I this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Medical Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country or State granting the qualification, or if he has not undergone any practical training in that country or State, he has undergone such practical training as may be prescribed'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

Clause !4

13. "That at page 6, line 38 after 'Central Government' insert 'after consultation with the Council'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

14. "That at page 7, line 6, for 'and for so long as they continue to do such work' substitute—

'and shall be limited to the period specified in this behalf by the Central Government by general or special order'."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

Clause 18

15. "That at page* 8,—

(i) lines 4 and 5, for 'the Chairman' substitute 'the President'; and

(ii) line 9, for 'the Chairman' substitute 'the President'."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is:

Clause 20

16. "That at page 9, line 7, for 'and' occurring for the second time substitute 'or'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is :

Clause 33

17. "That at page 12, lines 24 and 25, for 'the Chairman and Vice-Chairman' substitute 'the President and Vice-President'."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

The First Schedule

18. "That at page 14, lines 29 to 33, omit 'This qualification shall be a recognised medical qualification only when granted after the 20th May, 1952'."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

19. "That at page 14, lines 58 to 61 omit 'This shall be recognised medical qualification only when granted after the 1st April 1954.'"

The motion was adopted.

Amendment No. 20

SHRI ONKAR NATH (Delhi): I could not follow exactly why this provision is made.

MR. DEPUTY CHAIRMAN : The hon. Member was not present in the House when it was discussed and replied to by the Health Minister.

The question is—

20. "That at page 18, after line 43, insert :

'East Pun- Licentiate L.M. S., East Pun
jab State in Medi- jab. This Quali-
Medical cine and fication shall be a
Faculty. Surgery. recognised one
only

when granted on or after the 15th August, 1947, to a person other than any person referred to in the entry relating to East Punjab State Medical Faculty in the First Schedule, provided he had passed the premedical examination'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: All the amendments made by the Lok Sabha in the Bill are agreed to.

SHRI PERATH NARAYANAN NAIR (Kerala): Sir, on a point of information I find that in Schedule I there is no mention of the Travancore University which has a Medical College awarding medical degrees like M.B.B.S. At the same time I find in Schedule III some reference to a certificate of diploma awarded by the Travancore University. My information is that there is no such thing there. May I know why this omission is made in the Schedule?

5—60 Rajya Sabha/56

RAJKUMARI AMRIT KAUR : May I explain that the first batch of graduates from the Travancore Medical College came out only in April? And according to rule the Medical Council have to send their Inspectors to the College. This is a formality. I understand that the Inspectors have been there and we are only awaiting the Medical Council's Report on receipt of which the Travancore graduates will at once be put on the list.

SHRI PERATH NARAYANAN NAIR: The first batch, of students having come out already, I hope the Minister will look into that without delay.

MR. DEPUTY CHAIRMAN: Yes, yes. They are at it.

RAJKUMARI AMRIT KAUR: I promise they will be put on the list as soon as we get the Report from the Medical Council.

THE DELHI (CONTROL OF BUILDING OPERATIONS) CONTINUANCE, BILL, 1956.

THE MINISTER FOR HEALTH (RAJKUMARI AMRIT KAUR): Sir, I beg leave to move:

"That the Bill to continue the Delhi (Control of Building Operations) Act, 1955, for a further period be taken into consideration."

The Delhi (Control of Building Operations) Ordinance, 1955 was issued in October 1955 with a view to achieving speedy and efficient handling of the land and housing problem in Delhi. The matter was fully discussed in this House as well as in the Lok Sabha and the Bill was passed. Now, an assurance was given that this Provisional Authority would only exist for one year and it would be replaced by the larger authority by the 31st December 1956. The draft Bill for putting up the new authority is actually ready, but in view of the decision to set up a Corporation for Delhi, it was considered advisable to postpone the introduction of that Bill and we