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Monday, May 24, 1976
Jyaistha 3, 1898 (Saka)

LOK SABHA DEBATES

Sixteenth Session
(Fifth Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

Monday, May 24, 1976 / Jyaistha 3,
1898 (Saka)

The Lok Sabha met at Eleven
of the Clock

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF HEAVY
ENGINEERING CORPORATION LTD., RANCHI
FOR 1974-75.

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRY AND
CIVIL SUPPLIES (SHRI A. P.
SHARMA):

On behalf of Shri A.C. George, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

(1) Review by the Government on the working of the Heavy Engineering Corporation Limited, Ranchi, for the year 1974-75.

(2) Annual Report of the Heavy Engineering Corporation Limited, Ranchi, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-10894/76.]

ANNUAL REPORT OF INDIAN COUNCIL OF
AGRICULTURAL RESEARCH, NEW DELHI,
FOR 1973-74 WITH AUDITED ACCOUNTS
AND STATEMENT FOR DELAY.

THE MINISTER OF STATE IN THE
MINISTRY OF AGRICULTURE AND
IRRIGATION (SHRI SHAHNAWAZ
KHAN): I beg to lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the Indian Council

of Agricultural Research, New Delhi, for the year 1973-74, together with the audited Accounts.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-10895/76].

NOTIFICATIONS UNDER CUSTOMS ACT,
1962 AND CENTRAL EXCISE RULES, 1944.

THE MINISTER OF STATE IN-
CHARGE OF THE DEPARTMENT OF
REVENUE AND BANKING (SHRI
PRANAB KUMAR MUKHERJEE) :
I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :—

(i) G.S.R. 331(E) and 332 (E) published in Gazette of India dated the 12th May, 1976 together with an explanatory memorandum.

[Placed in Library. See No. LT-10896/76.]

(ii) G.S.R. 681 published in Gazette of India dated the 15th May, 1976, together with an explanatory memorandum. [Placed in Library. See No. LT-10897/76.]

(2) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944 :—

(i) G.S.R. 333(E) to 337(E) published in Gazette of India dated the 12th May, 1976 together with an explanatory memorandum. [Placed in Library. See No. LT-10898/76.]

- (ii) G.S.R. 682 and 683 published in Gazette of India dated the 15th May, 1976 together with an explanatory memorandum. [Placed in Library See. No. LT-10899/76.]

REVIEW AND ANNUAL REPORT OF CEMENT CORPORATION OF INDIA LTD., NEW DELHI FOR 1974-75.

SHRI A. P. SHARMA : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—

(1) Review by the Government on the working of the Cement Corporation of India Limited, New Delhi, for the year 1974-75.

(2) Annual Report of the Cement Corporation of India Limited, New Delhi, for the year 1974-75 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-10900/76.]

ANNUAL REPORT OF BIHAR STATE AGRO-INDUSTRIES DEVELOPMENT CORPORATION LTD., PATNA, FOR 1971-72 WITH AUDIT REPORT AND STATEMENT FOR DELAY.

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI FRAHUDAS PATEL) : I beg to lay on the Table—

(1) A copy of the Annual Report (Hindi and English versions) of the Bihar State Agro-Industries Development Corporation Limited, Patna, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-10901/76.]

POST OFFICE SAVINGS BANKS (AMENDMENT) RULES, 1976.

SHRI PRANAB KUMAR MUKHERJEE : On behalf of Shrimati Sushila Rohatgi: I beg to lay on the Table a copy of the Post Office Savings Banks (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 663 in Gazette of India dated the 15th May, 1976, under sub-section (3) of section 15 of the Government Savings Banks Act, 1873. [Placed in Library. see No. LT-10902/76.]

11'03 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :—

(i) "In accordance with the provisions of sub-rule (6) of Rule 186 of the Rules of Procedure and Conduct of Business in Rajya Sabha, I am directed to return herewith the Finance Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 17th May, 1976, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 20th May, 1976, agreed without any amendment to the Coal Mines (Nationalisation) Amendment Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 17th May, 1976."

(iii) (1) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Monday, the 17th May, 1976, adopted the following motion in regard to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes :—

"That this House resolves that the Rajya Sabha do join the Committee of both the Houses on the Welfare of Scheduled Castes and Scheduled Tribes for the term beginning on the 1st April, 1976 and do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, ten members from among the members of the House to serve on the said Committee."

(2) 'I am further to inform the Lok Sabha that in pursuance of the above motion the following members of the Rajya Sabha have been duly elected to the said Committee—

1. Shri Krishna Bahadur Chettri
2. Shri Shyamal Gupta
3. Prof. N. M. Kamble
4. Shri N. H. Kumbhare
5. Shri Yogendra Makwana
6. Shri Parbhu Singh
7. Shri V. C. Kesava Rao
8. Shri Leonard Soleman Saring
9. Shri Mahendra Bahadur Singh
10. Shri V. V. Swaminathan.

(iv) (1) 'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Monday, the 17th May, 1976, adopted the following motion in regard to the Joint Committee on Offices of Profit :—

"That this House concurs in the recommendations of the Lok Sabha that the Rajya Sabha do elect two members to the Joint Committee on Offices of Profit in the vacancies caused by the resignation of Shri Vithal Gadgil from the membership of the

Committee and the retirement of Shri Venigalla Satyanarayana from the membership of the Rajya Sabha and resolves that the House do proceed to elect, in accordance with the system of proportional representation by means of single transferable vote, two members from among the members of the House to the said Joint Committee to fill the vacancies."

(2) I am further to inform the Lok Sabha that in pursuance of the above motion the following members of the Rajya Sabha have been duly elected to the said Joint Committee :—

1. Shri Kameshwar Singh
2. Shrimati Maimoona Sultan

11.05 hrs.

BANKING AND PUBLIC FINANCIAL INSTITUTIONS LAWS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL*

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE) : I beg to move for leave to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948, the State Bank of India Act, 1955, the Industrial Development Bank of India Act, 1964 and the Regional Rural Banks Act, 1976.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948, the State Bank of India Act, 1955, the Industrial Development Bank of India Act, 1964 and the Regional Rural Banks Act, 1976."

The motion was adopted

SHRI PRANAB KUMAR MUKHERJEE : I introduce the Bill.

11.04 hrs.

**RE. CALCUTTA HIGH COURT
JUDGMENT ON PAYMENT OF
BONUS TO LIC EMPLOYEES**

SHRI S. M. BANERJEE (Kai pur) :
I have already written to you.

MR. SPEAKER : I have not accepted
it. Nothing will go on record.

SHRI S. M. BANERJEE : The other
day when this question was raised, the
Chairman, Shri Ishaque Sambhali, was there
in the chair. I got a message from Cal-
cutta from my friend, Shri Srinath
Chatterjee that the Calcutta High Court
has held that non-payment of bonus to the
LIC employees is *mala fide* and illegal and
has stated that the LIC employees are en-
titled to bonus. When I raised the matter
in the House, the hon. Minister of State for
Law and Justice, Dr. Seyid Muhammad was
there—he is also here now—and
the Chairman directed him whether he
had any information to that effect. He said
that he had no information but he would
inform the House. On the basis of this I
raised a Call attention matter and I have
also sent a notice under Rules 377 but I
have not received any reply whether you
have rejected it or not. Because the
other House has not adopted the Bill, the
mischief that was done in this House is
likely to be repeated in the other House.
There cannot be any contempt of Court.
This is a continuing case and the law of
sub judice does not apply. The Calcutta
High Court has definitely given a verdict
in favour of the employees, that this is
mala fide and illegal. That is why I want
you to direct the Law Minister to apprise
the House about the matter. Either the
Finance Minister or the Law Minister
should make a statement.

MR. SPEAKER : I have not accepted
it. But, if the Minister is willing to make
a statement, he can do so.

SHRI S. M. BANERJEE : If the
Chairman has directed, it has no validity ?

MR. SPEAKER : If any judgment is
given on any matter in the High Court,
that matter cannot be a point of calling
Attention in the House. As a Call Atten-
tion, I have not accepted it. But nothing
prevents the Minister if he wants to make a
statement on his own.

SHRI S. M. BANERJEE : He has
to make a statement.

MR. SPEAKER : That is a different
matter.

SHRI DINEN BHATTACHARYYA
(Serampore) : You can draw his atten-
tion.

MR. SPEAKER : I will consider
that.

11.11 hrs.

**MARRIAGE LAWS (AMENDMENT)
BILL—Contd.**

MR. SPEAKER : The house will now
take up further consideration of the
Marriage Laws (Amendment) Bill.

श्री चन्द्रशैलानी (हायरस) : अध्यक्ष
महोदय, उम दिन मैं अपनी बात बहनी शुरू
कर ही पाया था कि समय समाप्त हो
गया और मैं आगे कुछ न कह सका। आज
आपने मुझे जो इस पर अपने विचार प्रकट करने
का आदेश दिया है, इसके लिए मैं आपका
हृदय से धन्यवाद देता हूँ।

हमारे देश में विवाह, जैसा कि हमारी
स्कृति और सभ्यता बताती है, एक
महान पवित्र और अटूट बंधन माना जाता
है। हम देखते हैं कि हमारे देश में विवाह
की रस्म विभिन्न प्रकार से बढ़ा की जाती है।
चाहे विवाह जात और बिरादरी के आधार पर
हो या धर्म के आधार पर हो या
प्रान्तीयता के आधार पर हो, मैं
कहना यह चाहता हूँ कि जब लड़का और
लड़की विवाह के बंधन में बंध जाते हैं तो

वह संबंध उन का भट्ट सम्बन्ध माना जाता है । हमारे देश में कहीं कहीं पर ऐसा होता है कि लड़का लड़की बिना एक दूसरे को देखे शादी के बंधन में बंध जाते हैं, कहीं पर धन और दहेज के लालच में शादियां हो जाती हैं, कहीं पर लड़के-लड़की में प्रेम हो जाता है और दोनों की शादी हो जाती है, कहीं पर लड़का बारात लेकर लड़की के यहां जाता है और शादी होती है और कहीं पर लड़के के यहां लड़की आती है और शादी होती है । आदिवासियों में तथा विभिन्न प्रान्तों में विभिन्न प्रकार की रीतें हैं जिन के अनुसार शादियां होती हैं । आज तो यह भी होने लग गया है कि कोर्ट में जा कर शादियां हो जाती हैं । दिन में और रात में भी हो जाती हैं । जब विवाह हो जाता है तो वे यह संकल्प लेते हैं कि हम जीवन भर एक दूसरे का साथ निभायेंगे । लेकिन कभी-कभी ऐसा भी हो जाता है कि जीवन में कुछ इस प्रकार की कटुता पैदा हो जाती है चाहे वह किसी भी कारण से हो और किसी की भी वजह से हो और उम कटुता के कारण उन दोनों का जीवन दुश्वार हो जाता है और वे एक दूसरे से जुदा होना चाहते हैं । अब तक की परम्परा यह रही है, तब रिवाज यह रहा है कि वे आमानी से जुदा नहीं हो सकते थे । मैं विधि मंत्री जी को इस बिल को लाने के लिए धन्यवाद देता हूँ और इस बिल का हृदय से स्वागत करता हूँ जिस में उन्होंने एक प्रगतिशील व्यवस्था को स्थान दिया है और बहुत सी युवतियों और युवक एक जो घुटन का अनुभव कर रहे थे, उससे उनको छुटकारा पाने का रास्ता बताया है और उस के लिए व्यवस्था कर दी है । उनको स्वतंत्र रूप से ऐसा कर के उन्होंने जीने का अधिकार दिया है ।

हमारे देश में शादियां चाहे जातीयता के आधार पर होती हों या रस के आधार पर होती हैं, मैं विशेष रूप से और इस बात पर देना चाहता हूँ कि हमारे देश में सरकार

उन युवकों और युवतियों को प्रोत्साहन दे जो जातीयता तथा धर्म के बंधन को तोड़ कर, प्रान्तीयता की दीवारों को तोड़ कर के, उन की सीमा को लांघ कर के शादियां करें । जब तक इस प्रकार का विशेष प्रावधान इस कानून में नहीं किया जायेगा तब तक हमारे देश में अन्तर्जातीय विवाह नहीं होंगे, अन्तर्प्रान्तीय विवाह नहीं होंगे तब तक मैं समझता हूँ कि राष्ट्रीयता की भावना, अखंडता की भावना सुदृढ़ नहीं हो सकेगी । हमारे देश में साम्प्रदायिकता के नाम पर, जातीयता के नाम पर, धर्म के नाम पर दंगे होते हैं, अगड़े होते हैं । अगर एक प्रान्त का लड़का हो और दूसरे प्रान्त की लड़की, लड़का एक जाति का हो और लड़की दूसरी जाति की, लड़का एक सम्प्रदाय का हो और लड़की दूसरे साम्प्रदाय की और उन में शादियां होंगी तो उम से मैं समझता हूँ कि देश प्रेम की भावना और राष्ट्रीयता की भावना जागृत होगी और इससे देश की अखंडता और देश की एकता को मजबूत बनाने में मदद मिलेगी, उम को बल मिलेगा । जो बिल आपने लाया है और इस में तनाव का प्रावधान किया है इससे मैं समझता हूँ कि बहुत से कुठित दम्पतियों को गहत मिलेगी इस मदन के बहुत से माननीय सदस्यों ने अपने विचार इस बिल पर प्रकट कर ही दिए हैं और विस्तार के साथ विभिन्न पहलुओं पर प्रकट कर दिए हैं और उन में मैं जाना नहीं चाहता हूँ । मैं विशेष रूप से इस बात को माननीय मंत्री महोदय की सेवा में रखना चाहता हूँ कि वह इस बात का भी इस में प्रावधान रखे । ताकि अन्तर्जातीय और अन्तर्प्रान्तीय विवाहों को प्रोत्साहन मिले । मैं समझता हूँ कि इस बिल के माध्यम से लोगों को एक नया मार्ग मिला है और इसके ऊपर चल कर वे अपने जीवन को कल्याणकारी बना सकेंगे ।

[श्रीचन्द्र जी गाने]

मैं आपका अधिक समय लेना नहीं चाहता हूँ। मैं केवल यही बिनती करूँगा कि आप इस में थोड़ा सा और सशोधन कर के जिस प्रकार के विवाहों की मैंने चर्चा की है, उन को प्रोत्साहित करने का मार्ग दिखाएँ। मैं समझता हूँ कि इस बिल में नवयुविका और नवयुवकों का जीवन कल्याणकारी बनेगा।

इन शब्दों के माध्यम में इस बिल का हार्दिक समर्थन करता हूँ और आपको धन्यवाद देता हूँ।

THE MINISTER OF STATE IN
THE MINISTRY OF LAW, JUSTICE
AND COMPANY AFFAIRS
(DR V A SEYID MUHAMMAD)
Mr Speaker Sir I am grateful
to the large number of hon Members
who participated in the discussion and
made very valuable contributions to the
discussion

In bringing this amendment the main consideration which was before the Government was to work out a balance between the necessity of liberalisation of the provisions and also to see that the new provisions do not degenerate into licence. In this attempt we have weighed the human factors and the rights and liabilities of the parties with a view to bringing the recommendations made by the Law Commission and the Committee on the Status of Women and other representations made from the public into the statute book. Some of the criticisms made are very relevant and valuable. After examining the recommendations made we came to certain conclusions which we thought will remedy the evils and bring in a situation where liberalisation will take place. Everyone of the amendment suggested and every proposal made in the House will be considered and in fact are being considered with the greatest concern. If in the working of this new

amendment certain provisions are found to be inadequate certainly Government will not hesitate to adopt the amendments which are found to be necessary and relevant at that time.

There has been, during the debate, a universal support generally, to the provisions of the Bill. I will not take the valuable time of the House to deal in detail with every suggestion made and amendment moved. It is not that we consider any of these amendments suggested to be less important. But I thought that in order to save the time of the House I could deal with some of the salient points or amendments suggested by a number of Hon Members.

There has been a suggestion made, I think, by Mrs Parvathi Krishnan, among others, that registration under Sec 8 must be made compulsory. What has been done is that that question is left to the concerned State Governments to weight the circumstances and compulsions there. We have enabled the State Governments to frame rules. Some State Governments have made rules but they have made it optional and not compulsory. (Interruptions) We shall certainly watch operation of this provision and, if it is found that the optional rights given to the parties do not work, we may resort to introducing the provision which makes registration compulsory.

SHRIMATI PARVATHI KRISHNAN
(Coimbatore) If you will read the statement of objects and reasons, you will find that the amendments that are being suggested are based on the recommendations of the Law Commission and the Committee of the Status of Women. It is in that context that I raised it. Thus has been hanging fire for so long and it is very necessary to introduce compulsory registration and not to have the option.

DR V M SEYID MUHAMMAD
Well, I appreciate the weight of the argument, the very fact that the power was given to State Governments to make the rules and the very fact that none of the

State Governments has thought it necessary to make it compulsory supports our view that there is no justification for it. (*Interruptions*). That is why we thought that this was a matter which the State Government could deal with better. The fact that they have not made it compulsory rather supports our legislation.

Regarding the question of minimum age of marriage, suggestions have been made that it should be raised to 21 in one case and actually, in a general amendment by Shri Naik, he has said that it must be the same as the voting age under the Representation of the People Act. Generally, the idea may be all right. But, for the time being, we find it only necessary to have the age at 15 for girls and 18 for men.

The reason is that under the Child Marriage (Restraint) Act, it is the same provision. So, we do not think it necessary at this stage to amend both the Child Marriage (Restraint) Act as well as this. Adultery has been . . . (*Interruptions*).

SHRI M. C. DAGA (Paji) : She has a right to repudiate her husband. But, how can a girl, without attaining the age of majority, repudiate her husband

DR. V. M. SEYID MUHAMMAD : I will reply to this when the time comes.

Now, regarding the question of adultery, formerly, the provision was that the ground should be proved. If somebody seeks 'adultery' as a ground for divorce, the ground should be proved that the offending concerned party was living in adultery. But experience has shown that it is a very difficult thing to prove that he or she is living in adultery. There were cases in courts and consequent representations made by various individuals and associations. We have made it that even one act of adultery is sufficient for being a good ground for a divorce. We do not propose like the English Dog that one must exhibit the vicious propensity by biting more than once. If the dog bites

once, that is sufficient and we do not believe in the principle that the propensity must be exhibited by continuously repeating the offence.

Now, regarding the other points, there is some misunderstanding about the provision when a person is not heard of for seven years. I think Shrimati Deshpande brought that amendment saying that it must be reduced to one year. My feeling is that there has been a slight confusion about the question. Under Sec. 108 of the Evidence Act, the presumption is that, when a person is not heard of for seven years, he is dead. We have incorporated the presumption into this Bill. It is not really desertion for a long time. It is not a ground of desertion. We have incorporated this in order to mitigate the hardship which the party may have to undergo. That is why this provision is there. Suppose the husband is living or the wife is living but not heard of for seven or more years. That is why we have incorporated the substance of the present Sec. 108 of the Evidence Act that if a person is not heard of, about whom, normally, the other spouse should have heard of for seven years or more, then, there will be a presumption that he is dead or he cannot be traced.

For that matter, if we adopt the principle of Sec. 108 of the Evidence Act, there may not be any confusion. It is not really a ground for desertion.

SHRIMATI PARVATHI KRISHNAN: Sir, the point is, sometimes there have been cases where someone has disappeared when he went to swimming. Recently, there was a case in Madras where the person is presumed to have been drowned. When nothing is heard about a person like that does it mean his wife has to wait for seven years? You are explaining the difference between a missing person and desertion. I accept that. Our point is why one has to wait for seven years in the case of some one who is missing? Reduce this period. Seven years is much too long a period. For desertion you are reducing the period

[Shrimati Parvah Krishnan]

but where presumption of death is there you are making it a longer period.

DR. V. A. SEYID MUHAMMAD:

For reasons well-known and well-accepted seven years have been considered as a reasonable period when a man can be presumed to be dead. That is why we have accepted the same test. If I accept five years somebody may come and say why not three and others may say why not four. So, when we accept this principle we follow the well-established principle.

SHRI C. K. CHANDRAPPAN (Tel. Icherry): If a girl has to wait for seven years to establish that the missing husband is dead then it is as good as saying that she need not marry. That is why we say reduce it to one year.

SHRI M. C. DAGA: Seven years is a difficult period for a lady to wait.

DR. V. A. SEYID MUHAMMAD: When we introduce this principle of presumption we must go by some method. Suppose we say five years somebody may say why not four and others may say why not six. Here we have accepted something which has been in existence for a long time, that is, for seven years if a man is not heard of then he will be presumed to be dead. (*Interruptions*).

If it is found that this results in hardship certainly we will re-consider the matter.

SHRI VASANT SATHE (Akola): Supposing woman (puts a notice in the Press that such and such a man unless he discloses himself in such and such a period I will presume he is dead and I am free to marry. Will that be alright?

DR. V. A. SEYID MUHAMMAD: At the time when we re-consider the question of changing the seven years period all relevant suggestions like the one made by Mr. Sathe will be considered.

Regarding 'repudiation' if a girl is married before the age of fifteen, we have provided that she can repudiate after attaining the age of fifteen and before she is eighteen. There is a similar provision in Muhammadan law and that has been working satisfactorily. That is why we have adopted that except the difference that in Muhammadan law if consummation takes place this will not be permitted, which we have not accepted in this amendment. Because it is working well in Muhammadan law, that is why we have adopted that criterion except the difference that consummation we have not accepted as in the Muhammadan law.

SHRI M. C. DAGA: In Rajasthan and M.P. and in so many other places girls, when they are children, are married at a very early age and here you have given the power that as soon as she attains the age of 15 she can repudiate the marriage. But she has not seen her husband's face and she has not seen her father-in-law's house. How can she go and give a statement before the court of law? What statement will she give before the courts of law? And on what basis?

SHRI VASANT SATHE: How can she repudiate? On what grounds? (*Interruptions*).

श्री मूलचन्द डागा : चाइरड मैरिज रेस्ट्रिक्ट एक्ट के होते हुए भी कई लोग छोटे बच्चों की शादी कर देते हैं और वह शादी हिन्दू ला के मुताबिक वैलिड मैरिज कहलानी है ।

श्री नाथूराम निर्बा (नांगौर) : अध्यक्ष महोदय, आप भी गांव के रहने वाले हैं, इस लिए आप गांवों की हालत को जानते होंगे। एक ब्राह्मणी की 3, 8, 11, 12 और 14 साल की पांच लड़कियां हैं। प्रायिक

स्थिति कमबोर होने की वजह से वह सोचता है कि अगर पाँचों लड़कियों की शादी एक साथ कर दी जाये, तो शर्बा कम होगा। लड़की के मेजर होने पर उसका गीना होता है और उस को ससुराल भेजा जाता है। ऐसी 99 परसेंट शादियां कायम रहती हैं। मैं समझता हूँ कि श्री डागा के एतराज में बड़ा फोर्स है कि जब लड़की ने अपने पति या समुगल को देखा ही नहीं है, तो वह शादी को रेपुडिएट कैसे कर सकती है। हिन्दुस्तान के गाँवों के 99 परसेंट काश्तकारों के सामने ऐसे सवाल आयेंगे। इसलिए इस बारे में माननीय सदस्यों का दिमाग साफ होना चाहिए।

अध्यक्ष महोदय : अगर किसी की मर्जी हो, तो वह करे, लेकिन जबर्दस्ती के मिहान्त को नहीं माना जा सकता है।

SHRI M. C. DAGA: According to Hindu Law, it is considered as a valid marriage. You cannot challenge it. Now, how can a girl who has not seen the face of her husband repudiate?

SHRI VASANT SATHE: How can she give her consent?

SHRI M. C. DAGA: You say that at the age of 15 she can go to the court of law. I have given my amendment in this connection.

DR. V. A. SEYID MUHAMMAD: If Mr. Daga carefully reads the Section, he will know that what has been stated is that a girl who has been married before 15 years, can repudiate between the age of 15 and 18. I also said that we have removed the provision—in the Mohammedan Law that consummation will be a bar—so that it means, under the circumstances, that the girl who does not know the husband can go and live with him for one or two years and see whether it is good and it is not automatic that at the attainment of the age of 15 she must go

and file a divorce petition. If she does not know her husband, well, let her go and live with him and between the age of 15 and 18 if she is convinced that she cannot get on with him, she can file a petition. It is not compulsory that on the attainment of 15 years, she should file a petition. That is why we have removed the ground which is accepted in Muhammadan law that consummation will be a bar to such petitions.

SHRI D. N. TIWARY (Gopalganj) : If she goes to her husband's house, it means she has given her consent to go there and live with him. After that, how can she repudiate the marriage?

DR. V. A. SEYID MUHAMMAD: This is to avoid precisely the sort of evil which Shri Daga suggested. The girl is married before she knows the husband. She is not in a position to know what sort of man he is. After going and living with him, if she finds he is not a good man she has a right to repudiate the marriage before she attains 18 years.

SHRI VASANT SATHE: It cannot be one-sided. Suppose a boy marries before 15 years of age and after consummation, he finds that it is not possible to live with that girl. Can he also repudiate the marriage before he attains 18 years?

DR. V. A. SEYID MUHAMMAD: On the other grounds available for divorce, he can, definitely.

SHRI B. V. NAIK (Kanara): I want to know whether the point raised by Mr. Sathe is a valid one, because there are many who would like to repudiate their marriage even at this stage!

DR. V. A. SEYID MUHAMMAD: About proof of mental illness or insanity, Mrs. Parvathi Krishnan suggested that a certificate from a civil surgeon should be considered sufficient. It will not be sufficient because there are various ways of getting a certificate. That is why we have

[Dr. V.A. Sayid Muhammad]

left it to the court to decide whether there is sufficient evidence of mental illness because of which the couple cannot get on with their married life. Instead of producing a certificate, we thought it would be better if it is proved before the court of law.

SHRIMATI PARVATHI KRISHNAN: What is the method of proof? If by insanity we mean a medical condition, surely there has to be some certifying officer.

DR. V. A. SEYID MUHAMMAD: We thought it is rather dangerous to leave it to a medical certificate without proving what exactly the condition is. We do not accept it.

These are the substantial points raised which I wanted to deal with. I do not suggest that the other points are not important, but in view of the fact that most of the suggestions have overlapped and covered the same ground. I do not think it is necessary to deal with the other points. I thank again the hon. members who participated in the discussion and for the general support given to the Bill I, therefore, commend the Bill to the House for acceptance.

MR. SPEAKER: The question is:

"That the Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER: Now, we shall take up clause by clause discussion.

Clause 2—(Amendment of section 5)

SHRI B. V. NAIK: I beg to move:

Page 1, —

after line 19, insert—

"(d) has reached the voting age as laid down in the Representation of the People Act, 1950." (1)

The purport of this is that the parties to the marriage have reached the voting age as laid down in the Representation of People Act. The hon. Minister is quite aware that only a fortnight ago, Dr. Karar Singh made a fervent appeal for raising the marriage age. If the demographic problem on an unprecedented scale has got to be checked, the only way is to raise the marriage age. We elect our Ministers, our Prime Minister after the age of 21. Even our President is elected after 21. We consider 15 as a much younger age for somebody with whom we have to live for the rest of our life. To marry at the age of 15 is a biological marriage and not a psychological marriage. It is absolutely a sound principle when I say that it should be 21 years. I do not hold a brief for chastity, virginity and all that. I am not against pre-marital sexual relationship. But I consider this age of 21 reasonable for living together with harmony, companionship and progress and to contain our population explosion. I would suggest that this may please be given a thought or an assurance may be given that it will be looked into.

SHRI M C DAGA: I beg to move:
Page 1,—

omit lines 14 to 17. (3)

SHRI DINESH JOARDER (Maha):
I beg to move:

Page 1, lines 16 and 17,—

omit "and the procreation of children" (16)

In clause 2, you have said that any person who is suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children. I think, unsoundness of mind is, in other sense, a cruelty. You have made this as a ground for dissolution. If any party is suffering from any mental disease, it is also a kind of cruelty. How is this correct? It would be enough if you say, "if he or she is unfit for marriage". But you have also added that he or she must be unfit for marriage as well as

be unfit for the procreation of children. That is something more. (*interruption*) You are liberalising the provision in regard to marriage restraint. So, I want that this part of the clause should be dropped; I mean the words "and the procreation of children". Otherwise it would be too harsh and it would be difficult to decide whether he is a man having unsoundness of mind to such an extent that he is unfit for marriage, and then again to decide whether he is unfit for the procreation of children. How will it be proved? I think this will create complications. so, I want you to omit the words, "and the procreation of children". (*interruptions*)

MR. SPEAKER : Has the Minister got any comments on this ?

DR. V. A. SEYID MUHAMMAD : I have none.

MR. SPEAKER : I shall now put all the amendments to the vote of the House. I mean amendments Nos. 1, 3 and 16.

Amendments Nos. 1, 3 and 16 were put and negatived.

MR. SPEAKER : The question is : "That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER : For Clauses 3 to 5, there are no amendments. I put them to the vote of the House. The question is : "That Clauses 3 to 5 stand part of the Bill."

The motion was adopted.

Clause 3 and 5 were added to the Bill.

MR. SPEAKER : There is one amendment by Shri Dinesh Joarder to clause 6.

Clause 6

(Amendment of Section 12)

SHRI DINESH JOARDER : I beg to move

Page

Omit lines 24 to 27.

(17)

Here, there is an unnecessary addition while defining potence or impotence of the husband. The clause here says :

"(a) that the marriage has not been consummated owing to the impotence of the respondent ;

Previously, the clause was very simple : it said that if any partner to the marriage was impotent, it would create a ground for either separation or, after that, for divorce. I have already said that a marriage can be consummated in different ways temporarily. i.e. with drug-effect or in an extraneous manner. In whatever way it is done, it may be that once or twice the marriage is consummated by an impotent man ; but that will not create any ground for the dissolution of the marriage or for separation, or for the whole of the life. I think it hurts and it is also not desirable.

DR. V. A. SEYID MUHAMMAD : The amendment is not acceptable.

MR. CHAIRMAN : I shall now put amendment No. 17 to the vote of the House.

Amendment No. 17 was put and negatived.

MR. SPEAKER : The question is "That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Amendment of section 13.)

MR. SPEAKER : There are amendments to clause 7.

SHRI B. V. NAIK : I beg to move:

Page 2,—

omit lines 39 to 41.

(2)

SHRI M. C. DAGA : I beg to move:

Page 2, line 41,—

after "spouse" insert—

"without the consent or against the wish of such party"

[Shri M. C. Dogra]

Page 2, line 43,—

after "cruelty" insert—

"or not in a befitting manner as one expects from another" (5)

Page 3, line 2,—

for "two years" substitute "one year" (6)

Page 3, line 34,—

for "one year" substitute "six months" (7)

Page 4, lines 3 and 4,—

for "one year" substitute "three months" (8)

Page 4,—

(i) line 6,—

for "fifteen" substitute "eighteen".

(ii) line 8—

for "before attaining the age of eighteen years" substitute "this can only be done provided husband and wife have lived together and lead a married life at least for a period of one-year." (9)

SHRI DINESH JOARDER: I beg to move:

Page 3,—

omit lines 24 to 32. (18)

Page 4, line 8,—

for "eighteen" substitute "nineteen" (19)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 3,—

after line 23, insert—

"(iii) in clause (vii), for the words "seven years" "the words one year" shall be substituted. (27)

Page 4, lines 3 and 4,—

for "one year" substitute "six months" (28)

SHRI D. N. TIWARY (GopalGan): I beg to move:

Page 3,—

after line 34, insert—

"(ii) in clause (ii), the word "or" shall be inserted at the end ;

(iii) after clause (ii), the following clause shall be inserted, namely:—

"(iii) that there has been no resumption of co-habitation as between the parties to the marriage for a period of one year or upwards after passing a decree or order, as the case may be, of separate maintenance in a suit under section 18 of the Hindu Adoptions and Maintenance Act, 1956 or in a proceeding under section 125 of the Code of Criminal Procedure, 1973 (or under corresponding section 488 of the Code of Criminal Procedure, 1898) to which they were parties. " (31)

Pages 3 and 4,—

Omit lines 40 to 45 and 1 to 4 respectively. (32)

Let me explain my amendments.

On the earlier day, the Law Minister had said that he would reply to the point I had raised here. But he did not mention anything about it. My first amendment is this : I want this to be inserted after line 34 at page 3 :

"(ii) in clause (ii), the word "or" shall be inserted at the end ;

(iii) after clause (ii), the following shall be inserted namely :—

"(iii) that there has been no resumption of co-habitation as between the Parties to the marriage for a period of one year or upwards after passing a decree or order, as the case may be, of separate maintenance in a suit under section 18 of the

Hindu Adoptions and Maintenance Act, 1956 or in a proceeding under section 125 of the Code of Criminal Procedure, 1973 (or under corresponding section 488 of the Code of Criminal Procedure, 1898) to which they were parties.”.

This has to be brought here. Then in the same page, you have to omit lines 40 to 45. Here you have not given a right to the husband to get married or go for divorce while you have given a right to the wife. Even if she is getting alimony and getting it for life long, the man remains unmarried for life long. That is very harsh for the husband who is giving money for the maintenance of the wife. They are living separately for years together. The husband has no right to apply for divorce while the wife has got the right for divorce. This is a discrimination. If you want to amend this, you should give the right to both the parties and remove this discrimination.

(Interruptions)

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Sir, now I find that the Minister is in a mood to reply to the amendments. (Interruptions)

I would like to say something about the waiting period of seven years in the case of a missing person. This is a point which we have already dealt with. This is regarding presuming the spouse dead or whatever it is.

Now, there are occasions when it is presumed that the husband is dead or missing during a war. Then perhaps there may be an element of doubt, because it may be possible that he has been taken as a prisoner; it may be possible that he is likely to come back and so on. Except for that, on other occasions, if you ask them to wait for seven years, it is a pretty long time. Because in our country, we have to take it with the objective situation. What happens if a woman has to wait for seven years? Then they think

that she is over-aged or too old for marriage. As far as law is concerned, such a thing comes under the category of proper age, but it is over-aged, as far as society is concerned. Therefore, I am in agreement with Mr. Sathé and others that this should not be a one-sided thing and apply only to wife. As far as husband is concerned, it should apply to him also, because there may be such occasions in regard to a wife also.

During the marriage season, we read in the newspapers that one marriage party or the other is washed away when there are floods. Am I right, Mr. Daga? As you know, it happens in Rajasthan. Then there are so many cases of dacoits and other things, etc. Then there are cases where a man has just disappeared leaving no trace. It may be possible that he does not want to come back; it may be possible that he is alive. But you have to wait for seven years to presume that he is dead.

For instance, now we have got the case, particularly, of missing smugglers. What has happened to the wives of those smugglers? Therefore, whether you can really send them notices, we do not know. But the point is that it is a very serious proposition, particularly in society as it obtains in India today. This reply you have been constantly giving is “you wait and watch the situation” What are you going to wait for and what are you going to watch for? The reality is before us already and the experience is also there.

Therefore, I would appeal to the Minister may be he is not in a position to take a decision of his own — that he should take courage in both hands, and keeping in view the need of the emergency, he should accept this amendment.

SHRI DINESH JOARDER: In the first instance, I say that this important Bill has been brought to this House for discussion in such a hurried manner that every important provision of the Bill has not been properly gone into. It has been brought

[Shri Dinesh Josher]

forward in such a casual manner that the Minister himself takes the Bill in that fashion. On the first day of the discussion there, was the senior Minister present here and now the reply has been given by another Minister who does not know what points were raised during the discussion except certain notes that have been given to him.

Many important points have been raised during the discussion in regard to compulsory registration of marriage, raising of marriageable age, guardianship of minor children, missing of husband for several years, unsoundness of mind and various other matters. That is why I had said in the beginning that this Bill should have been sent either to the Select Committee or for eliciting public opinion. In this hurried manner, we cannot do full justice to each and every provision of the Bill nor can the Minister do. He is not prepared to answer the questions that we raised regarding several important provisions of the Bill. This is the casual manner in which it is being passed.

As regards my amendment to this clause, the provision of waiting for seven years is too harsh. The period should be minimised. In regard to repudiation of marriage by a minor party, it is stated that before reaching 18 years of age, he or she shall have to repudiate the marriage. Now, in the Special Marriage Act, the marriageable age is 18 years. For attaining majority 18 years is the age for girls. Unless and until she attains majority and maturity of thinking, she should not be given an option, whether she will continue or repudiate that marriage. That would have been the proper thing to do. What is provided here is that before attaining majority and maturity of thinking, he or she shall have to repudiate the marriage. This is not in accordance with the law that we are having. For repudiating the marriage, the age should be at least 19 years that is, after attaining the age of majority and maturity of thinking. After attaining the age of 18, she should be given at least one

year to decide whether she will continue with that marriage or she will repudiate that marriage. Only then she should be given an option. That is why I want that the age should be raised from 18 years to 19 years for repudiation of marriage by a minor.

श्री मूलचन्द्र डागा : अध्यक्ष महोदय, मैं एक बार फिर आपका अमूल्य समय लेता हूँ। हमारे राजस्थान और दूसरे बहुत से प्रदेशों में लड़कियों में 4 परसेंट एजुकेशन है। केरल में 58 परसेंट एजुकेशन लड़कियों में है लेकिन हमारे राजस्थान में लड़कियाँ खास कर गांवों में बिल्कुल पढ़ी लिखी नहीं हैं। उनके मां बाप गरीबी के कारण छोटपन में ही उन को शादी कर देते हैं। हिन्दू ला के अनुसार इस तरह की शादी वैलिड है। अब 15 वर्ष की लड़की जिनमें शादी के बाद पति का मुंह न देखा हो, जो समुराल न गई हो उसको आप अधिकार देने हैं कि वह शादी को रेप्युडिएट कर सकती है। मेरा अमेन्डमेंट है दस सम्प्रदाय में और मैं समझता हूँ कि जब तक लड़की 18 वर्ष की न हो जाय, वह अपनी समुराल में जा कर न रह ले तब तक उसको आप यह अधिकार न दें। आप मेहरबानी करके इस प्रावधान को बदलें नहीं तो जैसा मैं कह चुका हूँ गांवों में गरीब लोग अपनी लड़कियों को बेचते हैं, रुपया लेते हैं और जैसा ही लड़की 15 साल की होगी वे दोबारा उसकी शादी करेंगे और कहेंगे कि बचपन में इसकी शादी हो गई थी। या फिर आप हिन्दू मैरिज ला में अमेन्डमेंट करें। यह कहां तक उचित होगा कि जिन लड़की ने पति का मुंह न देखा हो, जो समुराल में न रही हो, जो पढ़ी लिखी न हो उसको आप यह अधिकार दें। यहाँ कुछ पढ़े लिखे लोगों के कारण उन गरीबों के घर तबाह होने का मौका मत दीजिये इस तरह का प्रावधान करने से वे लड़कियों को बेचेंगे और बेच कर पैसा कमायेंगे। जब तक लड़की 18 वर्ष की न हो जाय, उसको ऐसा अधिकार नहीं दिया जाना चाहिये।

12'00 hrs.

SHRI B. V. NAIK : The Hon. Minister drew particular attention to the grounds of divorce. What I am requesting the Hon. Minister is this. When we changed over from the original principle of living in adultery to a single act of adultery, first I asked a question, to which I did not get a clear-cut answer categorically, regarding population. Now, do you want, through the Marriage Laws or whatever they are, to create for the citizens, both males and females, of this country a situation conducive to marriage or conducive to divorce ? I am not saying there is no handicap in the previous one of 'living in adultery.'

Secondly, why are you trying to bring out the private lives of well-meaning couples into the public ? Therefore, like the Australian Law which I quoted the other day why can't we interpret or give a direction for the interpretation of acts of adultery as cruelty ? It says 'after the solemnization of marriage, treated the petitioner with cruelty'. We can take adultery as part and parcel of cruelty. Why do we want black and white and solid proofs for all these things ? I would request the Hon. Minister to kindly accept this. Otherwise, instead of helping the Indian marital system, though acting with good intentions, he would be harming it. I hope he will kindly agree to this.

DR. V. A. SEYID MUHAMMAD : Regarding Mrs. Parvathi Krishnan's amendment, in Section 13 (vii) there is already a provision regarding seven years as the presumption period; and as Mr. Sathé has suggested, it is not applicable to only women ; it is applicable to both men and women. While I appreciate the force of the argument that seven years is a pretty long period and it may work hardship, the difficulty is this. When there is a situation where a couple was living happily married and for reasons known or unknown, the husband or the wife, as the case may be, leaves and is not heard of for several years, you have to wait sufficiently long to presume

one of them is dead. I can understand it if they had quarrelled and gone away but, where the couple had been living happily and, for reasons beyond their control, get separated, to jump to a conclusion that one is dead is not easy. That is why we have taken the well accepted principle of seven years.

SHRI DINESH JOARDER : But in Section 14 it has been stated :

"Notwithstanding anything contained in this Act, it shall not be competent for any Court to entertain any petition for repudiation of marriage or divorce unless, on the date of the petition, three years have elapsed since the date of marriage"

Not, that has become one year. But after that, it is said "Provided that the Court may, on an application made to it in accordance with such rules as may be"

In cases of hardship and exceptional suffering, the Court can entertain the petition even before that statutory period ? why not keep a provision in respect of 'missing' also ? In cases of exceptional deprivity or exceptional suffering, the court can condone that seven-year period, so that the court can entertain the petition in two or three years also.

SHRIMATI PARVATHI KRISHNAN : He made a reference to people being happily married and asked as to why they should not wait for seven years. My point is this : I agree that, if the persons were happily married, they might wait throughout their lives. You are not going to say 'Do not wait' or that you must immediately get married. But when one or the other party has disappeared completely and there is absolutely no trace of them (the wife or the husband) the other party may wish to marry again . It is only then that they will go to the court not otherwise. People do not automatically go. Therefore, this argument about being happily married and all that, I cannot understand.

DR. V.A. SEYID MUHAMMAD : I have already said what I wanted to say in justification of that.

MR. SPEAKER : I shall now put all the Amendments together to the vote of the House unless any Member wants his Amendment to be put separately.

SHRI D.N. TIWARY : I want my Amendment No. 31 to be put separately.

MR. SPEAKER : I shall now put Amendment No. 31, moved by Shri D.N. Tiwary, to the vote of the House.

Amendment No. 31 was put and negatived.

MR. SPEAKER : I shall now put all the other Amendments to Clause 7, together to the vote of the House.

Amendments Nos. 2, 4 to 9, 18, 19, 27, 28 and 32 were put and negatived.

MR. SPEAKER : The question is : "That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

MR. SPEAKER : Is Mr. Daga moving his Amendments to Clause 8 ?

SHRI M. C. DAGA : I am not moving.

MR. SPEAKER : The question is : "That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

MR. SPEAKER : Is Mr. Daga moving his Amendments to Clause 9 ?

SHRI M. C. DAGA : I am not moving.

MR. SPEAKER : Mr. DINESH JOARDER.

SHRI DINESH JOARDER : I am not moving.

MR. SPEAKER : The question is : "That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 14 were added to the Bill.

MR. SPEAKER : Now Clause 15. Is Mr. Daga moving his Amendments ?

SHRI M. C. DAGA : I think, he can agree to this small Amendment. Here you have said :

"Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court."

Here I want the words 'with the previous permission of the court' to be omitted. Why do you want to give this power to the Court when a judgment is already published in a particular report ? You should not give this power to the Court. Otherwise, stop it altogether. Why do you say that it can be published with the previous permission of the Court ?

DR. V. A. SEYID MUHAMMAD : I do not accept this.

MR. SPEAKER : Is Shri Daga moving his amendments ?

MR. SPEAKER : I am not moving my amendment.

MR. SPEAKER : The question is : "That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

MR. SPEAKER : Is Shri Joarder moving his Amendment to Clause 16 ?

SHRI DINESH JOARDER: I am not moving my amendment.

MR. SPEAKER: The question is :

"That clause 16 stand part of the Bill"

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

MR. SPEAKER: Is Shri Joarder moving his amendment to clause 18 ?

SHRI DINESH JOARDER : No, Sir.

MR. SPEAKER : The question is :

"That clause 18 stand part of the Bill"

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Clause 21—(Amendment of section 14.)

SHRI DINESH JOARDER : I beg to move :

Page 9,—lines 33 and 34,—

omit "and the procreation of children"
(23)

I have already stated my argument in relation to my amendment to the Hindu Marriage Act, 1955. This amendment relates to the special Marriage Act, 1954 regarding unsoundness of mind rendering a man unfit for marriage as well as procreation of children. I repeat that argument in respect of this amendment also.

MR. SPEAKER: I will put amendment No. 23 to the vote of the House.

Amendment No. 23 was put a negative.

MR. SPEAKER: The question is:

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clauses 22 to 26 were added to the Bill.

Clause 27—(Amendment of section 27.)

SHRI DINESH JOARDER: I beg to move:

Page 11,—

After line 4 insert—

'(bb) after clause (c), the following Clause shall be inserted, namely :—

"(cc) has been adjudged as guilty of any economic offence or any offence connected with drug control or food adulteration."
(24)

Page 11,—

omit lines : 27 to 35." (25)

Sir, if a partner of the marriage suffers imprisonment for seven years or more for certain criminal offence, that has been made as a ground for divorce. What I want is that if either of them is found guilty of economic offences like smuggling etc. or any offences connected with drug control or food adulteration this should also be made a ground for the other party for going for separation or divorce. These offences should be included as a ground for dissolution of marriage.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 11,—

after line 10, insert—

"Provided that the said mental disorder is certified by a specialist whose rank shall not be less than that of a civil surgeon." (29):

MR. SPEAKER: I will put amendments Nos. 24, 25 and 29 to the vote of the House

The Amendments Nos. 24, 25 and 29 were put and negatived.

MR. SPEAKER: The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Clauses 28 to 39 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. V. A. SEYID MUHAMMAD:
I beg to move :

"That the Bill be passed."

MR. SPEAKER : Motion moved.

"That the Bill be passed".

SHRIMATI PARVATHI KRISHNAN: From our side we are happy about this Bill and we extend our full support to it. But at this stage I would like to say just one or two things and not take up much of your time.

Firstly, I was very disappointed, I must say, at the very lukewarm manner in which the hon. Minister dealt with the whole question of compulsory registration of marriages. From the beginning we have been stressing that compulsory registration is a very necessary thing because this is a factor which comes particularly for the protection of women in our country. I am not going again to repeat all those arguments that I used during the first reading. But, by replying that this is for the State Governments to decide, I think, the Minister is escaping his responsibility. Because, after all there is the United Nations Convention and when the UN convention was adopted, at that time in 1962, the Indian delegate said that the time was not yet ripe for such legislation. So, how long are we going to have this position? Now, the Minister says that it is left to the States as though this is something that is not to be decided for the country as a whole and as though the conditions for this particular matter of social importance, protection for women, differ from State to State. This is really a very serious matter and I think this idea of waiting and watching like the character in *My Fair Lady*, is really too much. I would request the Minister to take it very seriously and move as early as possible at least an amendment to the Hindu Marriages Act. After all as far as compulsory registration of marriages, if that would

come, I would welcome it. I am one of those who stands for a uniform Civil Code for all in this country and if you could, since you have got your precedent with the Registration of Births and Deaths, why cannot you extend it to marriages also. Because this is the only way in which you will be able to give protection, particularly, to the women in the rural areas. Only if that protection is there, you will not be having the harrowing cases, the heart-breaking cases of wives who are deserted at a very young age or even at an older age.

Secondly, I am not at all convinced by the Minister's argument regarding raising the age of marriage to 18, at least under the Hindu Marriages Act to bring it on par with the Special Marriages Act.

These are two very important issues and I hope that the Minister will take the matter very seriously and not just continue to watch, wait and then drag in the State Governments saying, 'We are being extremely democratic and extremely autonomous by allowing the State Governments, etc., etc.' This is a central legislation which requires an all India perspective and an all-India approach and an all-India standard.

Lastly I shall make a final appeal with regard to the presumption of death. The seven years period has been prescribed for the purpose. The presumption of death is more or less a conclusive one. I would request that special attention may be given to this point and some proviso may kindly be thought of.

We had asked that some protection should be given to the victims of fake marriages, brain drain marriages, marriages through the advertisements in the newspapers. I would like to know what protection will be given to these girls who are the victims of such marriages, because they have to wait for one to two years to get the marriages annulled or to get a divorce. This period is too long a period

in such cases. If you want to avoid heart-breaking and suicides, you have to evolve some provision and give some protection has to be given to the girls who are victims of such circumstances.

श्री मूल बन्ध डायग : इस बिल से एक बात तो होगी । भारत में डाइवोर्स छः महीने में ही हो जाया करेगा । होम स्कोट हो, वेअर इत्र नथिंग लाइक स्कोट होम वाली बात नहीं रह जाएगी । इससे मैं समझता हूँ कि डाइवोर्स बहुत ही कामन हो जाएगा ।

इस से ज्यूडिशल सैपेरेशन के लिए ज्यादा वकत लग जायेगा । अब ज्यूडिशल सैपेरेशन के वही प्राउंड्ज हैं जो डाइवोर्स के हैं । लेकिन डाइवोर्स की डिक्ली छः महीने में ही हो सकती है लेकिन ज्यूडिशल सैपेरेशन की डिक्ली होने में एक साल तक इंतजार करना पड़ेगा । एक साल तक इंतजार करने के बाद फिर डाइवोर्स के लिए दरखास्त देनी पड़ेगी । इस कानून का क्या अंशा है ? एक तरफ जिस ने डिक्ली हासिल कर ली है ज्यूडिशल सैपेरेशन की उस को तो एक साल तक इंतजार करना होगा और एक साल के बाद वह दरखास्त देगा और फिर उसको डाइवोर्स मिलेगा

अध्यक्ष महोदय : यह थर्ड रीडिंग है । सरकारीलात में मत जाएं । बहुत इम्पोर्टेंट प्वाइंट हो तो कहें ।

श्री मूल बन्ध डायग : आप लड़की को तो रिप्युडिट करने का अधिकार देते हैं और लड़के की शादी हो जाती है और वह नाबालिग हैं तो उस को कोई अधिकार नहीं देते हैं । यह भी ठीक नहीं है ।

क नून आप बहुत हरीडजी पास करवा रहे हैं ।

यह एक सोशल लैजिस्लेशन है । इस को सारे भारत पर और सब लोगों पर लागू आपको करना चाहिये था । बिना किसी जात के भेदभाव के आपको सभी पर इस को लागू करना चाहिये था । तभी इस का फायदा हो सकता है , वना नहीं ।

DR. V. A. SEYID MUHAMMAD:
I do not wish to answer point by point because I have already replied. But in regard to the points made by Shrimati Parvathi Krishnan, I can assure her that it is not because we had not thought seriously over the matter or we took it lightly. The presumption that a man is dead; we thought that instead of fixing three, four or five years without its being based on any principle, without fixing it arbitrarily, we thought it was better to have some accepted principle in the matter. As I submitted, it was not a question of evading, watching or waiting. In social legislations one has to see the action and counter-action and the social compulsions. It is in that sense that we have put forward the amendments. It is not waiting and watching just for nothing.

We have to see the reaction and the repercussions of this amendment which is being passed now. When we see that conditions compel us to change or to accede to the demands and suggestions, certainly, without hesitation, we will do so.

MR. SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted.

12.25 hrs.

RE: SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

MR. SPEAKER: We move on to the next item.

SHRI B. K. DASCHOWDHURY: (Cooch-Bihar): On the next item I have a submission to make. This Bill was introduced by the hon. Minister only two or three days ago. In between the time we have not had much time to go through this Bill properly. The most important provision in the Bill is that there are 1500 new communities belonging to the scheduled castes and scheduled tribes and it requires a serious study as to what should be done in order to create a balance in society and so on. I would request the hon. Minister through you and I would request the Minister for Parliamentary Affairs to postpone this Bill to the next session. Though it has been belated, I thank him for introducing this Bill at least now. But I would request him to postpone discussion on this Bill. Let them come forward with this Bill in the next session so that we members who are seriously concerned about it, may have sufficient time to go through the Bill and offer our own deliberations and contributions to the Bill.

SOME HON. MEMBERS: We accept that. *(Interruptions)*

SHRI D. BASUMATARI (Kolkata): We accept that.

SHRI C. K. CHANDRAPPA (Tellicherry): I have something to submit on that point of order.

MR. SPEAKER: It is not a point of order. It is a suggestion.

SHRI C. K. CHANDRAPPA: In the Order Paper it is stated that this Bill would be taken into consideration. He has made his submission. Has he given notice for this?

MR. SPEAKER: Yes. He asked for my permission to make his submission.

SHRI C. K. CHANDRAPPA: This Bill was introduced in 1970 if I remember correctly and the discussion was postponed almost in the same manner at that time too. Now 6 years later this Bill is re-introduced. Again if this is postponed indefinitely I think that the Scheduled Castes and Scheduled Tribes will not pardon this Government. I would like him to give a concrete assurance whether it will be taken upon a definite date. That is very important.

SHRI P. K. DEO (Kalahandi): I have a submission to make. In 1965 the list of Scheduled Castes and Scheduled Tribes based on previous orders was found to be irrational and so Lokur Committee was appointed. They went into this matter. They suggested de-scheduling of certain scheduled castes and scheduled tribes. That was kept in cold storage. In 1967, Scheduled Castes and Scheduled Tribes Amendment Bill was introduced. In our last Lok Sabha it was sent to the Joint Committee and their report was submitted on 17-11-69. That also never saw the light of the day. In the meantime, the Lok Sabha's term expired. So, now, we should take into consideration the fact that the legal life of the present Lok Sabha has already expired and it has been extended only for one year.

MR. SPEAKER: Order please. Let him complete. I should hear him.

SHRI P. K. DEO: It has been extended for one year because of the emergency and now the elections are due. We expect that the emergency should be removed. Within a period of six months it will be mandatory to have the elections. *(Interruptions)*

MR. SPEAKER: Now, you are going with unconnected matters.

SHRI P. K. DEO: Sir, the Statement of Objects and Reasons says that if the list has to be revised, then there has to be a fresh delimitation. It would be time-consuming. The whole thing will tend to extend the life of the Lok Sabha indefinitely, which will give a raw deal to the scheduled castes and scheduled tribes and will crush their aspirations. Thus is what the intention of the Government is.

So, I strongly oppose this proposal of postponement of discussion. (*Interruptions*).

MR. SPEAKER: Order Please. I shall give chance to all the hon. Members. But, I want to tell them that this is a very specific issue. There is a suggestion for postponement. Now, you confine yourself to this remark very briefly by not going into all relevant and wide matters. Be brief.

SHRI K. S. CHAVDA (Patan): I shall be very very specific and will give you the suggestions.

MR. SPEAKER: Let Shri Naik speak.

SHRI B. V. NAIK (Kanara): Sir, we do appreciate that our brethren, the scheduled castes and scheduled tribes, are involved in it. I think the entire force is that there are certain forces to keep the House out of it and also there are certain forces which wants the House to come in. Under the circumstances, there was an element of rushing through at the time of the introduction and slating it for consideration.

Now that the Bill has aroused, amongst certain aspirant communities in this country, this feeling that it should be discussed and that their fate is being considered by the august House of Parliament, the proper thing would be that we give it the due respect it deserves and the backward and other communities given the due preference that they deserve and if it is to be postponed, after knowing the mind of this House, if it is to be postponed, as suggested by the hon. Com. Chandraspan let a

specific date or a period be fixed up within which this Bill will get through.

SHRI K. S. CHAVDA: I want to make my submissions. The Joint Committee on the Scheduled Castes and Scheduled Tribes Order Amendment Bill, 1967 had produced a report which was presented to this House and the Bill was discussed halfway in the Fourth Lok Sabha... (*Interruptions*).

MR. SPEAKER: So, you are opposed to the postponement of the Bill?

SHRI K. S. CHAVDA: No. The present Bill should be withdrawn. The Minister may make a motion to withdraw this Bill and the whole Bill which was half-discussed in the Fourth Lok Sabha should be re-introduced because this is a part of it.

MR. SPEAKER: We are discussing the motion for consideration of the Bill and not withdrawing of the Bill.

SHRI K. S. CHAVDA : My submission is that this Bill should be withdrawn and a Bill based on the Report of the Joint Committee should be introduced accordingly.

श्री राम हेडाऊ (रामटेक) : अध्यक्ष महोदय, अनुसूचित जातियों और आदिवासियों की सूचियों में कुछ परिवर्तन करने के परणामस्वरूप लोक सभा 1er विधान सभाओं के चुनाव-क्षेत्रों में फेर-बदल के सम्बन्ध में जो बिल लाया गया है, अगर इस को धाग के लिए टाल दिया गया, तो यह उन वर्गों के प्रति भयानक अन्याय होगा। आज उन लोगों को संविधान द्वारा दी गई सुविधायें नहीं मिल रही हैं। इस लिए मेरा यह निवेदन है कि इस बिल को और अधिक समय के लिए न टाला जाये और इस को तुरन्त डिस्बशन के लिए ले लिया जाये।

श्री राम कर्दार (टोंक) : अध्यक्ष महोदय, अनुसूचित जातियों और जन-

[श्री राम कवार]

जातियों की सुचियों में परिवर्तन के सम्बन्ध में यह बिल लाया गया है। जबसे हम लोग इस सदन में चुन कर आये हैं, अनेक सदस्य समय समय पर इस के बारे में प्रश्न उठाते रहे हैं। हम इस बिल का पूरी तरह से अध्ययन कर रहे हैं। हम देखते हैं कि यह बिल अचूरी स्थिति में है। जिन राज्यों में राज्य सरकारें हैं, वहाँ की सुचियों में तो कुछ परिवर्तन किये गये हैं, लेकिन दिल्ली और चंडीगढ़ जैसे क्षेत्रों की सुचियों में काफी अचूरापन है। मेरा विवेदन है कि अगर इस अचूरापन को दूर कर के इस बिल को सदन के मान्यता सेशन में लाया जाये, तो मैं इसका स्वागत करूँगा।

SHRI N.K.P. SALVE (Betul) : Because of the very nature of the Bill it is inevitable that each one will have his own angle to look at. There are exclusions and there are inclusions in the Schedule with the result (Interruptions)..... There are certain areas because I know this on going thought this Bill. There are certain communities in one part of my area which will be treated as scheduled castes but not in other parts. So, each will have his own view in the matter. Therefore, it is more than likely that each one is likely to have his own vested interests. Therefore, to attribute any motive because of the suggestion made by Shri Daschowdhury is very unfair. My respectful submission is that the notice has been so short and the entire list in this schedule is so large, that no one will be able to apply his mind properly. At the same time I would request the Minister of Parliamentary Affairs to dispel the opinion of certain hon. Members like Mr. Chandrapan that for eternity we want to deny the benefits to certain sections.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : The Government is anxious to bring the matter before the House. This

is obvious from the very fact that they have brought forward this Bill. But it is a fact that most of the members of the scheduled castes and scheduled tribes on this side have met the hon'ble Home Minister and also met and have expressed their desire to have more time to consider the Bill more deeply.

AN HON. MEMBER: What about the Bill which was discussed in the Fourth Lok Sabha?

SHRI K. RAGHU RAMAIAH : There are some matters which require some time and there are some matters which require more time. This is one of those which require more time. With due deference to the wishes of most of the hon. Members of the scheduled castes and scheduled tribes, I move for the consideration of the House that this may not be taken up today and it be postponed. (Interruptions).

श्री राम हेडारू : मैं इस पोस्टपोनमेंट का विरोध करना हूँ क्योंकि शेड्यूलड कास्ट और शेड्यूलड ट्राइब्स के लोगों को कुचलने के लिए इन्टरस्टेड लोगों के प्रेशर में आ कर किया जा रहा है। मैं इन के विरोध में वाक साउट करता हूँ। (इंटरप्शन)।

12-35 hrs.

Shri Ram Hedaro then left the House

SHRI DASARATHA DEB (Tripura East): Is it postponed for today or for eternity?

SHRI K. RAGHU RAMAIAH : It would be unfair of me to fix any date and thereby restrict the discretion of the Government in this matter as also the wishes of the Members of the Scheduled Castes and Scheduled Tribes.

MR. SPEAKER : Now, we have the regular motion for the postponement of this business. A point was raised which I would like to answer, that is, whether business put down on the Order Paper can be changed all of a sudden. The rule 25 gives the discretion to the Speaker. If he is satisfied that there is

sufficient ground for such variation he can exercise that discretion. The Chair will not exercise this discretion though it is given under the rules. Now, there is a regular motion before the House. The House is all powerful. It can either accept it or reject it. So, I put the motion moved by Shri Rishuramiah regarding the postponement of the consideration of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill to the vote of the House.

Those in favour may say 'Ayes' and those against may say 'Noes'.

AN HON. MEMBER: Sir, we want a division.

MR. SPEAKER: Let the Lobby be cleared—

The question is :

"That the consideration of the Bill be postponed."

The Lok Sabha divided :

AYES

[Division No. 12]

12.38 hrs.

Aga, Shri Syed Ahmed
Agrawal, Shri Srikrishna
Ambesh, Shri
Aza, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Vitya Dhar
Banerji, Shrimati Mukul
Barupal, Shri Panna Lal
Basappa, Shri K.
Basumatari, Shri D.
Besra, Shri S.C.
Bhatia, Shri Raghunandan Lal
Bhattacharyya, Shri Chapalendu
Bheeshmalav, Shri M.
Chakravarti, Shri Chandulal
Chandrashekharaappa Veerabasappa, Shri
T.V.
Chaudhari, Shri Amarsingh
Chaudhury, Shri Nitiraj Singh
Chavan, Shrimati Premalabai
Chellachami, Shri A.M.
Chhotey Lal, Shri
Chikkalingiah, Shri K.

Daga, Shri M.C.
Damani, Shri S.R.
Dasappa, Shri Tulsidas
Daschowdhury, Shri B.K.
Deshmukh, Shri K.G.
Dhamanikar, Shri
Dhusia, Shri Anant Prasad
Dwivedi, Shri Nageshwar
Ganesh, Shri K.R.
Godara, Shri Mani Ram
Gomango, Shri Giridhar
Goswami, Shri Dinesh Chandra
Gowda, Shri Pampan
Hansla, Shri Subodh
Hari Singh, Shri
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri M.I.
Jayalakshmi, Shrimati V.
Joshi, Shrimati Subhadra

Kadam, Shri Dattajirao
Kakodkar, Shri Purushottam
Kaul, Shrimati Sheila
Kedar Nath Singh, Shri
Khadilkar, Shri R.K.
Khan, Shri I.H.
Kisku, Shri A.K.

Lakshminarayanan, Shri M.R.
Lambodar Baliyar, Shri
Laskar, Shri Nihar

Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Malhotra, Shri Inder J.
Mallanna, Shri K.
Mandal, Shri Jagdish Narain
Mirdha, Shri Nathu Ram
Mishra, Shri Jagannath
Mohsin, Shri F.H.
Murthy, Shri B.S.

Naik, Shri B.V.
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Tuna

Painuli, Shri Paripoornanani
Palodkar, Shri Manikrao
Pande, Shri Krushna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R.S.

Pandey, Shri Surthakar
 Panigrahi, Shri Chintamani
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parthasarathy, Shri P.
 Paswan, Shri Ram B'agat
 Patel, Shri Arvind M.
 Patil, Shri Ananttrao
 Patil, Shri S.B.
 Prahan Shri Dhan Shah
 Purty, Shri M.S.
 Raghuramaiah, Shri K.
 Ram Dayal Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao, Dr. K.L.
 Rao, Shri M.S. Sarjeevi
 Rao, Shri Pattabhi Rama
 Ray, Shrimati Maya
 Reddy, Shri K. Kodanda Rama
 Reddy, Shri M. Ram Gopal
 Reddy, Shri Sidram
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Salve, Shri N.K.P.
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Savitri Shyam, Shrimati
 Sayeed, Shri P.M.
 Shaileji, Shri Chandra

Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A.P.
 Sharma, Dr. H.P.
 Sharma, Shri R.N.
 Sidlayya, Shri S.M.
 Sidheshwar Prasad, Prof.
 Sinha, Shri Nawal Kishore
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C.M.
 Tarodekar, Shri V.B.
 Uikey, Shri M.G.
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Virbhadra Singh, Shri

NOES

Baile, Shri R.V.
 Bhaura, Shri B.S.
 Chandrappan, Shri C.K.
 Chavda, Shri K.S.
 Deo, Shri P.K.
 Kalingarayar, Shri Mohanraj
 Krishnan, Shrimati Parvathi
 Mayathevar, Shri K.
 Muruganatham, Shri S.A.
 Pandey, Shri Sarjoo
 Sen, Dr. Ranen
 Shastri, Shri Shiv Kumar
 Sinha, Shri C.M.
 Yalav, Shri G. P.

MR. SPEAKER : The result* of the division is : Ayes 121 ; Noes 14.

The motion was adopted.

*The following Members also recorded their votes :

AYES : Sarvshri Balgovind Verma, Jagdish Chandra Dixit, G.C. Dixit, Sant
 Br. Singh, Biret Ergiti, Y.S. Mahajan and M.M. Hashim ;

NOES : Sarvshri Suresh Chandra Meheriya, Sanchetkar Sankarji and Ram Hedaco.

12.44 hrs.

MERCHANT SHIPPING (AMEND-
MENT) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF SHIPPING AND TRANS-
PORT (SHRI H.M. TRIVEDI) : I beg to
move :

"That the Bill further to amend the
Merchant Shipping Act, 1958, as
passed by Rajya Sabha, be taken into
consideration."

Sir, the present Bill is intended to give
legislative effect to the provisions of two in-
ternational instruments, namely (1) Special
Trade Passenger Ships Agreement, 1971
and (2) and the protocol on space require-
ments for Special Trade Passenger Ships,
1973.

Ships which were previously called 'un-
berthed passenger ships' have now been re-
named as Special Trade Passenger Ships.

International Conventions for the Safety
of Life at Sea lay down certain standards
of construction of ships in international
trades and provision of life saving appliances
and other navigational aids.

The first international Convention for
Safety of Life at Sea was evolved in 1929.
The International Conference of 1929
appreciated the fact that the seas adjoining
India, Red Sea, Malacca Straits, Hongkong,
and Dutch East Indies were comparatively
smooth for the major part of the year and that
the atmosphere of the tropical regions pro-
vided better visibility. In view of these con-
siderations, the 1929 Conference agreed that
lower standards of safety precautions could
be accepted for unberthed ships playing
in these regions. The 1929 convention,
therefore, permitted each administration to
exempt its unberthed passenger ships, em-
ployed in carrying large number of passen-
gers in special trades from the requirements
of the convention, subject to the condi-
tions—

(a) that the fullest provisions which the
circumstances of the trade permit shall be
made in the matter of construction and

(b) steps shall be taken to formulate gene-
ral rules in this respect with such other con-
tracting States as may be directly interested
in the carriage of such passengers. In the
absence of any International organisation
like the IMCO at that time and in pursuance
of condition (b), a Conference of interested
Governments was held at Simla in 1931 which
adopted what are known as the Simla Rules,
1931.

12.46 hrs.

[SHRI P. PARTHASARATHY in the
Chair]

The standards of safety stipulated, by
the Safety of Life at Sea Convention, 1929,
were improved by another Convention adop-
ted in 1948. In the matter of passenger
ships engaged in carrying large number of
unberthed passengers in special trades, the
Convention also permitted administrations
to grant exemption in the same conditions
as in 1929. The 1948 Convention provided
for the continuance of Simla Rules, 1931,
until such time as general rules were formu-
lated as recommended in the Convention.
However, no successful international effort
was made to formulate general rules to
replace the Simla Rules, 1931.

In 1960, another International Confe-
rence was convened to improve upon safety
standards for ships in international trades.
This Convention came into force on 26th
May, 1965. However, again in relation to
ships engaged in carrying a large number
of unberthed passengers in special trades,
this Convention also permitted administ-
rations to exempt their ships from its require-
ments on the same conditions as laid down
in the 1948 Convention. It also permitted
continued application of Simla Rules, 1931,
until general rules were formulated in
consultation with other Governments
interested in the trade.

Thus, though safety standards provided
for in the Safety of Life at Sea Convention,
1929, have been successively improved by
the 1948 1960 Conventions in inter-
national trades, the exemptions granted for

[Shri H. M. Trivedi]

unberthed passenger ships in special trades continued in accordance with Simla Rules, 1931.

The disparity in safety standards applicable to unberthed passenger ships was a cause of concern for India since we have a greater stake in this traffic, both on the basis of tonnage employed and the number of Indian citizens travelling by unberthed passenger ships. We, therefore, raise the question of revision of Simla Rules in the Inter-Governmental Maritime Consultative Organisation in 1963 and persisted in our efforts which finally culminated in the emergence of (1) Special Trade Passenger Ships Agreement, 1971, which mainly updated the safety standards and observance of international health regulations; and (2) the Protocol on Space requirements for Special Trade Passenger Ships, 1973, which mainly laid down space requirements.

The Agreement of 1971 entered into force on the 2nd January 1974 and the Protocol has yet to enter into force. The ratification of the Agreement of 1971, which has already entered into force, would require the contracting party to give effect to its provisions within three months of the date of ratification. We, therefore, decided to defer ratification until legislative measures required for implementing the provisions of the agreement were completed. The present Bill when enacted will enable us to implement the provisions of both the Agreement of 1971 and the Protocol of 1973. It is proposed to ratify these instruments as soon as the Bill is passed by Parliament.

The existing Indian ships engaged in overseas special trade passenger services, by and large, comply with the requirements of the agreement and the protocol, except for minor addition to safety equipment. The Agreement and the Protocol does not apply to special trade passenger vessels, engaged in voyages of less than 72 hours duration. The full provisions of the Agreement and the Protocol will apply to new

ships constructed for special passenger trades.

Sir, I beg to move.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

श्री मोहनलाल इन्साहल (बैरकपुर) :
समापति महोदय, यह जो मर्चेंट शिपिंग (एम्पैडमेंट) बिल, 1976 मंत्री महोदय लाए हैं, उस के सम्बन्ध में मैं एक चीज कहना जरूरी समझता हूँ और वह यह है कि मर्चेंट शिपिंग एक्ट, एक्ट ९० होल को एम्पैड करने के लिए एक कमेटी 8 वर्ष पहले बिठाई गई थी और उस ने अपनी रिपोर्टें सब दे दी हैं। कितना अच्छा होता अगर उन सब रिपोर्टें सब की बेसिस पर मंत्री महोदय मर्चेंट शिपिंग एक्ट में एक्ट ९० होल एम्पैडमेंट के लिए एक काम्प्रीहेंसिव बिल लाते न कि पीसवील एम्पैडमेंट्स एक्ट में लाते।

इन के अलावा हम बिल के सम्बन्ध में दूसरी बात यह कहना चाहता हूँ कि स्पेशल ट्रेड पेसेन्जरर्स शिपिंग आज से नहीं बहुत दिनों से चल रहे हैं और हमारे मर्चेंट शिपिंग एक्ट में प्रीवीजन्स हैं, और कानून द्वारा कुछ पाबन्दियां भी लगी हुई हैं मगर जन का वायलेशन हो रहा था, उन की खिलाफतें भी हो रही थी और इन्टरवेंशन नहीं हुआ। हो यह रहा है कि माल भी लादा जाता था और पेसेन्जरर्स भी लादे जाते थे और जो लोग प्रिसेप्रिमेज के लिए जाते थे उनकी हालत बहुत खराब थी और उस को कोई देखने वाला नहीं है। उन के डायट को कोई देख भाल नहीं होती है और वे किस तरह से यात्रा करते हैं कोई इस को देखने वाला नहीं है। मैं आप को बताऊँ कि यहाँ तक होता है कि लेटरिन्स के सामने उन को सुलाया जाता है और

स्टोर्स को हटा कर गोदाम में सुलाया जाता है। अब वे लोग तो पिलग्रीमेज के लिए जाते हैं, हज करने के लिए जाते हैं, वे इस को बंशित करते हैं।

इसी तरह की हालत वहां पर जो कू होता है और जो लोग उस में काम करते हैं उन की है। उन की डायट का ठीक इन्तजाम नहीं होता है और पैसेन्जर्स के सामान को इधर से उधर करने का काम उन से लिया जाता है। और उन को सोने के लिए डांक में एक कोने में जगह दे दी जाती है हालांकि उन के सोने के लिए जगह है और सब कुछ है। उन के सोने का बहुत खराब इन्तजाम है।

मैं यह भी बताना चाहता हूँ कि पैसेन्जर्स की डायट को देखरेख के लिए कमेटियां बनी हुई हैं लेकिन वे कमेटी कभी मीट नहीं करती हैं। कलकत्ते में कमेटी है और बम्बई में पैसेन्जर्स के वेलफेयर के लिए कमेटी है और इस बिल को लाने के पहले मंत्री महोदय इस बारे में पूछ ताछ कर लेते कि वे बैठती हैं या नहीं। वे कमेटियां कभी नहीं बैठती हैं। नेशनल शिपिंग बोर्ड में एक मेम्बर थे उनको कमेटी में रख दिया। वे कभी मीटिंग में नहीं गये। ऐसे लोगों को कमेटियों में बिठा दिया जाता है जो कभी मीटिंग नहीं बुलाते हैं और न मीटिंग में जाते हैं। कामज में तो सब कुछ ठीक है मगर प्रेक्टिकल डिफिकल्टीज सामने आती हैं जिनको दूर नहीं किया जाता है। मीनिंग के बारे में भी इस बिल में कोई खयाल नहीं किया गया है। 1929 से इस के बारे में बात चीत हो रही है। हनारी सरकार और डिपार्टमेंट में हर तरह से बातें हो रहीं हैं और नेशनल, इन्टर नेशनल प्रोटोकोल और तमाम एग्जिमेन्ट्स हो रहे हैं, सब कुछ हो

रहा है, मगर इम्प्लीमेंटेशन कुछ नहीं होता था, अब जाकर किया है, इसके लिए हम धन्यवाद देते हैं। इस एक्ट के हम खिलाफ नहीं हैं। इससे कुछ राहत उन को मिलेगी।

इस से यह पता चलता है कि नम्बर आफ पैसेन्जर्स क्या होंगे। पहले यह भी ठीक नहीं था। पहले शिप ओनर्स अपने आप इनका नम्बर, मुकर्रर किया करते थे। मरीन का रूट फ्रेम नहीं था। यह ठीक नहीं था कि जहाज में कितने कू होंगे, कितने एम्प्लायर होंगे। जहाज के मालिक जितने चाहे उतने ले जा सकते थे। इस बिल में यह कहा गया है कि जहाजों की कंस्ट्रक्शन के बारे में किस तरह से जहाजों को रखना होगा, कितनी देर में उसे ठीक करना होगा। उनकी हिफाजत के लिए बैंक में पैसा रखना होगा।

इस बिल में यह भी कहा गया है कि पैसेन्जर्स की हिफाजत के लिए मेडिकल इन्तजाम करना होगा, हास्पिटल रखना होगा। इसके मायने यह है कि अब तक शिपों में पैसेन्जर्स की दवाओं का इन्तजाम नहीं होता था। अब हास्पिटल रखे जायेंगे, मेडिकल आफिसर रखे जायेंगे। अब तक क्या होता था? जो लोग जहाजों पर भर जाते थे उन्हें कपड़े में बांध कर नीचे पानी में फेंक दिया जाता था। (ध्यान) शिप ओनर्स जिन्होंने कि लाखों करोड़ों रुपया कमाया है, वे बहुत ही कंजूसी से काम लेते थे।

इस बिल के आने की जरूरत क्यों पड़ी? मैं समझता हूँ कि वर्ल्ड में आज रिसेशन है। जहाजों पर कम माल आ रहा है। यहां से भी कम माल जा रहा है। वहां से भी कम आ रहा है। इस को लाने का मकसद यही हो सकता है कि इन जहाजों में हम माल लायेंगे

[श्री मोहम्मद इस्माइल]
और पैसेंजर्स भी लायेंगे। इसी मसूदा के लिए यह बिल लाया गया है।

इन जहाजों से हर साल एक लाख पैसेंजर्स पिलग्रिमेज पर जाते हैं। केवल पिलग्रिमेज पर इन्ने पैसेंजर्स जाते हैं। स्मगलर्स का यह सब से बड़ा जरिया माल लाने का है। उनकी कोई चेकिंग नहीं होती। इस बिल में यह प्रोविजन होना चाहिए और मैं अमेंडमेंट रखना चाहता हूँ कि जहाजों पर जो पैसेंजर्स आते जाते हैं उनका पुलिस वैरिफिकेशन होना चाहिए। यही नहीं कि उन के पासपोर्ट वगैरह देख लिये जायें। अगर पुलिस वैरिफिकेशन होगा तो स्मगलर्स आसानी से चीजें नहीं ला सकेंगे। इसलिए इस बिल में पुलिस वैरिफिकेशन को क्राज को भी इंट्रोड्यूस किया जाय।

जो जहाज चलाते हैं ये सब कंडन डाला में होते हैं। आनजा कर देवें कि स्टेट आफ डिरिगांस को, नॉनररी को और इंटरनैड को करा जाना है। ये सब शिपिंग कौन्सिल के जहाज हैं। आन इस में एक बंटे नहीं रह सकेंगे। इन कंडन जहाजों को कोस्टल सर्विसिज में यूज किया जाता है। ये कंडन जहाज चल रहे हैं। ये अडमान जाते हैं, मद्रास जाते हैं और भी जगहों पर जाते हैं। इन में कोस्टल रॉयल को ले जाया जाता है। ऐसे बड़ा से जहाज हैं, पैंने दो-तीन जहाजों का नाव मैगन किया है।

MR CHAIRMAN : Mr Ismail, you can continue your speech at 2 p.m. The House now stands adjourned to meet again at 2 p.m. Mr. Ismail will continue his speech.

3 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha reassembled after lunch at four minutes past Fourteen of the Clock

(MR. DEPUTY-SPEAKER in the Chair)

MERCHANT SHIPPING (AMENDMENT) BILL—contd.

श्री मोहम्मद इस्माइल : उपाध्यक्ष महोदय, मैं यह कह रहा था कि जब किसी एकट में तबदीली करने के बिल को मंत्री महोदय लाते हैं तो उससे बहुत से सवाल उठ खड़े हो जाते हैं। इनलैंड सर्विसिस का भी सवाल उठ खड़ा होता है। एक जगह से दूसरी जगह जब लोग जाते हैं और इनलैंड सर्विस का इस्तेमाल करते हैं तो उनकी कोई देखभाल नहीं होती है। इस चीज पर मिनिस्टर साहब ने सीरियली विचार भी नहीं किया है। स्टोमर्ज वगैरह में जो पैसेंजर जाते हैं, लाखों की तादाद में जाते हैं, उनकी सेफ्टी का प्रबन्ध नहीं होता है। ये लोग उन जगहों पर जाते हैं जहां उनका अपना कोई नहीं रहता है। नावों में बैठ कर भी इनको जाना पड़ता है। सैंकड़ों की तादाद में जाते हैं। कभी-कभी ऐसा भी होता है कि नाव उलट जाती है। ये तनाम चीजे हैं जिन को तरफ आपको ध्यान देना चाहिये था। इनकी कुछ व्यवस्था आप करते और इनके बारे में भी अगर आप अमेंडमेंट लाए होते तो बहुत अच्छा होता। सारे एकट में जिन तबदीलियों की आवश्यकता थी उनको आपको करने के लिए बिल लाना चाहिये था। मुझे यही कहना था। आखिर मैं यही 2, 4 बार्नें मुझे कहनी हैं, ज्यादा मुझे कुछ कहना नहीं है, मैं कह चुका हूँ।

प्रिंसिपल एकट में जो ये तबदीली लाना चाहते हैं, उसके बारे में मैं यह कहना चाहता हूँ कि इन जहाजों में सिर्फ पैसेंजर्स की तादाद का ख्याल ही न रखा जाये बल्कि पिलग्रिम्स और हज करने के लिये जाने वालों के अलावा जो और लोग स्मलिंग परपज के लिये हिन्दुस्तान से जाते और आते हैं, उनकी खास तौर से टिकट के वक्त और जहाज में बैठकर जाने

के वक्त चैकिंग होनी चाहिये और पुलिस]
 वैरीफिकेशन होनी चाहिये । इन्ही तरह से
 बाहर से भी जो आते हैं, उनकी भी चैकिंग
 होनी चाहिये । इनसे स्मगलरों को डर रहेगा
 और चैकिंग होती है, इनकी सॉरियमर्नस
 का भी पता चलेगा । मैं चाहता हूँ कि मंत्री
 महोदय इस पर अच्छी तरह से गौर करें और
 फिर इसको तबदील करने की कोशिश करें ।

जहाज में कितने पैसेज्जर जायेंगे और
 कितने क्रू जायेंगे, इसका सर्टिफिकेट देना
 होगा, इन बारे में मैं यह चाहता हूँ कि पैसेज्जर
 शिपों में पैनिंग का कोई क्याल नहीं रखा
 जाता है । उसमें कितने क्रू जायेंगे या नहीं,
 इस तमाम बात का दारोमदार शिप के मालिक
 पर होना है । मैं चाहता हूँ कि इस बारे में
 रून फ्रेम होना चाहिये, खास तौर पर यह
 कि उनमें कितने पैसेज्जर होंगे और कितने
 क्रू जहाज को चलाकर ले जायेंगे । इनमें
 पैनिंग ठीक होनी चाहिये । पैसेज्जरों के खाने
 और उनके रहने के इन्तजाम बगैरहा के बारे
 में भी खास तौर से ध्यानको देखना होगा ।

हस्पताल और मैडिकल आफिजर के
 बारे में खासतौर से यह देखना पड़ेगा कि ह्पेक
 जहाज के जाने के बाद डाक्टर को स्टैटमेंट
 सबमिट करना होगा कि उनमें कितने बीमार
 हुए और किम बंमारी मे बीमार हुए । यह
 नहीं होना चाहिये कि डाक्टर ड्यूटी पर गये
 और कुछ नहीं किया । पैसेज्जर भी चले गये
 और डाक्टर भी चले गये । अभी उनकी कोई
 जिम्मेदारी नहीं है । उनकी जिम्मेदारी होनी
 चाहिये कि सब बानों का स्टैटमेंट यह दें ।

मैं यह भी कहना चाहता हूँ कि अगर
 इन तमाम कानूनों की खिनाफवर्जी अगर कोई
 मालिक, शिप-ओनर करे तो उन्हें सजा भी
 होनी चाहिये । किसी को 300 रुपये जुमाने
 होगा, किसी को कुछ यह काफी नहीं है ।
 जहाज के मालिक करोड़पति होते हैं । उनको
 इस तरह के जुमाने की कोई परवाह नहीं
 होती है । बिरला साहब की स्टीम नैवीगेशन

कम्पनी है, वह 2, 4 और 5 सी रुपये की
 कुछ परवाह नहीं करते हैं । उनको सजा होनी
 चाहिये, पनिशमेंट मिलना चाहिये । जेल भी
 हों और फाइन भी । मैं मंत्री महोदय से पूछना
 चाहता हूँ कि वह जेल क्यों नहीं रखते, उनको
 इन लोगों से क्या प्रेम है । अगर 6000 रुपये
 भी फाइन कर दें तो ये लोग फौरन दे देंगे,
 मगर फिर भी गलती करने रहेंगे । मेरा कहना
 है कि इनके लिये जेल भी होनी चाहिये,
 फाइन भी रखना चाहिये ।

जनरलतौर से मैं यही कहना चाहता हूँ
 कि रूल्स फ्रेम करने चाहिये मैनिंग के लिये ।
 आमतौर से शिप में यही कम्पलेंट ज्यादा है ।
 दुनिया भर में मैनिंग ठीक है, जहाज में कितने
 आदमी जायेंगे, इन बारे में विदेश की कंपनियों
 ने और सरकारों ने रून बनाये हुए हैं, मगर
 हमारी सरकार आज तक यही कहती रही कि
 इसकी जरूरत नहीं है । मालिक जितना
 चाहेंगे इंजन में ले जायेंगे, जितना चाहेंगे
 डैक पर ले जायेंगे । इस के लिये रून की
 जरूरत नहीं है । मालिक और यूनियन को
 राय कर के ले जा सकते हैं, यह गलत चीज है ।

यह एक इंटरनेशनल ट्रेडीशन है, कंवेणन
 है कि जहाज के बनते वक्त मालूम हो जाता
 है कि कितने पर कितने आदमी काम करेंगे
 इसके लिये गवर्नमेंट को रून बनाना चाहिये
 कि कितने आदमी ले जाने होंगे, कितने क्रू
 ले जाने होंगे, यह कम्पलनरी है । जहाजों
 के मालिक पूरे आदमी न ले कर शिप क्रू का
 वर्कलोड बढ़ाते हैं, जिस से क्रू को बड़ी तकलीफ
 और परेशानी होती है । इस लिए मैं मंत्री
 महोदय से यह अपील करूंगा कि पैसेज्जर
 शिप्स के क्रू और मैनिंग के बारे में रूलज
 बनाये जायें ।

श्री जगन्नाथ मिश्र (मधुबनी) : उपा-
 ध्यक्ष महोदय, मुझे यह कहते हुए बड़ी
 प्रसन्नता हो रही है कि इस विधेयक का
 प्राक्य और संशोधनों की संरचना बड़ी

[श्री जगन्नाथ मिश्र]

व्यापक और महत्वपूर्ण है। इस लिए सदन में इस विधेयक का समर्थन होना स्वाभाविक है और मैं भी इस का समर्थन करता हूँ।

इस विधेयक के दो मुख्य उद्देश्य हैं : 1971 के स्पेशल ट्रेड पैसेंजर शिप्स एग्रीमेंट और 1973 के प्रोटोकॉल का क्रियान्वयन करना, और इसी परिप्रेक्ष्य में इस विधेयक और इन संशोधनों पर विचार करना चाहिये।

इस विधेयक में "ग्रनबर्थंड पैसेंजर शिप" का नाम बदल कर "स्पेशल ट्रेड पैसेंजर शिप" रख दिया गया है, जिस का हिन्दी अनुवाद है : "विशेष व्यापार यात्री पोत"। समुद्र में जीवन की सुरक्षा के लिए 1929 में एक इन्टरनेशनल कॉन्वेंशन हुई, जिस ने इस विषय पर एक इन्टरनेशनल कन्वेंशन को स्वीकार किया। उस के बाद 1931 में शिमला में एक एग्रीमेंट हुआ, जिस में सुरक्षा के सम्बन्ध में कई नियम बनाये गये।

यह भी सोचा गया कि भारत और इस क्षेत्र के अन्य देशों के पोतों का सम्बन्ध अधिकतर रेड सी, मलक्का, स्ट्रेट्स, हांगकांग और इंडोचाइना आदि से रहता है, जहाँ समुद्र बहुत स्पृथ है, इस लिए वहाँ सेफ्टी के लो स्टैंडर्ड से भी काम चलाया जा सकता है। समय-समय पर यह सोचा जाता रहा है कि इन सुरक्षा नियमों में क्या सुधार लाया जाये और यात्रियों को क्या सुविधायें दी जायें आदि। 1960 में जो सेफ्टी कन्वेंशन स्वीकार की गई, उस का क्रियान्वयन 1965 में हुआ। सेफ्टी के स्टैंडर्ड में डिसपैरिटी, विभिन्नता होने के कारण भारत को बहुत परेशानी रहती थी। इस लिए उस ने 1963 में इन्टर-गवर्नमेंटल मैरिटाइम कनसल्टेटिव आर्गनाइजेशन में इस सवाल को उठाया। 1971 का स्पेशल ट्रेड पैसेंजर शिप्स एग्रीमेंट तो 1974 में लागू हो चुका है। लेकिन 1973

के प्रोटोकॉल का अभी तक क्रियान्वयन नहीं हुआ है। इन दोनों समझौतों का मुस्तादी से और ठीक तरह से क्रियान्वयन हो, इस उद्देश्य से यह विधेयक लाया गया है।

विधेयक में जो संशोधन रखे गये हैं, उन की संरचना बिल्कुल साफ है। इस बात की व्यवस्था की गई है कि यात्रा करने से पूर्व कौन-कौन सी शर्तें पूरी करनी होंगी, जिस जहाज में यात्रा करना है, उस की क्षमता क्या होगी, भ्रमर यात्री की मृत्यु हो जाय तो उस हालत में जो जहाज के मालिक हैं उन का क्या कर्तव्य होता है, उस के बाद जहाज पर कितने चिकित्सक हों और किस तरह से बीमारी की हालत में बीमारों की सेवा करें, अस्पताल की व्यवस्था कैसी हो, इन सारी बातों की व्यवस्था की है। फिर किस तरह के जहाज तैयार किए जायें सफर के लिए और अगर इन सारी जगहों में कहीं गलती की जाय तो उस के लिए उन को क्या दण्ड मिले इस की भी व्यवस्था उन्होंने की है और कहा है कि :

"यदि कोई मास्टर, स्वामी या अभिकर्ता धारा 255 की उपधारा (6) का उल्लंघन करेगा तो उसे दो हजार रुपये तक का जुर्माना हो सकेगा।" दूसरा इन का कहना है कि :

"यदि चिकित्सा अधिकारी और परिचारक धारा 259 की उपधारा (4) के खंड (क) के अनुसार किसी तीर्थयात्री पोत में नहीं ले जाए जाते हैं तो मास्टर, स्वामी या अभिकर्ता, धारा 259 की उपधारा (4) के खंड (क) के उल्लंघन में की गई प्रत्येक समुद्र यात्रा के लिए जुर्माने से बंधनीय होगा जो तीन सौ रुपये तक का हो सकेगा।"

मैं इस में कुछ संशोधन चाहता हूँ क्यों कि यह जुर्माना बहुत कम है। कम से कम 5 हजार से कम जुर्माना पहली हालत में नहीं होना चाहिए और दूसरी हालत में 500 से कम जुर्माना नहीं होना चाहिए।

बाकी धीर बातें इसमें बहुत अच्छी हैं। यात्रियों के लिए कुछ बहुत ही सुविधाजनक और आरामदायक व्यवस्थाएं आप ने की हैं।

मैंने एक जहाज को अपनी घांखों से जाते हुए देखा, उसमें क्या स्थिति मैंने देखी उस का बर्णन नहीं करूंगा तो मैं समझूंगा कि मैंने अपने कर्तव्य का पालन नहीं किया। मैं बम्बई में था और एक जहाज भक्का जाने वाला था। उसको देखा कि सुबह से वह जहाज लगा हुआ है और यात्री उसमें जा रहे हैं। हम लोगों से भी आग्रह किया गया कि हम लोग जा कर देखें कि जहाज की क्या स्थिति है। यह कोई 4 बजे की बात है। मैं 4 बजे वहां पहुंचा था तो देखा कि उस समय उसमें तनिक भी जगह नहीं रह गई थी जिसमें कि कोई भी यात्री उसमें और जा सके। लेकिन फिर भी यात्रियों का आना जारी था। इस के अलावा मैंने देखा कि जो यात्री भीतर थे और डेक पर थे, धूप और वर्षा से उन की रक्षा के लिए कोई प्रबन्ध नहीं था। मुझे आश्चर्य लगा कि इतनी दूर और इतने दिनों की यात्रा में कैसे वे धूप और वर्षा से अपनी रक्षा कर सकेंगे और उम को बर्दास्त करने के बाद वे बीमार क्यों नहीं हो जायेंगे? यह चिन्ता उस समय मेरे मन में जगी। तो ऐसी स्थिति भी चिन्तनीय है। मेरा आग्रह होगा कि जहाज में कितने यात्रियों को ले जाने की कैपेसिटी है यह बिल्कुल स्पष्ट होना चाहिए और कैपेसिटी के मुताबिक ही टिकट दिए जाने चाहिए। अगर यात्रियों की संख्या बहुत अधिक होती है तो दूसरा जहाज चला सकते हैं। अगर प्र.इ.वे.ट. मालिक जहाज का होता है तो जो हालत बसों की होती है वही जहाज की भी होगी। जितने ज्यादा यात्री लेंगे उतनी ही आमदनी होगी, यह जो उन की प्रवृत्ति है इस प्रवृत्ति को आप कम भल ही करा दें लेकिन वह किसी न किसी रूप में बनी रहेगी और इस को वे छोड़ नहीं सकते हैं। इसलिए अगर किसी तरह यह संभव हो तो इस का राष्ट्रीयकरण आप कर लें और इस

का संचालन अपने हाथ में ले लें क्योंकि यह बहुत महत्वपूर्ण काम है और मानवता की रक्षा का काम है। अगर ऐसा आप कर सकें तो यह बहुत अच्छा होगा और यात्रियों को अधिक सुविधा और आराम आप पहुंचा सकेंगे, ऐसा मेरा विश्वास है। प्राइवेट मालिक यह काम नहीं कर सकते हैं।

दूसरी बात—जहाज पर जो यात्रियों की मृत्यु हो जाती है तो मृत्यु हो गई, केवल इतनी रिपोर्ट ही काफी नहीं है। उसकी जांच होनी चाहिए कि किस स्थिति में उसकी मृत्यु हुई? क्या उसको जहाज में रहने में असुविधा मिली या चिकित्सा ठीक से नहीं हो सकी? किस कारण उसकी मृत्यु हुई इसकी जांच हो और अगर उसके अपने दोष से नहीं, किसी धीर अव्यवस्था या दवा आदि के कारण उसकी मृत्यु हुई है तो जिन तरह और दुर्घटनाओं में दुर्घटनाग्रस्त हुए व्यक्ति के परिवार को मुआवजा देने हैं उसी तरह मेरा आग्रह होगा कि इस तरह की मृत्यु की हालत में उन के परिवार को भी मुआवजा अवश्य दिया जाय। इसकी व्यवस्था हम विधेयक में नहीं है। मेरे विचार से यह बहुत ही आवश्यक है और हम विधेयक में इस के लिए व्यवस्था आनी चाहिए।

एक छोटा सुझाव और है। आप ने जो व्यवस्थाएं हम विधेयक में की हैं उनका पालन ठीक से और मुस्तैदी से हो तभी यह कारगर हो सकेगा अन्यथा बहुत सारी बातें और नियम पास हो जाते हैं किन्तु वे काम में नहीं आते हैं और लोगों की मुसीबतें कायम रहती हैं। जो अगर आप सच्चे हृदय से मानवता की सेवा के उद्देश से यह विधेयक लाए हैं तो आप हम के लिए भी तैयार रहें और देखें कि इनका पालन ठीक तरह से होता है या नहीं और पालन न होने पर जैसा मैंने कहा आप सबन दण्ड उम के लिए हैं।

इसके बाद मेरा निवेदन है कि जो जहाज चलते हैं उनकी व्यवस्था इतनी सुन्दर होनी

[श्री जगन्नाथ मिश्र]

चाहिए कि लोग स्वयं उनकी और आकर्षित हों। जितने ही अधिक लोग आकर्षित होंगे उतना ही आपको भी फायदा होगा। यदि लोगों को आने जाने में अधिक सुविधा मिलेगी तो ज्यादा लोग आ जा सकेंगे। इसका आपको पहला फायदा तो यह होगा कि आप विदेशी मुद्रा कमा सकेंगे, दूसरे आपको सुयश मिलेगा इसलिए आप इस बात को अपने हाथ से जाने दें। इस बिल को लाकर आपने बड़ा सुन्दर काम किया है, मैं तहेदिल से इसका समर्थन करता हूँ और आपको धन्यवाद भी देता हूँ।

श्री रामावतार शास्त्री (पटना) :
उपाध्यक्ष जी, जो विधेयक हमारे सामने है उसके सिलसिले में मैं एक दो बातें कहना चाहता हूँ। यूँ मुझे पानी के जहाजों में यात्रा करने का कम अवसर मिला है इसलिए मेरी व्यक्तिगत जानकारी तो बहुत नहीं है फिर भी 1969 में जब मैं आंकलन समिति का सदस्य था तो उस समय अद्यमान जाने का अवसर मिला था और वहाँ कई द्वीपों में पानी के जहाजों से ही जाना पड़ा था—इस लिए थोड़ा सा अनुभव है। उसी अनुभव के आधार पर मैं एक दो बातें कहना चाहता हूँ। इस विधेयक में उन बातों की चर्चा भी है।

यात्री जहाजों की सुविधाएँ ज्यादा से ज्यादा बढ़ाई जायें यह हम सभी लोग चाहते हैं ताकि उससे देश की आमदनी बढ़े, विदेशी मुद्रा भी अधिक अर्जित हो और हमारे देश के लोग यात्रा करने के ज्यादा से ज्यादा आदी हों। यूँ हमारे देश से हर साल काफी संख्या में मुस्लिम भाई हज करने जाते हैं और दूसरे लोग भी यात्रा करने जगह जगह जाते हैं। तो उन यात्रियों को हम विशेष रूप से सुविधाएँ दें ताकि वे यात्रा करने की तरफ आकर्षित हों। लोग तभी इस ओर आकर्षित होंगे जब आप विशेष प से उन्हें सुविधा प्रदान करेंगे। अभी जो व्यवस्था है, खास तौर से जो जहाजों के मालिक होते हैं उनकी

मंशा और उद्देश्य ज्यादा से ज्यादा मुनाफा कमाना होता है। ज्यादा से ज्यादा उनकी आमदनी बढ़े, इसी बात को लेकर वे सारी व्यवस्था करते हैं। जब इस तरह की बात होती है तो स्वाभाविक है कि यात्रियों की सुविधा की तरफ उनका ध्यान कम जाता है। आपने बिल में इसकी चर्चा की है। मेरा निवेदन होगा, जिन बातों की आप चर्चा कर रहे हैं, उसमें एक तो जो जहाज हों वे अच्छे होने चाहिए। अभी ऐसा होता है कि बहुत से जहाज, जिनकी और जगह आवश्यकता नहीं रह जाती है उनको आप वहाँ भेज देते हैं जिनकी स्थिति स्वयं ही ठीक नहीं होती है। तो जहाज अच्छे होने चाहिये ताकि यात्रि ज्यादा आकर्षित हों। उनमें खाने-पीने की व्यवस्था भी ठीक रहे। उनकी सेवा शुभ्रू, चिकित्सा की व्यवस्था भी ठीक रहे। अभी आपने जो चिकित्सा की बात कही है उसमें जिस जहाज में एक हजार तक यात्री यात्रा करेंगे उसमें एक चिकित्सा पदाधिकारी रहेगा और जिन जहाज में एक हजार से अधिक यात्री यात्रा करेंगे उसमें दो चिकित्सा पदाधिकारी हो सकते हैं। एक हजार आदमी कम नहीं होते। यदि एक चिकित्सा पदाधिकारी रहेगा यानी एक डाक्टर तो वह कितने लोगों की देख-भाल कर सकेगा? जहाँ ज्यादा भीड़ इकट्ठी रहती है वहाँ पर स्वास्थ्य का खतरा भी अधिक रहता है। तो ऐसी जगह व्यवस्था व्यापक होनी चाहिए। आपने एक हजार यात्रियों तक एक और एक हजार से अधिक यात्रियों के लिए दो डाक्टरों की व्यवस्था की है, मेरा निवेदन है इसको बढ़ाया जाना चाहिए। यह व्यवस्था बहुत कम है। आप अधिक डाक्टरों की व्यवस्था करें ताकि बीमार पड़ने वाले यात्रियों की ठीक प्रकार से सेवा शुभ्रूषा की जा सके और उन्हें उचित चिकित्सा उपलब्ध कराई जा सके। साथ ही दवा दारू का बन्दोबस्त भी ठीक होना चाहिए। आज हम जानते हैं हमारे देश में बहुत जगह डाक्टर और अस्पताल है लेकिन वहाँ जब हम जाते हैं तो बहुत जगह दवा नहीं मिलती है। इतना ही नहीं, यात्री जहाजों में ऐस

न हो कि यात्रा करने निकले, लेकिन डाक्टरों की व्यवस्था ठीक नहीं है, डाक्टर तो है लेकिन दवा नहीं है, दवा है, लेकिन परिचारक या परिचारिका नहीं है—इस तमाम बातों की तरफ विशेष रूप से ध्यान देना होगा। यद्यपि इस बिल में आप ने इन बातों की चर्चा तो की है, लेकिन मैं फिर भी इन पर जोर डाल रहा हूँ ताकि ये व्यवस्थाएँ ठीक रहें।

आप ने इस बिल में 48 घण्टे और 72 घण्टे की चर्चा की है, लेकिन फिर भी जहाज के मालिक ज्यादा पैसा कमाने के लिये ऐसा न करने पायें कि जितनी कैपेसिटी है, जिनसे लोग ले जा सकते हैं, उस से ज्यादा भर लें। जिस से रात में विद्या की उचित व्यवस्था न हो सके, लोग ठीक से विश्राम न कर सकें, इस तरफ आप को ध्यान देना चाहिए।

सुरक्षा की तरफ भी आप को विशेष ध्यान देना होगा। हम सब जगह सुरक्षा की बात करते हैं, लेकिन जितना ध्यान हम की तरफ जाना चाहिये, उतना नहीं जाता है। आप ने हम में यह चर्चा आवश्यक की है कि अगर कोई जहाज मालिक या मास्टर या दूसरे कर्मचारी हम मामले में ठीक ध्यान न दें, कोई गलत काम करें, जिस से यात्रियों को नुकसान पहुँचे, तो उन के लिये आप न केवल दतनी सजा का प्रावधान किया है कि उन पर जुर्माना किया जा सकता है। केवल जुर्माने की सजा रखने से वह गलती रूक नहीं गयेगी, इस के लिये ज्यादा सख्ती बरतनी चाहिये, तभी वे यात्रियों के प्रति सहानुभूति दिखाना सकेंगे। इस लिये इस में कुछ सजा की व्यवस्था जरूर होनी चाहिये, जुर्माना कर के छोड़ देना पर्याप्त नहीं है।

मेरी जानकारी है कि नेशनल शिपिंग बोर्ड ने कुछ सिफारिश की थी कि जहाजरानी के सम्बन्ध में कुछ व्यापक कानून लाये जाने चाहिये, जिस में इन्लैंड वाटर ट्रांसपोर्ट को भी शामिल किया जाय तथा अन्य सभी मामलों को शामिल किया जाए। आप के पुराने

कानून बहुत पुराने हो गये हैं, उन में परिवर्तन की बहुत गुंजाइश है। आप जो अलग अलग पीसमील तरीके से कानून ला रहे हैं, इस से जो आप का उद्देश्य है, आप उसे हासिल नहीं कर सकेंगे। मेरी जानकारी है कि नेशनल शिपिंग बोर्ड ने कोई रिपोर्ट आपके सामने पेश की है मैं नहीं समझ पा रहा हूँ कि सरकार उन सिफारिशों को दृष्टि में रखते हुए कोई व्यापक कानून क्यों नहीं ला रही है। ग्राज इन्लैंड वाटर ट्रांसपोर्ट को डेवलपमेंट करने की बहुत आवश्यकता है। ऐसी आवाज भी लगाई जा रही है कि इस को बन्द कर देना चाहिये क्योंकि इस में घाटा होता है, हम रेल या दूसरे ट्रांसपोर्ट सिस्टम से कम्पीट नहीं कर पा रहे हैं, ज्यादा माल नहीं ढो पाते हैं, ढोने की दर भी महगी पड़ती है। लेकिन मैं ऐसा ममत्ता हूँ कि सही तरीके से इस को विकसित किया जाय तो हम में कागयावी मिल सकती है, इन के द्वारा बेकारी की समस्या हल होगी और सरकार की आमदनी बढ़ेगी, लोगों का समाधान भी जल्दी पहुँच सकेगा। इस लिये मैंने आप से अनुरोध किया है कि आप कोई व्यापक बिल लाइये ताकि उन में इन्लैंड वाटर ट्रांसपोर्ट, उन के कर्मचारियों की समस्याएँ, यात्री जहाजों की समस्याएँ तथा उन के कर्मचारियों की समस्याएँ हल हो सकें। इन सब पर व्यापक दृष्टिकोण से विचार कर के व्यापक बिल लाना चाहिये।

इन शब्दों के साथ मैं समझता हूँ कि यह बिल जिसे आप यहां लाये हैं, ठीक है लेकिन जिन कमियों की ओर हम लोगों ने इशारा किया है, उन की तरफ सरकार का ध्यान जाना चाहिये ताकि यात्री जहाजों के द्वारा यात्रा के लिये ज्यादा से ज्यादा आकर्षित हों और उस से सरकार को प्राय भी बढ़े।

SHRI B. V. NAIK (Kanara) : I welcome this non-controversial Bill.

There is a provision in clause (3) that 'pilgrimage' means 'pilgrimage to any holy place in the Hedjaz or to any other place

[Shri B. V. Naik]

declared by the Central Government to be a place of pilgrimage by notification in the Official Gazette.' Will the hon Minister kindly enlighten us what other places are indicated because by traditions and justifiable compulsions of religion our Muslim brethren in this country want to find fulfilment by going on Haj ?

There is a very large proportion of Catholics in our country. I think to cater their needs is within the capacity of the Indian Merchant Shipping and the fleet including the Mughal Lines—a principal line concerned doing at present this pilgrimage oceanic haj. I am not very sure about the statistics, but the Christian population will be in millions. The proportion will be 1/5th or 1/10th and the number will be in the neighbourhood of 1 crore. A sizeable number of people would like to visit Vatican when there is Pope's audience or are other religious functions. That aspect may please be looked into. At present the Christian Catholic friends in particular have been denied that facility. I hope the Government issues a notification to take care of the justifiable aspirations of our Christian friends.

There is a provision regarding the space. Of course, I haven't given an amendment. The space provided for each passenger is 0.37 sq. metres. We did not have a good opportunity to travel on these passenger ships. The space seems to me to be woefully lacking. I do not know whether it is due to cost or some other expenses. This is not being handled by the Shipping Corporation of India but by its subsidiary. Is it not possible to increase this space ? It may not be possible to just double it, but the space of 0.37 sq. metres per passenger, which is hardly 3' x 6', may please be increased. Is it not possible to do so ? This may please be done by making certain changes in the fares.

One of the major problems, though I do not know whether it falls into the cate-

gory of special passenger ships, is that on the West Coast traditionally a highly populated area, from Cochin to Bombay—transactions were being made with the help of ships. Now because of the local conditions and more particularly due to the local pressures the Shipping Ministry has concentrated to the passenger ships on the West Coast to ply from Bombay upto Goa. That takes care of hardly half the passengers. Bombay to Goa is well taken care of by rail and road transport facilities. The worst affected areas are in the Indian Peninsula, south of Goa, where there is no direct rail connection and it takes the longest time from Delhi to Mangalore, virtually about 84 hours for reaching the destination. I think without looking into the cost, the whole of the west coast may be serviced for a longer duration. In the summer season, people invariably go back to their respective homes. Though it is not a pilgrimage, it is not motivated by any religion, but they go back to their villages with a spirit of national integration, with a feeling of give and take. I suggest that efforts in this regard may be made by the hon. Minister.

Thanks to the efforts made by some distinguished Members from the opposition. It has been decided now from Bombay to Goa only.

At least now when we are in a position to raise our voice for the hearing of the Minister, I do hope that this will be extended by a few hundred miles down south and that the dire necessities of the travelling public of that area will be looked into. I support the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI H. M. TRIVEDI) :
Sir, I am thankful to the hon Members who have participated in the Debate. I will just touch upon the few points which have been raised.

Mr. Mohd Ismail referred to and I think Mr. Ramavatar Shastri also referred to the overall amendment of the Merchant Shipping Act.

As I explained in my preliminary statement, this Bill is mainly confined to amendments which became necessary to the Merchant Shipping Act in order that we may be able to implement the two international conventions which have come into being at our own instance.

Therefore, any overall amendment of the Merchant Shipping Act is not being attempted. In fact, it is a separate subject altogether.

There was a point made that owners will be inclined to carry more passengers than are in fact certified. I would like to say that this Bill itself provides that the shipowner will have to carry a certificate showing the total number of passengers which the ship is entitled to carry.

Secondly, there is also an independent agency of Government, namely, the Principal Officer, Merchantile Marine Department, who is not connected with the owners, who in fact has got the authority to check the number of passengers on board the ship. If there is any violation or if the number of passengers on board the ship is in fact larger than what the ship is certified to carry there is penalty provided for that. I don't think that except in rare cases where you have two ways—in air travel—you have this sometimes,—there is any danger of a larger number of passengers being carried than what the ship is entitled to carry.

Then references were made about smugglers travelling as passengers on Hisj. If a smuggler chooses to travel as a pilgrim I do not think it is necessary to discontinue the passenger service. But I may assure the hon. Member that there is checking at both ends, by customs and other authorities, when he gets into the ship and when he lands, etc. Therefore, such a thing is not likely to arise.

References were made to Medical Officer. This Bill has provided for one Medical Officer for every thousand passengers and two if this number exceeds one thousand.

These are short sea voyages, not very long distance voyages. In other words, the kind of ailment one comes across on shore may also be the kind of ailment he may come across in the ship also. These are relatively short sea voyages and therefore it is not necessary to keep a large number of doctors.

References were made to inland services. For inland services we have a totally separate statute, the Inland Steam Vessels Act. This provides for certificates from ship owners about the number of passengers carried.

I would like to inform Mr. Shastri that implementation of these international conventions would in fact mean that the facilities which ought to be made available to pilgrims are in fact made available in a regular manner. I would like to stress this fact. It is at our instance that we were able to move the international organisation to adopt an agreement which updated safety standards. We also insisted upon separate protocol defining the kind of space which will be regarded as passenger spaces which will be described in the protocol.

Therefore, in fact, the implementation of this will regularise the kind of spaces which should be made available to passengers.

Shri Naik referred to clause (3)—what are the other places of pilgrimage which are being talked of? At present, none. But, I would like to explain to Mr. Naik that the definition of pilgrimage in this clause is intended to be widened only with this purpose that if any sea-borne traffic to any other destination does develop, then subsequently, it would not be necessary to amend this Act in order that the provisions of this Act would also apply to a ship carrying passengers in any such pilgrim traffic. This is the purpose. In fact, we are widening it with the very idea of maintaining the secular concept so that it does apply to all thereby avoiding necessity to amend the Act. Presently we

[Shri H. M. Trivedi]

have not got any pilgrimage traffic in view which will necessarily come under the purview of the Act.

You referred to the possibility of Christians travelling to Rome. There, I would like to explain that, as a matter of fact, these amendments relate only to ships carrying berth passengers in ships which were previously called unberth, passenger ships. They are now called the special trade passenger ships. In other words, the type of vessels which will be needed for carrying passengers to Rome or rather Italy is a totally different type of vessel to which these provisions cannot obviously apply.

Mr. Naik has also an amendment. I may, with your permission, reply to that amendment. I would like to explain to Shri Naik that section 263 of the Existing Act deals with bunks to be provided for pilgrims in a very brief manner. It does not prescribe airing space to be provided for passengers. Section 263 of the existing Act is proposed to be omitted. Sections 261(a) and 261(b) and (c) which are now being inserted in accordance with the provisions of the agreement and the Protocol are to take care of the provisions of the Protocol itself.

Now, rule 13 of the Rules which are annexed to the International Protocol prescribe in detail the space fitted with berth. Clause 4 of this Rule is regarding the airing space of not less than 0.37 sq. meters for each passenger on the upper and lower and in between these decks which shall be provided on the weather days.

In other words, it will be obvious that the proviso to Sec. 261(c) to which you have proposed an amendment is based on the provisions of the 1973 Protocol which we are in fact intending to implement after this Bill becomes an Act.

Therefore, it is an International Protocol which has been agreed to and for us,

it would be impossible to effect a unilateral amendment to an International Protocol because there would be other countries also complying with it. Therefore, I would request the hon. Member to withdraw the amendment.

MR. DEPUTY-SPEAKER : The question of withdrawal does not arise.

SHRI B.V. NAIK : Does this 0.37 sq. meter, from the common man, layman's point of view, not seem to be *prima facie* mootly inadequate? Or is it, in the view of the hon. Minister, considered adequate? Is it international in character and so is it good? And is it adequate?

SHRI H.M. TRIVEDI : Whether it is adequate or not is a matter of opinion.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : Now we take up clause by clause consideration. Clauses 2 to 13.

The question is :

"That Clauses 2 to 13 stand part of the Bill".

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

MR. DEPUTY-SPEAKER : Now Clause 14. Mr. Naik, do you want to move your amendment?

SHRI B.V. NAIK : I am not moving my amendment.

MR. DEPUTY-SPEAKER : The question is :

"That Clauses 14 to 26, Clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 14 to 26, Clause (1), the Enacting Formula and the Title were added to the Bill.

SHRI H.M. TRIVEDI : Sir, I beg to move :

"That the Bill be passed".

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed".

The motion was adopted.

14.45 hrs.

PHARMACY (AMFNDMENT BILL)

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (CHOWDHURY RAM SEWAK) : Mr. Deputy-Speaker, Sir, I beg to move* :

"That the Bill further to amend the Pharmacy Act, 1948, as passed by Rajya Sabha, be taken into consideration."

Before the hon'ble Members participate in the discussion and put up their suggestions, I would like to say a few words.

The Pharmacy Act which regulates the profession and practice of pharmacy was enacted in 1948 and has been amended only once in 1959. The object of this Act is to regulate the profession of pharmacy and the Act provides for constitution of Central and State Pharmacy Councils for this purpose. Since the Act was last amended in 1959 several developments have taken place necessitating changes in the Act. The Government have, therefore, come forward with the Pharmacy Amendment Bill which is now before the House, after having been passed by the Rajya Sabha on 12th May, 1976.

The reasons for a coming forward with this Bill have been outlined in the Statement of Object and Reasons which are appended to this Bill. However, I would

briefly spell out some of the important changes proposed in the Bill.

One important provision made in this Bill relates to the facility being provided for persons who have migrated from Bangla Desh and repatriates from Burma, Ceylon and Uganda who were engaged in the profession of pharmacy in those countries, to be registered as pharmacists in this country. This provisions would enable such persons to earn their livelihood in India and thereby remove a genuine hardship faced by them at present.

Under the Drugs and Cosmetics Rules a large number of persons have been approved as "qualified persons" for the purposes of dispensing and compounding of medicines. This system of granting approval has been discontinued since December, 1969. It is, however, necessary that such persons who are already employed in chemists' shops should be registered under the Pharmacy Act and the Pharmacy Amendment Bill contains a provision for registering such persons.

Section 42 of the Pharmacy Act empowers the State Government to appoint a date from which un-registered persons shall be prohibited from dispensing medicines in those States. Although this Act has been in force for 27 years, only 3 States and the Union Territory of Delhi have taken action in this regard. A provision has, therefore, been made in the Bill that Section 42 shall automatically come into force in a State on the expiry of 5 years from the commencement of the Pharmacy (Amendment) Act, 1976 if the Government of the concerned States fail to exercise the powers conferred on them by Section 42. This provision would go along way in ensuring that the dispensing and compounding of drugs is done only by registered pharmacists.

*Moved with the recommendation of the President.

[Chowdhury Ram Sewak]

The amendment Bill also contains provisions for preparation of Central Register of Pharmacists, providing wider representations on the Pharmacy Council of India and appointment of inspectors by the State Pharmacy Council for ensuring proper implementation of this Act.

The provisions of the Pharmacy Amendment Bill are of a non-controversial nature and are mainly in the interests of the profession and practice of pharmacy.

With these words I move that the Pharmacy Bill further to amend the Pharmacy Act, 1948 as passed by the Rajya Sabha on 12th May, 1976 may be taken up for consideration.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Pharmacy Act, 1948, as passed by Rajya Sabha, be taken into considerations."

DR. RANEN SEN (Barasat) : Sir, this is a good amending Bill. But it should have come before the House a little earlier. The Bill, as the Minister has explained, is absolutely a non-controversial one and, as I said, such a Bill should have come up for discussion a little earlier. In fact, as he has said, it was an Act of 1948 which had been amended in 1959. But, for the last seven years, so many developments have taken place which have necessitated the Government to come forward with this Bill. Now, today, the demand of the country is to have more health centres, to have more dispensaries, particularly in the rural areas, in the towns, in the mofussil towns, and to have more qualified pharmacists to cater to the growing needs of the people. It is known to everybody that in certain parts of India, more so in Punjab, Haryana and in Western U.P. where due to abundant production of food grains—rice and wheat—people, a section of people, have a massed wealth and have also changed their mode of life to a great extent. But it is found that

a requisite number of dispensaries, Chemists and Druggists Shops are not there. Whatever Chemists and Druggists Shops are found in those parts, there proper qualified pharmacists are not available. In fact, there is a large number of pharmacists that are required to lay in our country. But, unfortunately, this importance of Pharmacy and the pharmaceutical training have not been properly understood by the Government even. Take for example, the position of one State which cannot be considered to be a backward State—rather it can be considered as an advanced State in many respects, namely, the State of West Bengal—where only one University, namely, the Jalapour University, has got the curriculum of pharmaceutical training. Even such an old University like the Calcutta University—of a course, you were once the student of that University.....

AN HON. MEMBER : I doubt.

DR. RANEN SEN : Do you doubt the existence of Calcutta University or that he was a student of that University? Even in such a big university, a well reputed University, there is no course on pharmaceutical teaching. This shows that even today big Universities have no pharmaceutical training course. The State Governments and the Central Government were more or less oblivious of the necessity of training the people to become qualified pharmacists and this has resulted in the dearth of pharmacists in our country. The question of ethics is raised in this Bill. Firstly, even today the pay-scales of qualified pharmacists. I am told, are very low. That is why in the olden days many people would not go for pharmacy training. Secondly, the course is very long, i.e. two years. According to the needs of the country there should have been condensed courses to meet the growing demands in the country.

As I said, it is a commendable Bill and people who have been doing this work of compounding for the last five years or, more are now eligible for recognition as

registered pharmacists. That is good. But there are some points which need some clarification. For instance, clause 17 seeks to add a new section 32B which reads as under :

- "(1)(b) the names of persons approved as 'qualified persons' before the 31st December 1969 for compounding or dispensing of medicines under the Drugs and Cosmetics Act, 1940 and the rules made thereunder ;
- (c) the names of displaced persons or repatriates who were carrying on business or profession of pharmacy as their principal means of livelihood in any country outside India for a total period of not less than five years from a date prior to the date of application for registration.

How could the people who have come from outside prove that their principal means of livelihood in the country where they were residing for a total period of five years or more was the business or profession of pharmacy ? I do not know what exactly is meant by this sentence. The minister will have to explain it.

Underneath there is an Explanation which reads thus. "Explanation. In this section—

- (i) 'displaced person' means any person who, on account of civil disturbances or the fear of such disturbances in any area now forming part of Bangladesh, has, after the 14th day of April, 1957 but before the 25th day of March 1971, left, or has been displaced from, his place of residence in such area and who has since then been residing in India."

15.00 hrs.

One can understand the reference to people who came before 25th March 1971 because that was the date when Banga Bindhu Shikshak Mujibbar Rehman declared Bangladesh as a free and independent country.

Since then, many people had to leave their hearth and homes and they had to go back also. That was the understanding with the Government of India. But why this date 14th day of April, 1957? The country was partitioned on 15th August, 1947. In 1946 there were riots in Noakhali. According to Government of India the people who left East Bengal after the riots of Noakhali have to be considered as displaced persons. More so, after 15th August, 1947 millions of people came and many of them were engaged in this profession of compounding, or dispensing or whatever you like to call it. Now, here you have put a limit by mentioning the date 14th day of April, 1957, that is very objectionable. Neither the people who have drafted the Bill nor the Minister knows that between 1947 to 1957, millions of people had left East Bengal, now Bangladesh, and many of them were doing this job. People from West Bengal who used to go to that part and people from that part who now live in this part of Bengal or Assam or Tripura will bear me out that thousands of compounders had left and come back and now settled in different parts of India. Why do you want to disbar these people? I could have understood if the Government of India's position was that the people who had left Bangladesh after the 14th day of April, 1957, were called displaced persons. Therefore, this is a very objectionable part and the Minister will have to explain it. We belong to that part of Bengal and that is why, we know each and every part of that Bengal.

Now, the State Governments are empowered to employ inspectors to see that proper ethics are being maintained or not. That is good. Let us see how it works. I may draw the attention of the Minister to one thing and I am quite sure that he does not have the definite knowledge about that. But the gentleman who is advising the Minister, i.e. the Drug Controller of India must be knowing that Government of India had appointed Hathi Committee.

[Dr. Ranen Sen]

The Hathi Committee report is now being kept in cold storage, though occasional lip service is paid to the recommendations contained in it. I can understand the difficulty of the government in accepting the recommendations of that Committee. But that Committee has made a very relevant suggestion in regard to this particular question of training and developing pharmacists in India. That Committee had set up a medical panel consisting of the topmost physicians of this country—many of them were not only doctors, but also pharmacologists and experienced pharmacists. I can mention a few names. The Director of the School of Tropical Medicine, Calcutta the Director of the Haffkine's Institute, Bombay as also Dr. Padmavati were there. Dr. Padmavati is probably the single woman FRCP in India; at least till a few years back she was the only lady FRCP. Such eminent personalities were appointed by the Hathi Committee, to that medical panel. That panel went into many subjects, including this question of pharmaceutical training. They have said:

"The Medical Panel appointed by the Hathi Committee was of the view that the services of trained pharmacists are not available in small towns and rural areas and that the Diploma in Pharmacy course approved by the Pharmacy Council of India is a very lengthy one and that the remuneration paid to dispensers is not attractive."

This is the opinion of the topmost physicians, medical practitioners of our country. The same panel has, therefore, suggested:

"The Diploma course should be tailored to suit the needs of smaller towns and rural areas and an intensive, need-oriented course of short duration should be instituted for training of dispensers who then could be licensed to establish pharmacies and drug stores in smaller towns and rural areas. The working of the

Pharmacy Act should be reviewed in the light of these observations and the legislation should be re-oriented in such a manner to improve the scope for establishing a well-organised rural health service."

I mention this, in order to draw the attention of the Government.

15.09 hrs.

[SHRI VASANT SATHE *in the Chair*]
I now find my colleague, who was in the Hathi Committee as the Chairman of the House. I was speaking about the Hathi Committee's recommendations on this particular point. Two Ministries are concerned directly with the recommendations of the Hathi Committee, viz., the Ministry of Chemicals and Fertilizers, and the Ministry of Health and Family Planning.

Now, this Bill has been brought forward by the Health Ministry. But, unfortunately, there is no mention about this point. Therefore, I would draw the attention of the Minister—it is not that I am opposed to this Bill. I am quite in agreement with this Bill,—to this point so that he should ponder over it and see that something is done in regard to this very important non-controversial point which has been raised by the Medical Panel and adopted by the Hathi Committee. This is regarding pharmaceutical training and distribution of areas.

What would happen after this amending Bill is passed? My esteemed friend, Dr. Saradish Roy, who was to speak on this—he is absent now—will later speak on this. He is still a practising doctor. I have left it. He was telling me a very interesting thing. As far as these Compounders are concerned—in the olden days, we used to call them Compounders after they have got five years of experience, many of them have come to Dr. Roy for a certificate. This Bill empowers those people to get certificates from a doctor after having worked for five years

or more to be taken as qualified pharmacists. There are a large number of people now, who, after they have become registered Pharmacists or qualified Pharmacists, would be able to get jobs in dispensaries, doctors, chambers, Chemists' shops, hospitals, health centres, nursing homes and in many other places. But there would be many more who would not get any jobs but who want to have their own dispensaries. They should be encouraged to go to the villages.

In the villages, you know that it is very difficult not only for the doctor but also for the Pharmacist to run a small dispensary which can cater to the demand of the local people, as far as even preliminary medicines or household medicines are concerned. That is why the same Hathu Committee has made a recommendation, the same Medical Panel has given a recommendation as to how these medicines have to be distributed throughout the length and breadth of the country. They have even suggested that the petroleum depots and kerosene depots should have some arrangement for the sale of all sorts of medicines.

Now, as far as these qualified Pharmacists are concerned, after they become qualified Pharmacists—everybody cannot get a job either in a hospital or in a dispensary or in such other establishments—should be encouraged by the Government by the State Health Departments to go to the villages and open the dispensaries with the help of bank loans and loans from other financial institutions. Unless that is done, merely having an amending Bill passed and having quite a large number of unqualified people getting themselves registered as qualified people, would not solve the problem.

I would again draw the attention of the Minister to the second point which is very important. Therefore, I would say

that this is a commendable Bill. There is nothing to object to it. Only defects are: Firstly, it has come too late. Secondly, it does not fully meet the situation. Thirdly, it contains very objectionable paragraphs, a sub-section and explanations, which I have already read out and on which I do not want to take more time.

I think, the hon. Minister, *suo motu*, after reading it, after hearing the points I have raised, should himself rectify it. I would have myself moved an amendment. But, unfortunately, I came very late this morning because the plane was late and I could not draft any amendment. I would have myself done it. I have drawn the attention of the hon. Minister to the words "after the 14th day of April 1957" What about the people who came to India after Partition? Thousands of people must have come. Then, the Government have only thought of repatriates of Indian origin who have come from Burma, Sri Lanka or Uganda. I understand that. But there is a place called Bangladesh also. It is very close to us. What will happen to them? So, this is a very obnoxious sub-clause. The hon. Minister, *suo motu*, should see that it is amended properly.

With these words, I commend the Bill for the acceptance of the House.

SHRI JAGANNATH MISHRA
(Madhubani): Mr. Chairman, Sir, I rise to support the Bill. As you know, this Act was enacted in 1948 and amended in 1959. The objective of the Act is to regulate the profession of pharmacy. The Act provides for the constitution of Central and State Councils.

In the amending Bill, there is a provision that there will be a representative in the Central Council from the Technical Education Board. It is very surprising. I do not know what purpose will

[Shri Jagannath Mishra]

be served by having a representative from the Technical Education Board. There will also be a representative from the University Grants Commission. That is quite understandable. Some purpose may be served. But I do not know what purpose will be served by the representation given to the Technical Education Board. So, I would request the hon. Minister to throw some light on this point when he replies to the debate.

Several developments have taken place since then and it has become necessary for the hon. Minister to come out with this amending Bill. Several thousands of persons have come from Bangladesh and many repatriates have come from Burma, Sri Lanka and Uganda. They were engaged in this sort of job. There are persons in this very country who are engaged in this profession. They too are not registered and the people coming from other countries are naturally not registered. It is very essential on their part to get themselves registered. There is a provision for registration in this Bill.

Previously, there was the Drugs and Cosmetics Act which was suspended in 1969. There is a provision for the appointment of inspectors in this Bill. What do these inspectors do? It is well-known to everybody, at least in the House, that they are never sincere and they are always after making money.

You have seen that in the case of adulteration of foodstuffs there is provision for the Inspectors being taken to task, but in this case, there is no provision for the defaulting Inspectors being taken to task. I will speak more about this when I come to conclude my speech.

This Pharmacy Act is being amended completely after 18 years. Thousands of persons, as I have already said, are not registered and they should be got registered.

There is lack of doctors and medicines, especially in villages, and I don't know

how this Bill will help those poor persons leaving in villages, since there are no doctors and no medicines there. So I would suggest that persons engaged in this profession should be given proper training and then got registered. Of course, this will be a very difficult job for the Government, but it is very essential and very necessary in the interests of the nation. So, though it may mean a little trouble on the part of the Ministry, I request that this should be taken into consideration and that there should be a provision for their training and, after getting training, they should be registered because if they are not given training and are only registered, the poor people may meet a bad lot who may loot the patients in collaboration with the Inspectors.

The Inspectors are to help the Government in running the machinery and, since both the sides of a picture should be taken into consideration and since I have spoken something evil about them, I have necessarily to take their lot also into consideration. If we want them to give sincere and pious performance, it becomes part and parcel of Government's duty to see that they are properly fed and all sorts of facilities are given to them. It is only when they do something wrong that they should be taken to task seriously and punished severely.

My suggestion is that on both the Central and State Councils there should be representation from Pharmacists. Since in the case of industries, you have given representation to workers, in this case also, the pharmacists should be given representation and there should be no hesitation in this matter on the part of the Government.

Then, Clause 10 enumerates the tasks of the Inspectors but there is no provision for punishment for their faults. I have already said much about it, and so I will not repeat it.

There is also no time-limit fixed for investigation—that the investigation should be made within such and such a time and the report should be submitted to the Registrars by the Inspectors in such and such a time. These things are missing in the amending Bill. So, I would request the Minister to take note of this and fix a time-limit as, otherwise, cases will not be investigated and no report will be forthcoming. So, if we are at all interested in things being done properly, it is very essential that a time-limit is fixed. Otherwise, if we make delays, the result will be that the inspectors will begin to act as dictators which should not be permitted. A strict watch should be kept.

This Act very much relates to the State Governments because it is the State Governments which have to implement it. The State Governments will naturally be very interested, enthusiastic and active about it. However, a very good provision has been made here under section 42; the provision is that section 42 should be implemented by the State Governments within five years and if any of the State Governments fails to implement it, then as per Clause 19 of this Bill, section 42 shall automatically come into force. This is a very good part of this Bill and I appreciate it and thank the Minister for that.

Here, I would like to make some suggestions. My first suggestion is that the number of inspectors should be increased and they should be given full emoluments so that they do not behave otherwise.

My next suggestion is that sufficient medicines should be supplied.

Lastly, if at all we mean business and if at all we are interested in doing useful things, then we should take early steps to implement the very useful recommendations which the Hathi Commission has made; this will help the Health Ministry and also the masses in general. But we are making unnecessary delay in bringing them into effect. On this occasion I would request the hon. Minister, through

you, to make no delay and bring the recommendations of the Hathi Commission into effect at their earliest convenience.

With these words, I support the Bill.

सरदार स्वर्णासिंह सोखी (जम्शेदपुर) :
चेयरमैन साहब, यह जो फार्मसी (अमेंडमेंट) बिल, 1975 लाया गया है, मैं इसका स्वागत करता हूँ। इसके साथ-साथ में कुछ सुझावभी देना चाहता हूँ और मुझे उमीद है कि मिनिस्टर साहब मेरे सुझावों पर ध्यान देंगे और उस पर विचार कर के जैसा वह मुनासिब समझने करेंगे।

इस बिल के स्टेटमेंट आफ ओब्जेक्ट्स एंड रीजस के पैरा 6 में यह लिखा हुआ है :—

“Section 42 of the Pharmacy Act empowers the State Governments to appoint a date on and from which unregistered persons shall be prohibited from dispensing medicines in that State.”

और आगे जो लिखा हुआ है, उसके बारे में मैं यह पूछना चाहता हूँ कि इतने दिन से आपके महकमे ने स्टेट गवर्नमेंट्स को क्यों नहीं कहा कि इसको इम्प्लीमेंट कीजिये।

आपने कहा है कि 3 स्टेटों ने किया है आपके महकमे ने बाकी स्टेटों को क्यों नहीं कहा कि 1948 में यह कानून बना, उसके बाद संशोधन हुआ फिर भी इतने दिनों तक यों ही बठे रहे तो कानून बनाने का क्या फायदा हुआ। जो स्टेट डेट नहीं करती हैं, उनके बारे में कहा गया है कि आटोमैटिकली 5 साल में यह हो जायेगा, तो फिर इसके बनाने की क्या जरूरत थी ?

पिछले साल यह बिल राज्यसभा में पास हुआ है। आपने तो इसको यहाँ उसी रूप में लाना था क्योंकि उसमें और तबदीली कर नहीं सकते थे। अगर आप स्टेट गवर्नमेंट्स को इतनी खुली छूट देगे तो मेरे ख्याल में बिहार में

[सरदार स्वर्ण सिंह सोबी] :

तो यह कभी इम्प्लीमेंट होने वाला नहीं है। मैं समझता हूँ कि इस तरह कोई कानून बना कर उस को लागू करने का काम स्टेट्स पर छोड़ देना मुनासिब नहीं है। सरकार को यह देखना चाहिए कि जो कानून बनाया जाये, उस को सभी स्टेट्स में लागू किया जाये।

इस बिल के स्टेटमेंट आफ प्रावजेक्ट्स एंड रीजज में कहा गया है :

"Many of these persons had been engaged in the profession of pharmacy for their livelihood in the territories from which they have migrated to India, but did not possess the qualifications in pharmacy".

पुराने जमाने में, प्राज से बीस, तीस साल पहले, जो लोग फार्मसी का काम करते थे, वे कुछ और ही किस्म के लोग होते थे जबकि आज-कल पढ़ेलिखे लोग यह काम कर रहे हैं। सवाल यह है कि सरकार को माइग्रेट किये हुए लोगों की क्वालिफिकेशन्स का कैसे पता चलेगा। शायद उन में से कुछ लोग बोगस सर्टिफिकेट ले कर आये हों। सरकार को कैसे पता लगेगा कि वह किस किस्म के प्रादमियों का रजिस्ट्रेशन कर रही है ?

श्री दीनेन भट्टाचार्य (सीरमपुर) : इस में माननीय सदस्य को क्या एतराज है ?

सरदार स्वर्ण सिंह सोबी : मेरा एतराज यह है कि फार्मसी, दवाओं का काम किसी अनक्वालिफाइड प्रादमी को देना लोगों की जान से खेलने वाली बात है। अगर माननीय सदस्य को पाँच में चोट लग जाये, तो अनक्वालिफाइड प्रादमी ठीक तरह से बैंडेज भी नहीं कर पायेगा, बहुत खून निकल जायेगा और ज़रूम के खराब हो जाने का डर रहेगा। इस लिए यह जरूरी है कि जो लोग माइग्रेट कर के यहां आये, उन की क्वालिफिकेशन्स की अच्छी तरह से जांच-पड़ताल की जाये और सिर्फ क्वालिफाइड लोगों को ही रजिस्ट्रेशन किया जाये।

श्री जगन्नाथ मिश्र : हमारे देश में हजारों लोग बिना किसी ट्रेनिंग के, धीर बिना लाइसेंस लिये, यह धंधा कर रहे हैं। सरकार उन को अभी तक नहीं रोक सकी है। लेकिन बाहर से जो लोग परिस्थितिवश यहां आ जायें, माननीय सदस्य उन के बारे में इतनी सख्ती करना चाहते हैं।

श्री मुहम्मद जमीलुलहसन (फिशनबंज) : क्या इस का मतलब यह है कि इनकाम्प्लीट लोगों का रजिस्ट्रेशन कर के जनता को मार दिया जाये ?

सरदार स्वर्ण सिंह सोबी : हम देखते हैं कि इस देश का जो प्रादमी बाहर जाना चाहता है, उस को पासपोर्ट देने के लिए सरकार पचास किस्म की एनक्वायरी करती है। लेकिन माइग्रेट किये हुए लोगों का रजिस्ट्रेशन करने के लिए कोई जांच-पड़ताल करना जरूरी नहीं समझा जा रहा है। इस लिए मंत्री महोदय को सोचना चाहिए कि इस बारे में कोई रूल्स बनाये जायें कि कैसे लोगों का रजिस्ट्रेशन किया जायेगा।

इस बिल में रजिस्ट्रार की एग्रायंटमेंट के बारे में कहा गया है।

"The Central Council shall—

(a) appoint a Registrar who shall act as the Secretary to that Council and who may also, if deemed expedient by that Council, act as the Treasurer thereof;"

मेरा कहना यह है कि एक प्रादमी से एक ही काम करवाना चाहिए। अगर किसी से दस काम करवाये जायेंगे, तो वह कोई भी काम सही तरीके से नहीं कर पायेगा। एक दो प्रादमी ज्यादा रखने से ज्यादा फ़र्क नहीं पड़ता है।

इस बिल में सिक्चरिटी के बारे में कहा गया है :

"require and take from the Registrar, or any other officer or servant, such

security for the due performance of his duties as that council may consider necessary".

कई बार ईमानदार और क्वालिफाइड प्रादमी के पास पैसा या सिक्कुरिटी नहीं होती है। वह तो खुद ही और उस का काम ही, सिक्कुरिटी होता है। इस लिए सही किस्म के प्रादमी से सिक्कुरिटी लेने का सवाल नहीं उठना चाहिए। मंत्री महोदय को इस पर विचार करना चाहिए।

आजकल पढ़े-लिखे लोगों की कोई कमी नहीं है। इस लिए जहां तक हो सके, पढ़े-लिखे और क्वालिफाइड लोगों को रजिस्ट्रेशन के बारे में पहले चांस दिया जाये और बाद में दूसरों का रजिस्ट्रेशन किया जाये।

मेरे एक मित्र ने कहा है कि हरल एरियज में ज्यादा फार्मसीज खोलने को जरूरत है। सरकार को उन लोगों को प्रोत्साहन देना चाहिए कि वे गांवों में, और रोमोट एरियाज में फार्मसी खोलें, जिस से जनता की भलाई हो। मारे आदमी एक शहर में आ कर बैठ जायेंगे तो वह काम नहीं चल पाएगा। जो फार्मसी के इंस्पेक्टर हैं इनको हफ्ते में कम से कम एक बार अवश्य इंस्पेक्शन करना चाहिए क्योंकि दवाएं जो वे बनाते हैं वह सब डाइल्यूट होती हैं। भले ही कोई भला प्रादमी हो तो आप को ठीक दवा मिल जाय नहीं तो पानी मिलाया और दे दिया जैसे इस कामिनेटिव मिक्चर के मामले में हम देखते हैं। तो यह दवाओं का सवाल है, प्रादमी के बदन के साथ खिलवाड़ नहीं करना चाहिए। आप का मुद्दकमा आखिर किम लिए है—लोगों के स्वास्थ्य की देख रेख के लिए ही तो है और आप कानून पब्लिक को सहायित के लिए ही तो बना रहे हैं। तो इन चीजों को जब तक स्ट्रिकटली वाच नहीं करेंगे तब तक काम नहीं चलेगा। ये बातें छोटी छोटी लगती हैं लेकिन इन का अग्रर बहुत बड़ा हो जाता है।

समाप्ति महोदय : आप को डाइल्यूट से शिक्षायत है या एडल्टरेसन से ?

सरदार स्वर्ण सिंह सौजी : इन बिल से तो डाइल्यूशन का सवाल है, वह तो बिल पास हो चुका है।

रजिस्ट्रेशन जो करते हैं उस की लिस्ट आप मेहरबानी कर के स्टेट्स से कहिए कि हर एक म्युनिसिपैलिटी और नोटिफाइड एरिया में भेज कर उन के नोटिब बोर्ड पर डिस्प्ले कराएं जिस से पब्लिक देख सके कि हमारे यहां कौन कौन रजिस्टर्ड फार्मसी वाले हैं और कौन अन-रजिस्टर्ड लोग हैं जो बोर्ड बना कर फार्मसी खोले बैठे हैं। हर एक नोटिफाइड एरिया और म्युनिसिपैलिटी में इन्होंने इस की लिस्ट भेजी जाय और वहां उन के नोटिब बोर्ड पर डिस्प्ले की जाय। इन के अनावा जो फार्मैसिस्ट अच्छा काम करते हैं उन को और मुविवा दीजिए। ऐसा नहीं होना चाहिए कि अब को एन ही डंडे में हाकें। जो प्रादमी अच्छा काम करता है उन को कुछ न कुछ बढ़ावा और प्रोत्साहन मिलना चाहिए।

एकाथ प्वाइंट और मुझे कहने हैं। जो एकाउंट की बात आप ने कही है, मैं तो कटुंगा जो आडिट आप ने चेंज किया वह तो ठीक है, बड़ी अच्छी बात है, प्राइवेट आडिटर्स से नहीं करा कर कम्प्यूलर ऐ आडिटर जनरल से कराएंगे, लेकिन मेहरबानी कर के गजट से पहले पालियामेंट में भी उस को पेश किया कीजिए कि क्या क्या आडिट है क्यों कि कई किस्म की गंजा से इस में निकल आती हैं जिन का कि पता बाद में लगता है और जो फाइनेंशियल मेमॉरेंडम में आप ने कहा कि साल में दो दफा मीटिंग होती है कीमिल की तो दो दफा मीटिंग होने से इतने बड़े हिन्दुस्तान में काम नहीं चलने वाला है। मीटिंग महीने में एक बार या साल में 6 बार या जितनी ज्यादा से ज्यादा हो सके होनी चाहिए क्योंकि एक मीटिंग हो गई, दूसरी में साल निकल गया, तीसरी में नये प्रादमी आ गए जिन को कुछ उस का पता नहीं होता। तो मीटिंग कई कई दफा होनी चाहिए। कई कई कमेटियों की तो मीटिंग सालों नहीं होती

[सरदार स्वर्णासिंह सोखी]

जैसे पी एंड टी की कमेटी है वो-वो तीन-तीन साल मीटिंग नहीं होती। इसलिए इस में भी वो मीटिंगों से काम नहीं चलने वाला है, और ज्यादा मीटिंग कीजिए। इस के अलावा जब तक स्टेट्स को आप यहाँ से कंट्रोल नहीं करेंगे तब तक फार्माटिकली यह काम चलने वाला नहीं है। बड़ा लम्बा चौड़ा काम है। इसलिए आप इस को अच्छी तरह कंट्रोल कीजिए। इन्हीं शर्तों के साथ मैं इन का समर्थन करता हूँ।

DR. SARADISH ROY (Bolpur):
This Pharmacy Act was passed in 1948 to regulate the profession of pharmacists in the country and subsequently it was amended in 1959 and now this is the second amendment before the House.

Till 1970 more than 71000 persons were registered under this Pharmacy Act who are not properly qualified or diploma-or certificate holders and only about 8365 persons are qualified or diploma or certificate holders who have been registered.

The pharmacists come out of 51 institutions in the country. As Dr. Ratan Sen mentioned, in West Bengal there is one institution where these pharmacists are trained and diploma-holders are trained. But the number of such institutions in our country is very meagre compared to the requirement of the length and breadth of the country. The number of the institutions where pharmacists could be trained should be increased so that we can have sufficiently trained and qualified pharmacists.

It seems that 71,500 were unqualified persons. Only 8,200 were qualified and registered persons.

The original Act provided that the State Government should fix a date after which no unqualified person will be allowed to compound, prepare, mix or dis-

pense any medicine. Section 42 of the Pharmacy Act reads as under:

"On or after such date as the State Government may be notified in the Official Gazette appointing in this behalf, no person other than a registered pharmacist shall compound, prepare, mix, or dispense any medicine on the prescription of a medical practitioner."

Only Assam, Kerala, Uttar Pradesh and the Union Territory of Delhi have given the notification mentioning the date after which the un-registered persons will be prohibited from dispensing the medicines.

To meet that lacuna the Amendment is there in this Act—Amendment No. 19. It provides:

"Provide further that where no such date is appointed by the Government of a State, this sub-section shall take effect in that State on the expiry of a period of five years from the commencement of the Pharmacy (Amendment) Act, 1976."

The State Governments failed. The Central Government had to intervene. From 1948 to 1976 only three States and one Union Territory have given the requisite notification. Though this Act said that the State Government should take an initiative and have proper registration of qualified persons and those who are practising in this line of pharmacy should have an opportunity to get their names registered, they failed. After several years the Government has come to amend this Act so that this may be corrected.

This Act also provided for the registration of compounders, displaced persons, repatriates. Before 1969 the compounders were allowed to be registered under the Drugs and Pharmaceutical Act. From 1969 December, this had been discontinued. From January 1970 to today there is no provision of registration of

compounders. After the enactment they will have an opportunity to have their names registered as pharmacists in the Pharmacy Council. This is a very important thing. The Minister should explain why such things happened.

Dr. Ranen Sen has mentioned regarding the displaced persons from East Bengal. The displaced persons, compounders and the repatriates are eligible for registration under this Act. But there is no restriction on the repatriates about the date. From whatever country or on any date they may come they are eligible to be registered, but on the displaced persons from Bangla Desh, formerly Eastern Pakistan, a restriction has been imposed whereby most of the displaced persons will not be eligible for registration because a date—14th April, 1957 has been fixed. Prior to that those who arrived in our country will not be eligible for registration.

Those persons came from 15th of August, 1947, and even before that. The D.Ps. whom we call refugees arrived at that time. Why do you consider this date as scrosanct, 14th April, 1957? What is the meaning of this? I cannot understand this, as to why it should be 14th April, 1957. You are depriving most of these D.Ps. from East Bengal of this registration. They came in thousands. From West Pakistan also they came in thousands. But that is not mentioned here. They also came in thousands after partition. There is no mention about that here. Only Bangladesh is mentioned here. I request the hon. Minister to clarify this point and if possible omit these words '14th April, 1957.'

MR. CHAIRMAN: I can understand it if it is 1947, instead of 1957, because of our independence.

DR. SARADISH ROY: That is not there. The Minister should clarify this. Then, Sir, compounders had to register themselves under Drugs and Cosmetics Act till 31st December, 1969. After that

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this was discontinued. Till now they are not being registered. Only this Act provides for registration. Why this sort of thing should happen? I request the hon. Minister to clarify this point.

Section 9A provides for Central Council and in that it is stated that non-members of Central Council may also be included in Committees. It is not stated whether they will be pharmacists or scientists or anything of that kind. Some persons may be there who are not at all connected with pharmacy, its trade or profession or business. This point may also be clarified.

Certain amendments have been given notice of by my colleagues. Mr. Ramavatar Shastri and others, to Section 6. The provision says 'President and servants of the Council'. You should say 'President and employees of the Council'. This term, servant is repugnant. You can say, employees. That would be better.

MR. CHAIRMAN: What is important is not the word 'servant' mentioned in this Bill. The question remains: it depends upon whom you serve.

DR. SARADISH ROY: In conclusion, I would say that there is a blanket power given under the Bill. The persons who are not qualified are allowed to register their names. Because there are persons who are not qualified diplomaholders, there is a provision so that these persons also may be got registered. There is a talk: that those who have registered as pharmacists are going to be absorbed. I want that there should be a minimum training given to them so that they can have further knowledge to do their job properly.

There is a provision for inspection to which Shri Mishra just now made a mention. The same ministry which piloted a Bill on Food Adulteration have made a provision in that Bill which was later passed by both Houses of Parliament. There is a provision in it that in case of default by the inspectors, they would be

[Dr. Saradish Roy]

punished. Such a provision was made in that Bill. There is no such provision in the present Bill. Such a provision should be included in this Bill also.

Everybody knows that for the inspecting staff there should be a proper training to do their job. The Food Adulteration Act also provided for the purpose. The inspectors while inspecting will do so in the presence of independent witnesses whose signatures will be taken when the samples are taken. There is no such provision in this Bill. So, I have given an amendment. In order to prevent any possible malpractice, there should be a certain check so that they may not do any harm to the people. I have tabled my amendments one of which says that the inspectors should inspect in the presence of independent witnesses whose signatures should be obtained and copies of their reports should be given to them so that they will not do any injustice and thereby the corrupt practices prevailing in our country may be eliminated.

With these words, I conclude.

श्री राजदेव सिंह (जौनपुर) : हमारे सामने फारमसी (एमेंडमेंट) बिल है उस को सपोर्ट करते हुए, उस का समर्थन करते हुए, मैं यह कहना चाहता हूँ कि अभी फार्मसी और फारमैसिस्ट क्या हैं, इस के बारे में बहुत गलत-फहमी है। मैं दावे के साथ कह सकता हूँ कि बहुत से लोगों को यह पता नहीं है कि फारमैसिस्ट क्या होता है। मैं आप को बताना चाहता हूँ कि एक स्टेट में हैल्थ के एक स्टेट मिनिस्टर थे, जिन को यह मालूम नहीं था कि फारमैसिस्ट किसे कहते हैं। वे कम्पाउन्डर को ही फारमैसिस्ट समझते थे और बहुत से लोग दवा बँचने वालों को ही फारमैसिस्ट समझ लेते हैं। तो अभी देश में फारमैसिस्ट और फारमैसी क्या है, बहुत कम लोगों को पता है। यह इस क्लॉस के साथ एक ट्रेजडी है।

मैं यह बताना चाहता हूँ कि यह एक मैडिकल परसोनेल है, मेरा मतलब फारमैसिस्ट से है, जोकि डॉक्टर के न रहने पर उस के काम को आथेरिटी के साथ करता है। वह दवाइयों को भी अच्छी तरह से पहचानता है। दो साल की इंटेंसिव ट्रेनिंग भी उसकी हुई है। कहने का मतलब यह है कि फार्मैसिस्ट जो हमारे देश में हैं उनके वास्ते कोई प्रमोशन के एवेन्चूज नहीं हैं। जिन्दगी भर वह फारमैसिस्ट ही रहता है और इसी पद से वह रिटायर भी होता है। सेंटर की तीन मिनिस्ट्रीज है जिन में ये हैं, एक रेलवे मिनिस्ट्री है, एक डिफेंस है और तीसरी हैल्थ है। स्टेट गवर्नमेंट्स में भी ये हैं। अलग अलग इनके एमालुमेंट्स हैं और कंडिशन ऑफ सर्विस हैं। मैं समझता हूँ कि हमारी कोशिश यह होनी चाहिये कि ये सब हैल्थ मिनिस्ट्री के अंडर आ जाए और इस मिनिस्ट्री से जो रूज एंड रेग्युलेशंस बने उन्हीं से ये सब गवर्न हो और ये रूज और रेग्युलेशंस स्टेट गवर्नमेंट्स में जो लोग हैं उन पर भी लागू हों।

लाखों लोगों की दवा दारु और इलाज ये लोग करते हैं। लाखों लोगों की जिन्दगी इनके हाथ में होती है। आपने एक फार्मसी काउंसिल बनाई है। वह ठीक है। उस में यू०जी०सी० से एक मैम्बर लिया जाएगा, यूनिफन टैरिटरी से भी लिया जाएगा। अन्त में आपने यह भी कहा है कि मैडिकल काउंसिल आफ इंडिया जो है वह भी एक को चुन कर यहाँ भेजेगी। मेरा कहना यह है कि मैडिकल काउंसिल आफ इंडिया दूसरे लोगों की आर्गनाइजेशन है दूसरी ट्रेड के लोग उस में हैं। मैं समझता हूँ कि जिन को दस साल या पंद्रह साल की ट्रेनिंग हो, जो भी आप तय करें, अगर वही इस काउंसिल में लाने की आप व्यवस्था करें और फार्मैसिस्ट के जरिये से ही वे आएँ तो ज्यादा अच्छा होगा और ज्यादा अच्छी सलाह दे दे सकते हैं।

एक एनामली की ओर मैं आपका ध्यान दिलाना चाहता हूँ। डॉक्टरों और नर्सों का

जिन्दगी में एक बार रजिस्ट्रेशन होता है, उनको हर साल रजिस्ट्रेशन कराने की जरूरत नहीं पड़ती है और न फीस देने की जरूरत पड़ती है। फार्मसिस्ट्रम भी उसी क्लास में आते हैं, मेडीकल क्लास से आते हैं। इस वास्ते उनको हर साल रजिस्ट्रेशन कराने के लिए मजबूर क्यों किया जाए? मैं चाहता हूँ कि सैक्शन 34(1) की ओर आप ध्यान दें और यह जो एनामली है उसको खत्म करने की कोशिश करें।

जो वर्मा से, सिलोन में, उगांडा में या बंगला देश में आए हैं और वहाँ ये दवाइयों का काम करते थे, उनको रजिस्ट्रेशन के बारे में यह बिल है। हर किसी का रजिस्ट्रेशन तो आप करेंगे नहीं, बहुत से क्वेक्स भी होंगे, जिन का रजिस्ट्रेशन आप नहीं करेंगे और कुछ ऐसे भी हो सकते हैं जो करा लें: अब क्या सबूत है क्या आथोरिटी है कि जिस देश से वे आए हैं वहाँ वे मेडीकल प्रोफेशन थे या नहीं। अब इन्हें लिए या तो कोई आप टेस्ट यहाँ प्रेसक्राइब कर सकते हैं और जो उसको पास करे उसका आप रजिस्ट्रेशन कर दें या फिर कोई सर्टिफिकेट वहाँ से वे लाए हों किसी प्रायर मेडीकल आथोरिटी का जिस से आघार पर आप उनका रजिस्ट्रेशन कर सकते हैं...

श्री दीनेन भट्टाचार्य : वहाँ जो पेशा करते हैं उसका कोई कागज उनके पास होगा? कैसे ला सकते थे।

डा० रानेन सेन : देश छोड़ कर आ गए कौंसे कागज ला सकते हैं। सब छोड़ कर चले आए हैं।

श्री राजदेव सिंह : मेडीकल टेस्ट यहाँ प्रेसक्राइब किया जा सकता है और आसान सा हो सकता है और अगर उसको वे पास कर लें तो उनका रजिस्ट्रेशन हो जाना चाहिये। अगर कुछ भी नहीं रखेंगे तो इसका मतलब यह होगा कि लोगों की जिन्दगी के साथ खिलवाड़ करने की इजाजत आप उनको दे रहे हैं।

16 hrs.

बेअर फुटिड डाक्टर की बात यहाँ हुई है। बेअर फुटिड डाक्टर किन को आप बनाएंगे? आप कहते हैं कि जो प्राइमरी स्कूल का टीचर है लेखपाल है ब्लाक डिप्लेपमेंट में लगे हुए लोग हैं उन्हीं को एक महीने दो महीने की ट्रेनिंग दे कर बेअर फुटिड डाक्टर बना कर गांवों में भेजना चाहते हैं। जब इस विचार को हम सुनते हैं तो हमें ऐसा लगना है कि गांव के लोगों की जिन्दगी आपको बड़ी सस्ती मालूम होती है यह दो तीन महीने की ट्रेनिंग ले कर क्या काम कर सकेंगे जब कि प्राइमरी स्कूल के टीचर का मेन प्रोफेशन पढ़ाना है लेखपाल का है लैंड रिफाईं रखना और डेवलेपमेंट के कर्मचारियों का चाहे ग्राम सेवक हो या पंचायत सेक्रेटरी दूसरा काम है। अब इन्हें 1 महीने की ट्रेनिंग दे कर बेअर फुटिड डाक्टर बना कर के लोगों की जान के साथ खिलवाड़ करना है। वह गलत दवा दे सकते हैं और लोग मर सकते हैं। इसलिये थोड़ा सा प्रमोडमेंट कर के लोगों को प्रायर ट्रेनिंग दी जाय। फारमासिस्ट की ट्रेनिंग दस साल की होती है और कम से कम इन्टरमीडियट लड़कों को लेते हैं इन की ट्रेनिंग इंटेंसिव होती है तो ज्यादा से ज्यादा लोगों को भर्ती कर के और उचित ट्रेनिंग दे कर इन्हें देश में फैला दिया जाय। दवा अगर मिलती है तो अच्छी मिले। दवा नहीं मिलती है तो आदमी 10-15 दिन जिन्दा रह सकता है। लेकिन गलत दवा से तो एक दिन भी जिन्दा रहना मुश्किल होगा। तो बजाय गलत दवा के अच्छा है कि दवा न दी जाय। इसलिये मेरी राय में बेअर फुटेड के नाम से जो क्वेक्स बनाये जा रहे हैं यह गलत है। फारमासिस्ट एक अच्छा लिंक है डाक्टर और जनता के बीच में यह दवा को भी जानते हैं और ट्रीटमेंट भी कर सकते हैं। इसलिये इस कड़ी को मजबूत बनाया जाय।

इस बिल के पास होने के बाद प्रोवीजन यह है कि स्टेट्स डेट फिक्स करेंगी कि फलां फलां डेट तक रजिस्टर करा लें, अगर बहुत

[श्री राजदेव सिंह]

सी स्टेट्स डेट फिक्स नहीं करती हैं तो प्रोटो-मेटिकली 5 साल के बाद सेक्शन 42 के अन्तर्गत यह ऐक्ट अपने आप लागू हो जायगा। हम कहते हैं कि 5 साल का पीरियड बहुत ज्यादा है। अगर कोई स्टेट गवर्नमेंट इस तरह की डेट फिक्स नहीं करती है तो साल भर का बकन रखना चाहिये। नहीं तो 5 साल में तो बहुत से लोगों को मार डालेंगे। इसलिये 5 साल की जगह 1 साल का बकन रखा जाय।

इन शब्दों के साथ मैं प्रस्तुत बिल का समर्थन करता हूँ।

SHRI B. V. NAIK (Kanara) : Sir, while supporting this Bill, I would like to bring out one point. Whether it was for the National Library Board or for many other Boards which we have established on a national scale, it looks as though the same set of people keep on repeating themselves in these National Boards. The original Bill, which is an old Bill of 1948, does not seem to have gone through much of an amendment provided for a certain set of people, namely, Director of Health Services, the Drug Controller and the Director of Central Drug Laboratory and there have been certain marginal changes in respect of induction of University Grants Commission. Though I fail to understand how the University Grants Commission becomes relevant except that it is a substitution of what was provided for in the inter-University Board previously, how do the universities become relevant to a Pharmacy Act. In that way, University is relevant for everything under the sun. I have not been able to understand that. I hope it will kindly be elucidated. Pharmacology has been a subject for long time in universities. B. Pharms have been produced by Banaras Hindu University for at least three or four decades. For that reason, in every board of national importance, if the university as a body has to be brought in, what are the positive contributions of

these over-worked, over represented bodies? I do not find any direct relevance though we may agree that the university does have a major part to play in almost all aspects of our national life.

MR. CHAIRMAN : You may say that a representative of the pharmacology department may be there not the university as such.

SHRI B.V. NAIK : The department of pharmacology has a representative in the form of Drugs Controller.

There has been for quite some time some talk about taking pharmacists to the rural areas. The Time and again we have been told that either by a process of compulsion or persuasion or incentives we must create a set-up wherein the doctor goes to the village. By and large this has remained a pious hope and wish by the policy framers as well as the planners in our country. So far as the bare foot doctor concept is concerned, we were taken when Shri Dikshitji was Health Minister that we might enlist the ayurved practitioners and other people on the fringe of the medical science or medical profession in the rural interiors and induct them as bare foot doctors. There are also homoeopaths, naturopaths, vaidis, hakims, etc., and not the least part of them, the quacks. Every ancient household in the village has somebody who administers some drug or some medicine for some ailment and no qualifications are needed for that. At that time we were told that the qualification will be reduced to matriculation and India will be serviced by a large number of bare foot doctors. I think it has become a non-starter.

AN HON. MEMBER : Non-sense!

SHRI B. V. NAIK : I do not know whether 'non-sense' is parliamentary. A bare foot doctor in my humble view would not be a non-sense, but there is a sort of half-knowledge from which most of us suffer. We can, therefore,

call it neither sense nor non-sense but half-sense.

The concept of phasmacists came in, as far as we know, because the doctor was one who was supposed to prescribe the medicine and the translation of the diagnosis or the prescription of the doctor has been left to the pharmacists. The pharmacist does the dispensing part of it. The doctor does the prescription part of it. The system which prevails in some of the affluent societies is that the pharmacist has an independent standing of his own. The doctor just sits with his "stethoscope and if he is not a surgeon but only a physician, he does the prescription part of it. Then the patient goes to the pharmacist who dispenses the prescription. In other words, it is a specialisation.

But in our country more important than the Doctor is, what we call, the compounder and the compounder comes from various walks of life and he goes on dispensing or supplying the medicines. The only thing which I can think of and which will work as a substitute for our barefoot doctor system whereunder in order to take the doctor to the village we have not been even partially successful, would be to, give out a scheme where under our compounder or pharmacist, as was indirectly suggested by Dr. Ranen Sen, could go to the taluka head quarters and he should be in a position to function in his area of operation where he could dispense his medicine so that once a patient comes from an interior village of five to ten miles to the head quarters where he resides, he is examined and subsequently for five or ten days the patient has not the responsibility of walking the distance or coming over to a city at a fabulous cost and the local pharmacist, the rural pharmacist or what the people popularly call, compounder of a rural area is able to carry at least 50 per cent of the burden of our Doctors. As an alternative for a midway compromise of taking the doctors to the village, where he is not able to set up well, where the

economic incentives do not exist. I think this would be a solution.

MR. CHAIRMAN: You suggest that we take the compounder to the village.

SHRI B.V. NAIK: Yes sir., That is the proposition I am trying to suggest, because a doctor who has gone through six or seven years of university education has changed his way of life unless he is so much motivated that he must serve the rural poor. In practice, this has become a pious wish. We train him for an urban elitist life and then we ask him to go and set up an *ashram* or a dispensary in the interior where he is expected to educate his children in the village school. Let us take our pharmacist to the villages. It is only here that we find that this degree of B Pharma is not universally prescribed for our pharmacist. Some people have come in this profession by tradition, some by practice and some by custom. So, it is a sort of mixed bunch. At a time when we are having unemployment on such a large scale, it should be possible for us to make a pharmacist compulsorily set up his business in the interior. One of the prescribed qualifications for a pharmacist is a Degree in Pharmacology, and, therefore, we could think in these terms. I have not the figures at my command to know what our educational potential is at the present juncture.

Nowadays, whenever one wants to open a new dispensary it is a fairly a difficult thing. I hope the hon. Minister will make it convenient for himself to look into the working of the Directorate of Drugs or what they call, Controller of Drugs at the State level. The question of dispensing or the question of opening a new pharmaceutical enterprise has become very difficult because of certain constraints, the red-tape, bureaucracy and such other things that exist. It is not effective, because of the technicalities involved. It is easier to interfere with or to put pressure on the Panchayati Raj Administration; but it is very

[Shri B. V. Naik]

difficult to put pressure on the drugs and cosmetics departments at the State level. These points may kindly be looked into.

Fourth, I would suggest that in respect of the large number of mass-consumed drugs, we can make use of the existing system. Why should not certain incentives be given to the rural panchayats and the rural service cooperatives, to enable them to take up the distribution of these materials, so that when you push the compounds, pharmacists or the bare-foot doctors—Indian brand—into the villages, you also have the trading mechanism built in

With these suggestions, I support the Bill.

SHRI K. MAYATHEVAR (Dindigul) :

Although I support the bill, I want to give some suggestions to the hon. Minister for his favourable consideration.

Who is the actual pharmacist ! I think that one who studies subjects like physics, chemistry, biology, anatomy and physiology is a pharmacist. After studying and passing in all these subjects, the student has to undergo training and probation for two years. That is the second stage when he is entitled to get a diploma in pharmacy. The third stage is one of registration as a member of the profession for practising as a pharmacist. I am told that this is the present system; I am subject to correction.

According to this bill, we are going to allow certain persons—who are working and have experience for a certain number of years, under the practitioners or under the department—to be registered as pharmacists. I would say that by doing this, we are playing with the lives of the Indian public. This step is very dangerous to their health and safety. I would ask the Minister this. Can a person who is serving under a doctor with an MBBS qualification—may be

even for more than 25 years—become an equal to the real doctor ! Can a person who is working as a servant under an engineering graduate become eligible for the grant of a Bachelor of Engineering degree ! Similarly, under the lawyers and advocates, certain clerks are working. On the basis of his experience as a clerk with the lawyers no advocate's clerk can become entitled to, or have permission to register himself as a lawyer, either by the Bar Councils in the States or by the Council at the Supreme Court. I am, therefore, not happy to see these persons, working under the real, qualified practitioners or diploma-holders being allowed to register as pharmacists. It is a very dangerous thing. The consequences which are going to follow such a step, will be unpleasant.

The next point is about the real and true Pharmacists. I am told that they have no promotion avenues at all. Once they enter into the service as Pharmacists they retire as Pharmasists. Their case is just like Sub-Registrars in the *moffusi* area. They enter into service as Sub-Registrars but retire also as Sub-Registrars without any promotion. Therefore, I am told that there are no promotion chances and opportunities in this Department also. For that, we have to find out ways and means and devices to create promotion opportunities in the same department. I am also told that they have promotion avenues only in the line of Store-keepers and Store Superintendents after passing the examination of the department. There are 1-2 per cent chances of promotion among the Pharmacists. The scope of promotion is very remote. As far as incentives are concerned, as I understand, they are very much less.

As far as pharmacists, doctors and so many other persons are concerned, who are dealing with medicine and pharmacy, who are working as Government employees in the hospitals, I have

ome across certain instances of theft of the Government medicines. These persons take those medicines to their houses, use them in clinics and also sell them at some profit. These persons should be arrested and dealt with by the Government under the emergency. This is the proper time for checking all these things.

As far as Pharmacists are concerned, as has been pointed out rightly by some of my friends here, they are diagnosing diseases and giving prescriptions. This is the work of a doctor. But the pharmacists are doing a *via media* work between a doctor and a compounder, as has been pointed out by many hon. Members. Their work is more responsible than that of a doctor and a compounder. Therefore, such risky and responsible work should not be entrusted to the non-diploma holders who are going to be getting themselves registered as diploma-holders or registered practitioners. This work should be entrusted to those who have got their diplomas on the basis of regular training, practice and experience. Therefore, I would request the Minister to consider these things practically from the point of view of the public safety and public security.

With these words, I conclude my speech.

SHRI CHAPALENDU BHATTACHARYYA (Giridih) : Mr. Chairman, Sir, I rise to support this Bill. It is another attempt—and we have been seeing so many *ad hoc* attempts - at regularising and rationalising our medical aid arrangements for the rural population who are not getting medical attention properly. After the shortfalls we see, this Bill is going to take effect although it may be passed today only after the five years' grace. What would be the population of this country then? What would be the number of medical practitioners, Pharmacists, dispensaries, drug stores,

health centres, hospitals and the nursing homes? The crucial question is what would be the number of pharmacists who would be required at that time as far as that projection is concerned, I do not know whether that has been worked out. I would very much like to have seen that included in the Statement of Objects and Reasons.

Now, we are really trying to take two Contradictory lines. On the one hand, we want to downgrade the level of medical aid to the countryside in the form of bare-foot doctors and, on the other hand, we want to import the technique of acupuncture from abroad and, at the same time, we want to increase the level of pharmacists. What then is our real objective? I entirely agree that so far, the quality and the quantum of medical aid has been, unfortunately, confined as in several sectors of our economy to the elitist 10 per cent of our population, mostly residing in towns and cities. I had, of course, three patients from my constituency, from the Village, who went through the open-heart surgery in the All India Institute of Medical sciences but not without an effort on my part.

The second point which I would like to make is this. It is true that a degree of specialisation is called for.

मर्ज बढ़ता गया ज्यों ज्यों दवा की ।

It is becoming very complex. Now, acute malaria cases are coming up daily and it has become rampant. It is emerging as a Frankenstein and it is spreading all over India. Our effort to control malaria has been faulty, feeble and not adequate to the challenge that it poses. Very soon, if it has not already, it will go out of control and affect the workers productivity—No longer strikes and lockouts but malaria—will take care of all these Problems.

[Shri Chapalendu Bhattacharyya]

There is an anomaly in this Bill. As has already been pointed out by previous speakers, a refugee who came between 1947 and 1957 and who was accepted as such by the Government of India for the purpose of loans and rehabilitation has not been given the same consideration in this Bill. There is a gap, as it were, between 1947 and 1957. That anomaly should be removed. I think, there should be no difficulty about it.

It is true that we have gone very far from the age of mixtures and ointments. We would certainly like to increase the efficiency of pharmacists, improve the level of their understanding and comprehension. But they need not always have to go through the mill of two-year or three-year or five-year degree courses. Any intelligent young man with five years experience under the careful guidance of a doctor can certainly launch himself as a good enough and effective pharmacist.

Now, the question is about the quantum and quality of medical aid in the villages. Apart from bare-foot doctors, there are homoeopaths, ayurved, unani and the local village—I will not call them witch-doctors—doctors retailing all the herbal medicines. They are filling the gap somehow. There was a suggestion about using the retail petrol outlets to be used as outlets for the medicines also very soon, if our Programme for development makes headway, as we hope and, believe me, it would make headway, in the coming years every petrol pump will also have motels and other facilities attached to it.

Certainly we can place pharmacists, drug stores and pharmacies there to serve people who are on the highways, and they can branch out into the villages also. This idea or concept of using the retail outlets for petroleum products for dispensing medicine is a good one and should be given effect to.

The central point is about the opening of a register. It is good as far as it goes:

“After section 15 of the principal Act, the following sections shall be inserted, namely :-

15A. (1) The Central Council shall cause to be maintained in the prescribed manner a register of pharmacists to be known as the Central Register, which shall contain the names of all persons for the time being entered in the register for a state”.

we welcome it ; it will help in some way in rationalising the arrangement.

Then comes the question about the Central Council. Representation of pharmacists on the Council is a must. They must be enabled to project their grievances before the Central Council so that the Central Council may be enabled to draw up a meaningful scheme of guidance to insulate them against Inspectors who may abuse their office. I know from my experience what the pharmacists have to go through under the Drug Inspectors. If inspection is necessary, misuse of their powers is also a fact of life and that misuse should be controlled. How to do it is an administrative decision and I leave it to the Minister to formulate measures.

श्री रामाबतार शास्त्री (पटना) :
सभापति महोदय, फारमेसी (संशोधन) विधेयक पर यहाँ विस्तार के साथ हमारे माननीय डाक्टर मदस्य बोल चुके हैं। हम लोग तो लैमेन हैं, डाक्टर-पेशा नहीं जानते, इसलिए उस नुकते से हम नहीं बना सकते, लेकिन ग्राम जनता के नुकते से हम एकाध बात कहना चाहते हैं।

सब से पहली बात तो मैं यह कहना चाहता हूँ कि जो फारमेसिस्ट रजिस्टर्ड होंगे या हैं, उन की संख्या क्या है, यह डाक्टर सरधीश राय श्राप के सामने बना चुके हैं। उन की संख्या बहुत कम है। उन का रजिस्ट्रेशन होना चाहिए,

उन की ट्रेनिंग होनी चाहिए, यह बहुत अच्छी बात है लेकिन जिस तरफ मैं आप का ध्यान खीचना चाहता हूँ वह है गांवों में चिकित्सा की व्यवस्था। जैसी दयनीय स्थिति वहाँ पर है, वह आप को मालूम ही है। आप जानते हैं कि हमारा सम्पूर्ण देश ग्राम तौर से गांवों में फैला हुआ है और बहुत ही गरीब है। तमाम जगहों पर डाक्टर नहीं जा सकते हैं और बहुत सारे डाक्टर शहरों की तड़क-भड़क को छोड़ कर देहातों में जाना पसन्द नहीं करते हैं। शहरों में जो उन्हें सुख-सुविधा मिलती है वैसी देहातों में प्राप्त नहीं होती है और बहुत दिनों तक नहीं होगी और जो स्थिति हमारे देश की है ऐसी स्थिति में 5 लाख से ज्यादा गांवों में फैली गरीब जनता दवा-दारु के बगैर चिकित्सा के बगैर कीड़े-मकोड़ों की तरह मरती रहेगी। क्या उन की चिकित्सा का भी ठीक बन्दोबस्त निकट भविष्य में हो सकेगा? मैं इसी नुक्ते-निगाह से यह कहना चाहता हूँ कि डाक्टर अगर आप नहीं भेज सकते, यों तो हर गांव में डाक्टर भेजे जाने चाहिए तो वहाँ आप फार-मेसिस्ट ही भेजिये देहातों का हमारा यह अनुभव है कि अगर आप वहाँ डाक्टर भेजते भी हैं फेमिली प्लानिंग के नाम पर डाक्टर जाते हैं और दूसरी बीमारियों के डाक्टर जाते हैं वे गांवों में नहीं जाते। प्रखण्ड का जो मुख्यालय है वहीं से वे लौट जाते हैं। यह मेरा अनुभव है।

एकाध प्रखण्ड समिति की बैठक में शामिल होने का मुझे अवसर मिला है। उभ बैठक में फेमिली प्लानिंग को एक डाक्टर से जब मैंने यह कहा कि आप गांवों में क्यों नहीं जाते तो वह फूट फूट कर रोने लगीं। सभापति जी, मैं महिलाओं की शिक्षा नहीं कर रहा हूँ। मेरे कहने का तात्पर्य यही है कि डाक्टर देहातों में नहीं जाते हैं। जब डाक्टर गांवों में नहीं जाते हैं तो कम से कम आप फार्मेसिस्ट को ही वहाँ भेज दें। उनको भी काम करते करते डाक्टर की तरह की ही जानकारी हो जाती है। कभी कभी वे प्रेमत्रिपुंस भी लिख देते हैं।

सभापति महोदय (श्री वसंत साँ) :
नीम हकीम।

श्री राजावतार शास्त्री : वे नीम हकीम नहीं होते। मान लीजिए देहातों में कौलेरा हो गया है, मलेरिया हो गयी है, डीसेंटरी की बीमारी हो गयी है, डायरिया हो गया है तो इस तरह की जो बीमारियाँ होती हैं उनकी आसानी के साथ वे चिकित्सा कर सकते हैं।

मैं तो ऐसे इलाके से आता हूँ जहाँ बहुत बाढ़ आती हैं। आप देख रहे हैं कि पटना को बाढ़ से बचाने के लिए बांध बनाया जा रहा है। बाढ़ के दिनों में किसी डाक्टर के न होने या किसी मेडिकल सेन्टर के न होने की वजह से गांव वालों को बड़ी कठिनाई होती है। अगर आप उन गांवों में फार्मेसिस्ट ही पहुंचा दें तो भी उनकी काफी मदद हो सकती है। अगर संभव हो सके तो इन फार्मेसिस्ट को बैंक से महायता दिलवा दें ताकि वे गांवों में जाकर बैठ जायें। इनसे बरसात के दिनों में गांवों में जो कोलेरा की बीमारी हो जाती है, लोगों को गांप काट लेता है उनकी रक्षा हो सकती है। ऐसे मरीजों को शहर लाते लाते तो उनके प्राण पखेह उड़ जाते हैं। बरसात के दिनों में न तो मरीज शहर पहुंच सकता है और न डाक्टर ही देहात में पहुंच सकता है। अगर उन इलाकों में फार्मेसिस्ट मुठ्ठा दें जो कि रजिस्टर्ड फार्मेसिस्ट हों तो गांव वालों की बहुत सेवा हो सकती है। इन तरफ आपका ध्यान खींच कर मैं अपने संशोधन पर भी कुछ कहना चाहता हूँ।

सेन्ट्रल काँग्रेसल के जो आपके अधिकारी या कर्मचारी होंगे इनके सम्बन्ध में मेरा संशोधन है। आप इनके लिए 'प्रफर और सर्वेंट्स' का इस्तेमाल कर रहे हैं। मैं जानना चाहता हूँ कि इस सर्वेंट्स शब्द का अर्थ क्या है। हमारे यहां मे अग्रेंज चले गये लेकिन अग्रोजियत अभी भी बरकरार है। किसी जमाने में 'योर्स मोस्ट ओबिडियेंट सर्वेंट्स' लिखा जाता था जिसको आपने विदा कर दिया। इसकी जगह

[श्री रामावतार शास्त्री]

आजकल आप 'भवदीय' या 'आपका' लिखते हैं। मेरी समझ में नहीं आया कि 'सर्वेंट्स' शब्द से आपको इतनी मोहब्बत क्यों है, क्यों नहीं इसकी जगह आप एम्प्लॉयज लिखते हैं। यह पुरानी लैंगेजी जो दिमाग में है इसको आपको त्यागना चाहिये। ऐसा करके आप कोई बुनियादी परिवर्तन नहीं कर रहे हैं। इसके लिए आपको कैबिनेट में एप्रूवल के लिए नहीं जाना पड़ेगा। सर्वेंट की जगह एम्प्लॉयी रखने में आपको कोई एतराज नहीं होना चाहिए। ऐसा आपने नहीं किया तो इसका बड़ा बुरा असर होगा। ऐसा लगता है कि हमारे अधिकारी जिन्होंने इस बिल को ड्राफ्ट किया है उन के दिमाग में भी वही पुरानी भावना थी। आप तो जानते ही हैं कि दिल्ली में एक घरेलू कर्मचारी संघ बना हुआ है। घरों में जिन सर्वेंट्स को हम लोग रखते हैं, जो घरों में काम करते हैं उनको नौकर शब्द से पुकारना मैं समझता हूँ कि हिंकारत का सूचक है। आप उनको सेवक कह सकते हैं, कर्मचारी कह सकते हैं, आप यहाँ एम्प्लॉयी शब्द का प्रयोग कर सकते हैं, सेवक कह सकते हैं, कर्मचारी कह सकते हैं। ऐना न कह कर आप सर्वेंट कहते हैं इसमें मैं समझता हूँ कि समाजवादी व्यवस्था की रचना की जो बात हम करते हैं और जो भावना उनके पीछे है, उसके भी विपरीत यह चीज जाती है, जन-तांत्रिक विचारधारा के भी विपरीत जाती है। इस वास्ते सर्वेंट सा नौकर नहीं हम को कहना चाहिये। चौथा संशोधन मेरा यही है कि जहाँ आपने सर्वेंट या सर्वेंट्स लिखा हुआ है उसकी जगह आप एम्प्लॉयी या एम्प्लॉयीज कर दें।

पेज तीन पर आपने रिम्युनरेशन एंड एलाउंसिस की चर्चा की है। यहाँ मैंने कहा है एंड अदर बैनिफिट्स। अदर बैनिफिट्स भी आप देंगे इस वास्ते उसको भी आप लिख दें ताकि आपके अधिकारियों को यह स्पष्ट हो जाए कि एम्प्लॉयीज को भी बैनिफिट्स मिलने वाले हैं और एम्प्लॉयीज को भी पता रहे कि

हमें क्या क्या बैनिफिट और सहूलियतें मिलने वाली हैं।

पृष्ठ चार पर 15(ए) की जो उपधारा दी है उसमें आपने एज सूट एज में बी रखा है। अब इसका मतलब दो दिन भी हो सकता है, चार दिन भी हो सकता है, दो महीने भी हो सकता है, चार महीने भी हो सकता है। मैंने संशोधन दिया है "As soon as may be" के बजाय "within a month". कर दिया जाए।

आपको स्पेसिफाई कर देना चाहिये कि इस अवधि में इन लोगों को आपके पास रजिस्टर अवश्य भेज देना चाहिये।

सजा के बारे में भी मेरा एक संशोधन है। पृष्ठ 6 पर धारा 16 की उपधारा 3 को आप देखें। यहाँ आपने कहा है :

"...Shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both".

मेरा इसके बारे में स्पष्ट निवेदन यह है कि आप सजा छः महीने तक रखें। ऐसा आपने नहीं किया तो यही होगा कि फाइन ले कर उनको छोड़ दिया जाएगा। हो सकता है कि उनका जुर्म ज्यादा हो और उनसे अगर फाइन ले कर छोड़ दिया गया तो ठीक नहीं होगा। अगर आप यह आप्रेशन ट्राइंग मजिस्ट्रेट को देंगे तो थोड़ी सी सजा करके उसको छोड़ देगा। हमारे न्यायालयों की जो प्रवृत्ति है, जो तरह तरह की बातें होती हैं उससे तो आप परिचित ही हैं। इसलिए मैंने कहा है :

Omit — "Or with fine not exceeding one thousand rupees, or with both"

केवल छः महीने की सजा का प्रावधान रखिये ताकि अगर कोई जुर्म करने का इरादा रखता हो तो उसे डर लगे कि मुझे छः महीने की जेल की सजा भुगतनी पड़ेगी, छः महीने तक जेल की खिचड़ी खानी पड़ेगी इस वास्ते वह जुर्म

करने से डरे। जुमाना तो वह आसानी से दे सकता है। इस प्राणय का मेरा जो संशोधन है मैं आशा करता हूँ कि इस को आप स्वीकार कर लेंगे। साथ ही जहाँ आपने सैन्ट का जिक्र किया है उसे मेहरबानी करके आप जरूर निकाल दें और उसकी जगह एम्प्लायी रख दें।

श्री मूलचन्द डागा (पाली) : मैं इस बिल का स्वागत करता हूँ। श्री रानेन सेन ने एक बात मुझे बताई है जिस को कहना वह भूल गए थे।

सभापति महोदय : आपके वगैर बिल पूरा नहीं हो सकता है।

श्री मूलचन्द डागा : आपकी कृपा है। मैं आज इस बिल को पढ़ कर नहीं आया था। लेकिन मैं एक बात कहना चाहता हूँ। लंका से, बंगला देश से तथा दूसरे देशों से काफी कैमिस्ट और दूसरे इस काम को करने वाले लोग आए हैं। यहाँ पर हायर सैकेंडरी पास करने के बाद हमारे विद्यार्थी तीन साल का इसका कोर्स लेते हैं, ट्रेनिंग लेते हैं। और लेने के बाद आप उन को रजिस्टर करते हैं। लेकिन जो बाहर से आते हैं उन की क्या कोई परीक्षा होती है या ऐसे ही रजिस्ट्रेशन कर देते हैं? क्या क्राइटीरिया है आप के पास यह मैं जानना चाहता हूँ? आज हम गांव गांव के अन्दर गरीबों के इलाज की व्यवस्था नहीं कर पाये हैं। शास्त्री जी ने ठीक ही कहा कि गांवों में गरीब लोगों के इलाज का माकूल इंतजाम हम अभी तक नहीं कर पाये हैं। इसलिये गांवों में कई लोग जो कम्पाउन्डर्स हैं, या इस तरह के काम में लगे हुए हैं और जो बिलकुल पढ़े लिखे नहीं हैं, उन से कई बार फेसेज विगड़ जाते हैं, ऐसे लोगों के बारे में आप क्या करने जा रहे हैं। आप यह बताइये कि रजिस्ट्रेशन करने के पहले क्या क्वैलिफिकेशन होंगी? क्या उन का कोई ऐग्नामिशन होगा? जिन लोगों ने ट्रेनिंग प्राप्त की है और डिप्लोमा लिया और डिप्लोमा मिलने के बाद वह तो वंचित हो

जायेंगे और जो बाहर से आये हैं उन को इस का लाभ मिलेगा, वह वान मेरी समझ में नहीं आयी, जरा इस को बताइये। आप जिन को फारमासिस्ट बनाना चाहते हैं उन के लिये आप के पास इस बिल में क्या क्राइटीरिया होगा, यह मुझे नहीं मालूम। किस आधार पर आप उन्हें रजिस्टर करेंगे? पहले हम ने देखा कि कई लोग एम० पी० और एम० एल० ए० से सर्टिफिकेट ले कर रजिस्टर करा लेते थे। इस तरह के बहुत से बैचवर्ड्स गांवों में फारमासिस्ट बन कर बैठ गये। इन के बारे में आप क्या करेंगे? अभी तक देश में ऐसे लोगों के बारे में कोई कानून नहीं है। इन्हें मेरी मांग है कि आप कोई क्राइटीरिया बनायें।

सभापति महोदय : और ऐसे लोग भी हैं जो भ्रूति निकाल कर लोगों को अच्छा कर देते हैं, ऐसे लोगों के लिये क्या किया जाय?

श्री मूलचन्द डागा : मैं ऐसे लोगों में विश्वास नहीं करता हूँ। आप का अकोला क्षेत्र काफ़ी बैचवर्ड है, वहाँ इस तरह की बातों में लोग विश्वास करते होंगे। लेकिन मेरे यहाँ ऐसा नहीं है।

इसलिये मैं मंत्री जी से यही जानना चाहता हूँ कि क्या क्राइटीरिया रखेंगे वच मुझे यही निवेदन करना था।

THE MINISTER OF STATES IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (CHOWDHURY RAM SEWAK): I am thankful to the hon. Members who have participated in the discussion on the Pharmacy Amendment Bill brought forward by the Government. Many important suggestions have been made by Dr. Ranen Sen, Dr. Saradish Roy, Mr. Bhattacharyya and other hon. Members of this House.

Much stress has been made particularly on one section by Dr. Ranen Sen, Dr. Saradish Roy, Mr. Bhattacharyya and also other Members. That is with regard to Section 32(A) which contains the pro-

[Chowdhury Ram Sewak]

visions for registration, amongst others, of displaced persons. Explanation (x) to that section has defined a 'displaced person' to be 'a person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has soon after the 1st day of March 1947 left or has been displaced from his place of residence in such area and who has since then been residing in India.' In view of the restricted nature of the said definition, any person who has been displaced from the territories now in Bangla Desh will not get the advantage of the special provisions of Section 32(A). Consequently, a new provision viz., 32(B) is proposed to be inserted in the Act to confer special rights for registration of persons who have been displaced from Bangla Desh on account of civil disturbances or on account of fear of such disturbances.

The proposed new section does not, in any, prejudicially affect the existing provision nor does it take away the right of any person who is otherwise entitled to be registered under the Act. The definition of 'Displaced Person', the date—14th April 1957 has no special significance. The date was adopted from the definition as given in the Dentists Act.

The Member, however, pointed out that there are a large number of persons from Bangla Desh area who have migrated after 1947 but before April 1957 and who may need registration as pharmacists. The Government will have a look into this and if necessary will come forward with necessary amendments in future.

DR. RANEN SEN: Not only from Bangla Desh but from West Pakistan also.

CHOWDHURY RAM SEWAK: We will consider.

Regarding other suggestions made by the hon. Members, I would like to say a few words. Shri V. B. Naik and Shri Jagannath Mishra have pointed out certain

wider representation on the Pharmacy Council of India by providing for the inclusion in that Council of the representatives of the Union Territories as also the University Grants Commission and All India Council for Technical Education.

A high degree of specialisation is taking place in various branches of pharmacy. It is, therefore, necessary to induct specialists as members of the committees of the Pharmacy Council of India. The Bill, therefore, seeks to empower the Pharmacy Council of India to co-opt non-members specialists as members of its committees.

As regards the accounts of the Committee, the Pharmacy Council of India are at present audited by the private auditors. The Bill seeks to provide that the audit of the accounts of the Pharmacy Council of India shall be made by the Comptroller and Auditor General of India or any person authorised by him.

Certain amendments have been submitted by the hon. Members. Shri B. V. Naik has made certain suggestions. The effect of his amendment would be that apart from the Central Register, the Central Council should maintain a confidential list of pharmacists indulging in unfair practices and trade.

We are in complete agreement with the objective of the mover of the amendment, namely, to eradicate unfair practices and to confer special rights for registration of persons who have been displaced from Bangla Desh on account of civil disturbances or on account of fear of such disturbances. The proposed new section does not, in any way, prejudicially affect the existing provision nor does it take away provision nor does it take away the right of any person who is otherwise entitled to be registered under the Act. The definition of 'Displaced Persons', the date—14th April, 1957 has no special significance. The date was adopted from the definition given in the Dentists Act.

The Member, however, pointed out that there are a large number of persons from Bangla Desh area who have migrated

trade in the line. But the method suggested would not serve the purpose and would not also be feasible for the following reasons:

The Central Register is a public document and that cannot be a confidential register.

It may be possible to keep separately a confidential list of persons who are reported to be indulging in dishonest practices. But it cannot be statutorily done. Further the main Act, Section 36, provides for the removal of the names of pharmacists from the register under certain circumstances, including conviction by a court.

Regarding qualified persons to be engaged in the profession, in West Bengal, there are three institutions, giving courses in Pharmacy. You have one Degree Course at Jadavpur University and two Diploma courses at Jalpaiguri and Kalyani. In the whole of the country there are 51 institutions which are imparting Diploma courses and about 2722 qualified persons are coming out from these institutions every year.

Besides these, as regards Degree Courses, there are 23 institutions in the country and 714 persons are coming out of these institutions every year.

So, the qualified persons are multiplying every year. We have to arrange for their employment. If they are not taken in service or if they don't get employment there will be a great hue and cry. And if qualified persons are available in the country, I do not think that we should allow unqualified persons. The Government had fixed a certain date and we have enrolled them since 1973. Near about 70,000 or 80,000 persons have registered themselves.

Dr. Saradish Roy mentioned the point regarding persons approved to dispense medicines. These persons could not earlier be registered. In the amending Bill now it is proposed to permit registration of persons who have been approved. Since 1st January, 1970, the approval of persons other than registered pharmacists has been

stopped. The net result of the amending Bill would be that in future only these registered pharmacists would be dispensing medicines.

Mr. Sokhi made certain suggestions regarding the Pharmacy Council of India. The Council may be meeting only twice a year but its committees are meeting very frequently.

Regarding the point raised by Shri Jagannath Mishra, unlike food and drug inspectors, inspectors appointed under this Act have limited powers.

There is, therefore, less scope for misuse of the powers, even in respect of prosecutions, these can be launched only under the order of the Executive Committee of the State Pharmacy Council.

Regarding the other suggestions made by the hon. Members the Government will take note of them. Besides that, I would like to say a few words. Regarding the suggestions made by the hon. Members, one was regarding the Hathi Committee Report. The Report is under consideration of the Ministry of Chemicals and Fertilisers and after their views have been communicated to us, we shall consider them.

With these words, I want to conclude.

MR. CHAIRMAN: What about the word 'servants'? Have they anything to do with the working of the employees?

CHOWDHURY RAM SEWAK: There is no special purpose served by substituting the term 'employee' for 'servant' of the Pharmacy Council of India. The term used therein is from that used in the Dentist Act etc. The term 'servant' covers the employees who do their duty with humility and devotion and so there is no special need to change it.

MR. CHAIRMAN: Now, the question is... (Interruptions).

DR. RANEN SEN: Why did the Minister keep this term taken from the Dentist Act? Anyway, that is all right.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Pharmacy Act, 1948, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now we take up clause by clause consideration.

There are no amendments to clauses 2 to 5. The question is:

"That Clauses 2 to 5 stand part of the Bill".

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 6—(Substitution of new section for section 8.)

MR. CHAIRMAN: I think there are amendments to this clause by Shri Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 3, line 17,—
for "servants" substitute "employees"
(2)

"Page 3, line 21,—
for "servant" substitute "employee"
(3)

"Page 3, line 29,—
for "servants" substitute "employees"
(4)

17 hrs.

MR. CHAIRMAN: I shall put amendments 2 to 4 to this clause to the vote of the House.

Amendments Nos. 2, 3, and 4 were put and negatived.

MR. CHAIRMAN: The question is: "That Clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Insertion of new section 9A.)

MR. CHAIRMAN: There is one amendment to this clause by Shri Ramavatar Shastri. Are you moving?

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 3, line 38.—
after "paid" insert—
"and other benefits to be given" (5)

MR. CHAIRMAN: I shall put the amendment to vote.

The amendment No. 5 was put and negatived.

MR. CHAIRMAN: The question is: "That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

MR. CHAIRMAN: There is no amendment to clause 8. I shall put it to the vote of the House. The question is:

"That Clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—(Insertion of new sections 15A and 15B.)

MR. CHAIRMAN: There are amendments to clause 9 by Sarvashri Ramavatar Shastri and Naik. Are you moving? Shri Naik is not here.

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 4, line 13,—
for "as soon as may be" substitute—
"within a month" (6)

MR. CHAIRMAN: I shall put the amendment to the vote of the House.

Amendment No. 6 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12—(Amendment of section 18.)

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 5 line 23,—

for "servant" substitute "employee" (7)

MR. CHAIRMAN: Now, I put amendment No. 7 moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 7 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clauses 13 to 15 were added to the Bill.

Clause 16—(Insertion of new section 26A.)

SHRI JAGADISH BHATTACHARYA (Ghatal): I beg to move:

"Page 6, line 24,—

(i) after "dispensed" insert—
"in the presence of a witness of some social status," (8)

(ii) add at the end—

"which shall be countersigned by the said witness".

SHRI RAMAVATAR SHASTRI: I beg to move:

"Page 6, lines 37 and 38,—

omit "or with fine not exceeding one thousand rupees, or with both." (9)

MR. CHAIRMAN: Now I put the amendments No. 8 and 9 moved by Sarvashri Jagadish Bhattacharyya and Ramavatar Shastri respectively to the vote of the House.

Amendments Nos. 8 and 9 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 20 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

CHOWDHURY RAM SEWAK:
I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, May 25, 1976 Jyaishta 4, 1898(Saka).