

4th April 1940

THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1940

(27th March to 6th April, 1940)

ELEVENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940

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Legislative Assembly.

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SIR ABDUL HALIM GHUZNAVI, M.L.A.

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LEGISLATIVE ASSEMBLY

Thursday, 4th April, 1940.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Parakat Madhava Menon, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

†622*—635*.

ACTION ON THE OPINIONS OF THE PORT HAJ COMMITTEES.

636. *Mr. Umar Aly Shah: (a) Will the Education Secretary please state if it is a fact that the Port Haj Committees had passed resolutions welcoming the entry of the Scindia Steam Navigation Company, Limited, into the pilgrim traffic?

(b) Is it a fact that the Port Haj Committees, or their Chairmen, had expressed their opinion on various occasions that the rate war was not in the interest of pilgrims and asked Government to take steps to stop it?

(c) If so, which Port Haj Committees have expressed these opinions and when?

(d) What action have Government taken on these opinions? If they have not taken any action as yet, why not, and do they propose to take any action in future?

The Honourable Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me to part (b) of Sir Abdul Halim Ghuznavi's starred question No. 426 on the 18th March, 1940.

(b) Yes.

(c) The Port Haj Committee, Bombay, on the 13th December, 1938, the Port Haj Committee, Calcutta, on the 23rd January, 1939, and the Port Haj Committee, Karachi, on the 13th March, 1939.

(d) The matter is under consideration.

CONSTITUTION OF THE PORT HAJ COMMITTEES.

637. *Mr. Umar Aly Shah: (a) Will the Education Secretary please state when the Port Haj Committees were constituted and what were the objects for constituting them?

†For these questions and answers, see pages 2134—2142.

(b) Have these Committees been making any suggestions for providing better comforts, etc., on the ships and/or at the ports, or any other suggestions, in the interest of the pilgrims?

(c) If so, are Government giving practical shape to their suggestions?

(d) Why did Government not think it fit to consult them when they called conferences to discuss and decide the questions relating to rate war and allocations of the traffic?

The Honourable Sir Girja Shankar Bajpai: (a) The Port Haj Committees of Calcutta, Bombay and Karachi were first constituted on the 4th January, 1934, 13th February, 1934, and 28th May, 1934, respectively. They were constituted to render assistance to Haj pilgrims.

(b) Yes.

(c) Yes, as far as possible.

(d) The views of the Port Haj Committees regarding the effects of a rate-war were already available to Government. Allocation of pilgrim traffic in the interests of securing economy in the employment of available shipping in war time was regarded as a technical matter for discussion by Government with the shipping companies concerned.

Dr. Sir Ziauddin Ahmad: With reference to part (b), may I know if the Port Haj Committee at Karachi complained of want of accommodation for these pilgrims at Karachi and suggested that better provision should be made for their accommodation at Karachi?

The Honourable Sir Girja Shankar Bajpai: Sir, if my Honourable friend will be so good as to look at the statement that I had to make on that point on the Resolution which was moved by Nawab Siddique Ali Khan the other day, he will find the position fully set out.

UNSTARRED QUESTIONS AND ANSWERS.

PAY OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES, CALCUTTA AND NEW DELHI.

127. Sardar Sant Singh: (a) Will the Honourable Member for Labour be pleased to refer to the answer given by him to starred question No. 1046, dated the 14th September, 1938, regarding pay of accountants in the Government of India Presses, Calcutta and New Delhi, and state whether the question has been examined?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member, please place the result of such examination on the table of the House?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes. The question referred to by the Honourable Member related to the posts of Accountant in the Forms Press, Calcutta, and the Government of India Press, New Delhi.

(b) A statement is laid on the table.

Statement.

Name of post	Previous Scale		Revised Scale		
	Old rate	Revised rate	Old rate (applicable to persons who were in service before the 16th July 1931)	Revised rate for persons who joined service on or after the 16th July 1931 and before the 10th January 1940	Revised rate for persons who join service on or after the 10th January 1940.
	Rs.	Rs.	Rs.	Rs.	Rs.
1. Accountant, Government of India Press, New Delhi.	160-15/2-220	160-15/2- 220.	175-15/2-250	175-15/2-250	175-15/2-250
2. Accountant Forms Press, Calcutta.	250-10-350	225-15/2- 300.	250-10-350	225-15/2-300	175-15/2-250

GRADES OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES.

123. **Sardar Sant Singh:** (a) Will the Honourable Member for Labour be pleased to state the total strength of each of the Government of India Presses (including Forms Presses).

(b) Will the Honourable Member be also pleased to state the grade (old and revised, both) attached to the posts of accountants in each of the Presses?

(c) If the grades of the posts of accountants are not uniform, will the Honourable Member please state the reasons why they are not so?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b). A statement is laid on the table.

(c) The scales have been fixed with regard to the duties and responsibilities attached to each post and to local conditions.

Statement.

Name of Press	Total strength. (approximate)	Scale of pay of the post of Accountant		Remarks
		Old rate.	Revised rate.	
		Rs.	Rs.	
Government of India Press, Calcutta.	850	250-10-350	225-15/2-300	
Forms Press, Calcutta	90	250-10-350	225-15/2-300 175-15/2-250 (a)	
Government of India Press, New Delhi.	610	175-15/2-250	175-15/2-250	The incumbent of this post is not required to be a qualified Accountant.
Forms Press, Aligarh	520	100-5-140	100-5-125	
Government of India Press, Simla.	360	There is no post of Accountant.		

TRANSFERRED STARRED QUESTIONS AND ANSWERS†.

WRITTEN ANSWERS.

PERSONNEL BRANCHES ON THE NORTH WESTERN RAILWAY.

622. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that S. D. Cs. have to deal with personal matters relating to staff employed in the sub-division;
- (b) whether it is a fact that the Superintendent who was deputed on special duty by the Headquarters office in connection with co-ordination of personnel branches of the North Western Railway in 1937 and 1938, visited the offices of the S. D. Cs. treating them as personnel branches;
- (c) whether it is a fact that the number of S. D. Cs. is not included in the list of staff employed in personnel branches submitted by the North Western Railway to the Railway Board; and
- (d) if the reply to parts (a), (b) and (c) above be in the affirmative, will the Honourable Member please state why S. D. Cs. are omitted from the list referred to in part (c) above?

The Honourable Sir Andrew Clow: (a) Yes, in addition to dealing with correspondence and returns relating to the work of the Sub-Division.

(b) Government have no information, but the personnel work in small offices requires to be co-ordinated with the main Personnel Branches of the Divisional Headquarters and at the Headquarters of the Administration.

(c) I am not aware what list the Honourable Member refers to. The North Western Railway do not submit to the Railway Board, a list of staff employed in Personnel Branches unless such information is specifically called for, but it would not be in order to include staff who are not wholly engaged on personnel in such a list if it existed.

(d) Does not arise, but I would refer the Honourable Member to the reply I have just given to part (c).

ERECTION OF "CARRIER EQUIPMENT" AND INSTALLATION WORK OF TELEPHONE EXCHANGES.

623. *Shaikh Rafuddin Ahmad Siddique: (a) Will the Honourable Member for Communications be pleased to state whether 'Carrier Equipment' is a purchasable commodity, and if so, why the Telegraph Engineering Officers have not been required to undertake their erection so far?

(b) Is it a fact that even sub-contracts for the installation work of Telephone Exchanges are given to commercial firms? If so, why?

†The meeting of the Assembly that was to be held on the 3rd April, 1940, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today.—*E. of D.*

The Honourable Sir Andrew Clow: (a) Yes. In the case of carrier equipment the installation is allied to the manufacturing process in so far as the technical design of the equipment has, in many cases, to be modified so as to make the system suitable for the particular conditions under which it has to work. In order, therefore, to avoid complications with the supplying firms, they are entrusted with the installation of the equipment.

(b) No, except in the case of the large automatic exchanges when, in order to ensure that the equipment is entirely suitable, a condition is imposed on the supplying firm that full payment will not be made until the equipment has worked satisfactorily for several months after its installation. The enforcement of this condition makes it necessary that the installation should also be done by the supplying firm.

TEST OF GAZETTED OFFICERS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

624. *Shaikh Rafiuddin Ahmad Siddiquee: Will the Honourable the Communications Member please state whether gazetted officers of the Post Office and Telegraph Department are tested for the requisite capacity—technically and otherwise—by the Public Service Commissioners, and if not, why not?

The Honourable Sir Andrew Clow: In the case of direct recruitment to the gazetted posts of the Post Office and Telegraph Engineering Branches, tests are held by the Federal Public Service Commission. The capacity to Class II services of officers appointed by promotion is sufficiently tested by experience; promotion to Class I posts, excluding certain tenure posts, is made after consulting the Federal Public Service Commission.

SPLITTING UP OF THE POSTS AND TELEGRAPHS DEPARTMENT.

625. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Communications be pleased to state whether Government have hitherto instituted investigation into the matter of resultant benefits accruing through the system of amalgamation of the Post Office and Telegraph Department in India and are they prepared to split up the branches?

(b) Is it a fact that Post Office officials, Telegraph Engineering Officers and civilians who enter the service rise to be Postmasters General by a system of inter-departmental rotation and if so, what is the basis of selection?

(c) Is it fact that until the Postmaster General grade is acquired, neither a Postal Official, nor a Telegraph Engineering officer, has any contact with, and, knowledge of, the other system?

The Honourable Sir Andrew Clow: (a) The reply to the first part is in the affirmative and to the second part in the negative.

(b) Officers of the Post Office or of the Telegraph Engineering Branch and Indian Civil Service Officers are appointed as Postmasters-General; the basis of selection is fitness for the post.

(c) No.

GRANT OF LEAVE TO THE EAST INDIAN RAILWAY EMPLOYEES SERVING IN THE VOLUNTEER FORCES WHEN REQUIRED TO JOIN THE ARMY.

626. *Sardar Sant Singh: (a) Will the Honourable the Railway Member be pleased to state whether several East Indian Railway non-gazetted Government servants are serving in the Volunteer Forces of the Indian Army?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether leave is granted to such volunteers when they are required to join the Army?

The Honourable Sir Andrew Clow: I have called for information and will lay a reply on the table of the House in due course.

CHANGE IN THE RULES REGARDING PROMOTION OF CLERKS ON THE NORTH WESTERN RAILWAY.

627. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state with regard to the clerical staff of the North Western Railway Headquarters, Divisional and Extra Divisional Offices, separately the date from which the rule regarding promotion of clerks grade I was changed from the basis of sectional seniority to that of the entire office?

(b) What necessitated the change of the rule and what results have been obtained under the new rule?

(c) Was it left to the discretion of the Personnel Officers to give immediate or retrospective effect to this rule?

(d) If the reply to part (c) above be in the affirmative, will the Honourable Member please state the date from which such rules were given effect to in each office?

(e) If the reply to part (c) above be in the negative, will he please state what stipulations in regard to giving immediate or retrospective effect to it in each office were laid down by the General Manager at the time of issue of that rule? If not, why not?

(f) Is the Honourable Member aware of the fact that in certain offices, this rule was given retrospective effect, while in others immediate effect, and there was no uniformity regarding the same rule?

The Honourable Sir Andrew Clow: (a) (i). Divisional Offices, 8th July, 1937.

(ii) Headquarters Office, 1st March, 1938, the orders being subsequently made effective from 8th July, 1937.

(iii) Extra Divisional Offices, 24th February, 1938.

(b) It was desired to equalise the chances of promotion of grade I clerks to grade II and this result is automatically achieved by the new rule.

(c) No.

(d) Does not arise.

(e) The orders were to give immediate effect to the change. Retrospective effect has only been given in the case of the Headquarters Office.

(f) I would refer the Honourable Member to the replies I have just given to parts (a) and (e).

CLERKS EMPLOYED IN CERTAIN SECTIONS OF THE RAILWAY DIVISIONAL OFFICE, LAHORE.

628. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state with regard to the clerical staff employed in (i) Acme Sections and (ii) Establishment Sections of the Divisional Office, Lahore:

(i) the number of clerks by grades and communities employed on 31st March, 1936, 1937, 1938 and 1939, separately, with the relevant percentages;

(ii) the number of vacancies by grades which occurred since 31st March, 1936; and

(iii) the number of vacancies which occurred in the lowest grade and those in other than the lowest grade, stating whether they were filled by (1) promotion from amongst the branch or (2) transfer from other branches?

(b) Is the Honourable Member aware that in the Acme Section in particular, and in the Establishment Section in general Muslim Community is very inadequately represented?

(c) Is it a fact that there has been no substantial increase in the number of Muslim clerks in the Acme and Establishment Sections since the issue of the order from the Railway Board in this respect, and, if so, will he please state how he proposes to redress the long standing grievance of the Muslim community?

(d) Is the Honourable Member prepared to consider the advisability of filling in all the lowest grade posts in Personnel Branch by importing suitable Muslim clerks from other branches to give effect to the declared policy of Government and to reduce the preponderance of non-Muslims in the Personnel Branch and Acme Section of Lahore Divisional Office? If not, why not?

The Honourable Sir Andrew Clow: (a), (b) and (c). I have called for such information as is readily available and will lay a reply on the table of the House in due course.

(d) No; because it would not be in accordance with Government's policy to exclude members of all communities but one from appointment to a particular grade.

RECRUITMENT OF CLERKS IN THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

629. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state with regard to the recruitment of the clerks grade I in the North Western Railway Headquarters Office:

- (a) the number of permanent vacancies of clerks grade I which occurred during the years 1937-1938 and 1939;
- (b) the number of vacancies filled by selection after advertisement;
- (c) the number of applications received on each occasion from each community in response to the advertisement;
- (d) the number of applicants from each community who were graduates, undergraduates and matriculates, separately;
- (e) the number of candidates, viz., graduates, undergraduates and matriculates, separately, who were called for from each community on each occasion to appear before the Selection Board;
- (f) what principle was adopted to select the applications of the candidates who were called to appear before the final Selection Boards;
- (g) the number of vacancies reserved for Muslims and other minority communities on each occasion; and
- (h) the number of candidates from Muslims and other minority communities who were called for the Selection Board against their reserved allotment and those against the unreserved allotment?

The Honourable Sir Andrew Clow: (a) Information with regard to 1937 and 1938 is not readily available. There were nine permanent vacancies in 1939.

(b) 1937, Nil.

1938, 41 temporary.

1939, 79 temporary.

(c), (d) and (e). I regret the information is not readily available.

(f) The preliminary selection of applicants to be called to appear before the final Selection Board is at the discretion of the members of the preliminary Selection Committee.

(g) 1937, one for Muslims.

1938, twenty-six for Muslims, four for other minority communities.

1939, forty-eight for Muslims, five for other minority communities and two for Anglo-Indians.

(h) Unreserved vacancies are open to all candidates called before the Selection Committee. The number of Muslims and other minority communities who were called to appear before the Selection Board was—

1938—130 Muslims, 20 other minority communities, 1 Anglo-Indian.

1939—150 Muslims, 22 other minority communities, 3 Anglo-Indians.

RECRUITMENT OF CLERKS IN THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

630. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that while fixing the number of candidates of different communities to be called for interview for selection of clerks, grade I, in the Headquarters Office, North Western Railway, during the last three years, certain Hindu matriculates were given preference over Muslim graduates against the unreserved allotment; if so; why;
- (b) whether the Honourable Member is aware of the feeling that, if a sufficient number of Muslim graduates had been called up to appear before the Selection Board, they would have had a better chance of obtaining a better order of merit than the Hindu matriculates and thus had a chance of being selected against some of the unreserved vacancies;
- (c) whether the Honourable Member is also aware that in most cases all the unreserved vacancies are being given to Hindu candidates and Muslim candidates are seldom allowed to compete for them; and
- (d) if the replies to parts (a) and (b) above are in the affirmative, what steps he proposes to take to regularise matters?

The Honourable Sir Andrew Clow: (a) Government have no information, but I would refer the Honourable Member to my reply to part (f) of his preceding question.

(b) No.

(c) No. Members of all communities are permitted to compete for unreserved vacancies.

(d) Does not arise.

PROCEDURE ADOPTED FOR PROMOTION OF CLERKS IN THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

631. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the clerical staff of the North Western Railway Headquarters Office have been split up into two classes, *viz.*, the 'disposal' and 'routine' clerks and state the necessity for such a classification;
- (b) whether it is a fact that clerks, grade I, are promoted to grade II on the basis on their common seniority in the whole office and not on the basis of their sectional seniority as was previously done; if so, why;
- (c) whether the common seniority rule referred to in part (d) above was promulgated as a result of grade I clerks having been classified as routine clerks; and
- (d) the normal period that should elapse before a grade I clerk can get promotion to grade II, quoting the number of the years of service of such clerks as were promoted to grade II since 1st March, 1938?

The Honourable Sir Andrew Olow: (a) Government have no information, but clerical duties normally fall under these two classes.

(b) I would refer the Honourable Member to part (a) of his question No. 627 and my reply to part (b) of the same question.

(c) No, but the fact that grade I clerks are normally employed on routine work facilitated the introduction of the rule.

(d) No estimate has been made of the normal period which should elapse before a grade I clerk may expect promotion to grade II, but I am informed that the average number of years' service in grade I of the existing grade II clerks for the whole Railway is ten. As regards the last part, I regret the information is not readily available.

CLERKS BLOCKED ON MAXIMUM OF THEIR GRADES IN THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

632. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state the number of clerks, grade I, in the Headquarters Office, North Western Railway, who are blocked on the maximum of their grades for the last three, six, nine and ten years, separately?

The Honourable Sir Andrew Clow: I regret it is impracticable to supply all the information asked for by the Honourable Member, but the number of grade I clerks in the Headquarters Office who have been blocked on the maximum of their grade for more than three years is:

More than 3 years but less than 6 years	83
More than 6 years but less than 9 years	14
More than 9 years but less than 10 years	1
More than 10 years	1

REPORTS LODGED BY THE ASSISTANT STATION MASTER, NANGLOI STATION,
NORTH WESTERN RAILWAY.

633. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Railway Member please state whether Government are aware that the Assistant Station Master, Nangloi Station, North Western Railway, reported about fifty cases of reselling of tickets and other malpractices practised on the Railway, but no action was taken?

(b) Is it true that since 11th March, 1938, he repeatedly reported and personally explained to all officers concerned the tense situation, but no action was taken?

(c) Is it a fact that the said Assistant Station Master had to undergo many hardships, because of *bhisti*, scavenger and provisional pass being denied to him after his being physically attacked and strangled on 11th March, 1938, *vide* doctor's certificate No. 294, dated the 12th March, 1938, sent to the Office?

(d) Is it a fact that the said Assistant Station Master reported anticipated danger to his life and public safety and train working and consequently, took leave to go to his home at Ghaziabad?

The Honourable Sir Andrew Clow: (a) No. I understand that a former Assistant Station Master at Nangloi reported the non-accountal of a certain number of third class tickets but enquiry did not disclose any misappropriation.

(b) and (c): As this case is now nearly two years old, some of the records are no longer available. The doctor's certificate indicates that the man was treated by the Sub-Assistant Surgeon, Delhi, for acute pharyngitis, but there is no indication on the certificate that this was a case of assault. I understand that the Assistant Station Master in question went on five days' casual leave on the 1st May, 1938, and was granted an extension of leave up till 26th July, 1938, on account of his wife's illness. During this period of leave he made a number of allegations regarding alleged frauds and the refusal to grant him a provision pass and the services of a *bhishhti* as reasons for requesting a transfer from Nangloi. As he refused to attend office or resume duty, no action was taken on these allegations.

(d) No. He was granted leave to attend the death ceremonies of his brother-in-law.

DELIVERY OF MAILS FROM SOUTH INDIA IN DELHI.

634. *Mr. F. E. James: Will the Honourable the Communications Member be pleased to state:

- (a) whether he is aware that although the Grand Trunk Express arrived in Delhi at 10-56 A.M. on the 20th of March, 1940, (i.e., 2 hours and 56 minutes late), the mails from South India were not delivered in New Delhi until after 5 P.M.;
- (b) whether he is aware that even when the Grand Trunk Express arrives in Delhi punctually, the South Indian mails are not delivered in New Delhi until nearly 2 P.M.; and
- (c) whether he proposes to make the necessary enquiries and endeavour to ensure, through reasonable train connections and prompt delivery of the mails on arrival, that the mails from South India are delivered in Delhi at a reasonable hour, and, if possible, at the first morning delivery with the mails from other parts of India?

The Honourable Sir Andrew Clow: (a) and (b). Yes.

(c) From 1st April, 1940, the Grand Trunk Express is timed to arrive at Delhi main railway station at 8-15 A.M. and arrangements have been made to issue mails received up to 8-30 A. M. by the 10 o'clock delivery from the New Delhi Post Office.

RECRUITMENT OF A SIKH TO THE SUPERIOR TELEGRAPH SERVICE.

635. *Sardar Sant Singh: Will the Honourable the Communications Member please state:

- (a) from which year the recruitment to the Superior Telegraph Service through competitive examinations was started;
- (b) whether any appointments were reserved for minorities other than the Muslim community; if so, in which years and to which community such appointments were given;
- (c) whether he is aware that no Sikh has so far been nominated to this service; and
- (d) the steps that he proposes to take to remove the grievances of the Sikh community for not taking any Sikh so far; if none, why not?

The Honourable Sir Andrew Clow: (a) From 1930.

(b) Yes, in 1937. This went to an Indian Christian.

(c) Yes.

(d) The Sikh community shares with the other minority communities the 8 1/3 per cent. of reservation and no special reservation for Sikhs as such is made under the Home Department Resolution No. F.-14/17-B/33-Establishments, dated the 4th July, 1934. It is for the Sikh candidates to secure posts by obtaining either the vacancies reserved for other minorities or any of the unreserved vacancies by passing high enough in order of merit.

STATEMENT LAID ON THE TABLE.

LOWEST TENDERS NOT ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE GOVERNMENT OF INDIA.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I lay on the table a statement furnished by the High Commissioner for India, showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India, during the half year ended the 31st December, 1939.

HIGH COMMISSION-

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central of the goods demanded, were accepted on the grounds of superior inspection, quicker

HALF YEAR ENDING

Stores ordered.	Contract number.	Name of contractor.	Amount of Contract.
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PART A.—Cases in which lower foreign tenders, including British tenders for ten-

Nil.

PART B.—Cases in which the discrimination

			£ s. d
Bottles, water, enamelled. (6750).	Y. 5687/5578/1-8-39.	Eveson Bros. (1928), Ltd.	3,488 0 5 (British).
Vices, leg 4" (50), and Vices, standing, 80 lbs. (16).	Y. 6623/9432/17-10-39.	Isaac Nash & Sons, Ltd.	188 13 0 (British).
Bubbles, spirit, glass, (1150).	Y. 6786/9476/27-10-39.	E. R. Watts & Sons, Ltd.	78 2 6 (750 bubbles) (British).
	Y. 6787/9476/27-10-39.	F. W. Holmes . . .	36 13 4 (400 bubbles). (British).

PART C.—Cases in which the discrimination is

Nil.

PART D.—Cases in which lower British tenders have

Nil.

ER FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description quality, superior trustworthiness of the firm tendering, greater facility of delivery, etc.

31st DECEMBER, 1939.

Lowest tender not accepted.	Reason for acceptance.
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foreign made goods, have been set aside wholly or partially in favour of British tenders.

Nil.

is between British firms only.

£ s. d.	
3,299 9 7 (British).	The water bottles were urgently required. The lowest tenderer could not offer to commence delivery in less than five months. The order was placed with the next lowest tenderer who offered delivery beginning in six weeks.
180 11 4 (British).	The vices were very urgently required. The lowest tenderer required 20/22 weeks for delivery. As this was far too long the order was placed with the next lowest tenderer who guaranteed to complete delivery within 10 weeks.
82 4 2 (British).	The bubbles were very urgently required. The lowest tenderer required 10 months to commence and 15 months to complete delivery. The order was therefore divided between the two next lowest tenderers for delivery to commence in 2/3 weeks and to be completed in 16 weeks.

between foreign firms only.

Nil.

been set aside in favour of foreign tenders.

Nil.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 3rd April, 1940, agreed without any amendment to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of excise duty on sugar other than Khandsari or palmyra sugar leviable under the Sugar (Excise Duty) Act, 1934, to vary the rate of the excise and customs duty on motor spirit leviable under the Motor Spirit (Duties) Act, 1917, and the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, which was passed by the Legislative Assembly at its meeting held on the 29th March, 1940."

THE FACTORIES (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I beg to move:

"That the amendments made by the Council of State in the Bill further to amend the Factories Act, 1934, for a certain purpose be taken into consideration."

The House may remember that at the time when the amending Bill was before the House, I accepted certain amendments moved by my Honourable friend, Mr. Joshi. One of the amendments was that sub-section (1) of section 9 should be included among the provisions made applicable to small factories wherein any non-adult worker is employed. Another amendment accepted was that the words "at any time after the expiry of thirty days from the receipt of a notice under section 59-B, in respect thereof" which originally occurred in the proposed section 59-D should be omitted. These two amendments involve consequential amendments of a purely formal nature, which were made in the other House. I move that these amendments be accepted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the amendments made by the Council of State in the Bill further to amend the Factories Act, 1934, for a certain purpose be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the amendments made by the Council of State by which in clause 2:

- (a) proposed sections 59B and 59C were omitted;
 - (b) in proposed section 59E, the words and figure 'of section 9 and' were omitted;
 - (c) proposed sections 59D and 59E were renumbered as 59B and 59C respectively;
- be agreed to."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the amendment made by the Council of State by which clause 3 was omitted be agreed to."

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I move:

“That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration.”

This is a small measure suggesting the imposition of a three per cent. *ad valorem* duty on wattle bark which is imported into this country. This is not really a revenue measure or a tariff measure. Its purpose is entirely different. The tanning industry requires wattle bark very much. It is one of the essential things required for the tanning industry's progress in this country. At the present time when shipping facilities are so poor, and there is a great deal of difficulty in getting regular shipments of this commodity which has to reach us from South Africa, the industry is peculiarly handicapped. Many small concerns are engaged in tanning, and none of them can really build up a reserve for the purpose. The tanning industry is also essential for the war purposes of the Government itself, and, therefore, in consultation with the industry, we have decided that the Government should build up a reserve of 7,500 tons of wattle bark throughout the period of the war, keeping that reserve constantly apart from orders that are coming in from time to time and so secure to the industry this essential commodity which is necessary for the carrying out of that industry. But that involves a possible loss at the end of the war, because, at that time, free supplies will be coming in and there must be a drop in the prices. Therefore, the question is who is to bear the possible losses on the liquidation of this reserve. We have thought that the most equitable thing is to levy this duty of three per cent. *ad valorem* on imports of barks for tanning and to build up a reserve of 7,500 tons. The estimated rate of consumption is 30,000 tons a year, and that would cover any loss that we may have to sustain at the end of the war if the prices fall for those wattle barks. Sir, I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration.”

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I just want to have some information. It is good that arrangements are being made to make up the loss which a reserve like that may involve us in, but, suppose no loss is ultimately entailed at all, will the Government be in a position to say what they would like to do with the money they raise in that case. I would just like to have some light thrown if a contingency like this happens.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I just want to know one or two points in connection with this Bill. The first is that we have *babool* tree which grows in India in large numbers and is used for tanning purposes. May I know what is the scientific report about its bark. Is *babool* tree not available in sufficient quantity in this country as wattle bark is? Is wattle

[Dr. Sir Ziauddin Ahmad.]

bark found to be more effective or useful than *babool* tree? The *babool* barks have been used for tanning purposes for such a long time. In this connection I would like to know whether the process, called chrome leather, has been given up? I would also like to know how the necessity has arisen for importing such large quantities from abroad when we have got sufficient tanning material in this country. The other thing I would like to point out is that if we have got an import duty, supposing any private individual brings this wattle bark from South Africa, he will also have to pay the custom duty and the price of manufacture will, consequently, rise in this way. It means, therefore, that in order to safeguard the possible losses which may or may not occur after the war is over, the Government are imposing a duty on all the *bona fide* persons who are importing this particular bark from South Africa. I would like to have some kind of explanation on this point also, namely, why the private individuals should be burdened with this additional duty. The next thing I want to ask is the same which my Honourable friend, Mr. M. S. Aney, has suggested, that is, in case this duty is levied to safeguard against possible losses, but supposing there are no losses, then in that case how do the Government propose to dispose of the money? Probably the reply will be that it will be transferred to revenue account. I think this is not the right way of earning money. If you really want the money for any purpose, then raise the taxation directly and not in this indirect way. There is one other point which may be considered; the object of the Government is not to lose money in this transaction, they will, therefore, naturally increase the sale price of this bark. If the Government are the sole sellers of this bark, they will be at liberty to increase the price in a manner they like so that they may not lose, and if the article is essential for trade purposes then, naturally, the manufacturers will purchase it, because there is no substitute for it except in the form of *babool* tree. Therefore, I should like to know why this indirect method was adopted by creating import duty in this particular case when the Government could have easily raised the sale price in order to recover their expenditure and make a little profit. After all they are acting just like a tradesman, for they are purchasing it and selling it again to the consumer. If they are purchasing it like ordinary businessman and selling it to the consumer, why this additional duty of three per cent. should be imposed to safeguard against any losses which may or may not be incurred. This is a wrong practice. They ought to calculate like other businessmen and sell the material at a price at which they would not lose anything.

But the way Government propose to levy a special duty in order to safeguard against possible losses in this commercial concern is not justifiable. Of course I welcome the Government entering into field and saving the interest of the industry but not in this way. We have at present no report as to whether the import of this article from abroad is necessary, but we know very well that there will be a great loss to the *babool* trees industry in this country because its bark has been used in the past for tanning purposes. Why is it being superseded by this bark from South Africa? In short I want to know: firstly, why was this

wattle bark necessary when we have tanning material available in this country; secondly, if it is established that our material is not so good as the material imported from outside; thirdly, in what way the industry will suffer and why are you going to put a revenue duty of three per cent. on ordinary purchasers who would like to purchase this bark direct from South Africa and not through the Government. Fourthly, do the Government propose to establish monopoly on this material, that is to say do they want to be the sole sellers of this article and nobody else. If this is the case, then I am afraid the Government are usurping the function of ordinary tradesmen. It is not really the function of the Supply Department to have control on a foreign article so that the consumers would only be able to purchase through them. Fifthly, the novel method which the Government propose to adopt to safeguard against any losses, i.e., by special duty, I do not know by what name you call it—it is neither a revenue duty, nor a cess, nor a tax for some temporary relief, but an entirely new form of duty which has practically never existed in Indian tariff before this,—a duty intended to meet the possible losses which the Government may possibly incur in this particular transaction. I mean this is a kind of duty which I have never heard of before. And you are now introducing a Bill for the imposition of a duty without giving us any chance to discuss. All that we have before us is a small innocent Bill with a brief Statement of Objects and Reasons, creating a new form of duty which did not exist in this country before. But if duties of this nature are allowed then we do not know where we are. After some time Government may like to take up the purchase of another article and we may have another duty on that particular commodity in order to meet the possible losses in that transaction. If the Government wishes to enter into any kind of business, then they must undertake like other ordinary businessmen, that is to say they should be prepared to bear the chances of profit or loss, and they should raise the prices in a manner that there should be sufficient reserve fund in order to meet the possible losses. But the introduction of a new form of duty, in order to meet the losses which the Government may possibly incur in an entirely new method of business which they are about to enter, is an exceedingly novel form of taxation and we should not support it. I said, Sir, yesterday that we have now seen a new method of taxation. As I said before, Israel has seen the House and we do not know what will happen tomorrow. It was cess duty on one occasion and now we have got the duty to safeguard the interests of the Supply Department in entering tanning industry and tomorrow there may be another kind of duty. Therefore, I do request the Honourable Members on Government Benches to follow the practice of other countries and not to introduce this novel form of taxation which they are proposing in this Bill.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I quite agree with all the remarks that have fallen from the learned Doctor. I do not know how the Government can justify the imposition of this additional taxation. In fact, it only amounts to this that a certain article is required for war supplies and in order that there should be no loss to Government, they propose to levy a duty on that article which has been imported into India for several years. I say this as we have not been given the figures of the total quantity of this wattle bark that is brought into India and what the total revenue would

[Mr. Husenbhai Abdullabhai Lalji.]

come to. All that we are told is this that 7,500 tons of this bark at the cost of ten lakhs of rupees is to be imported and on that a duty of three per cent. *ad valorem* is to be imposed. According to these figures, the duty would come to Rs. 30,000 only and I am sure that is not what is intended. The loss that is contemplated is far more because the value of the bark is ten lakhs and if the war comes to a sudden end, then the loss would be something like three or four lakhs of rupees and not 30 or 40 thousand rupees. That shows that there is a large quantity of wattle bark that comes to this country and we have not been told what it is. Furthermore, as the learned Doctor pointed out, we have been getting along with this industry for several years and even at the present moment the industry is getting along all right. We know that during the last war, a large quantity of wattle bark was imported by the merchants and they had to suffer some losses. At the same time now it is clear that the Government are taking all these steps for protecting certain articles which they think may be necessary for the war without knowing the duration of the war. They are thus making the industry pay for an article required for war which they have been consuming for the last so many years and in this indirect way, they are putting a duty on it. Frankly speaking, Sir, the Government ought to tell us frankly that it is their intention that all the supplies that they would require for war purposes and that if any losses are going to be incurred, they will be met by an *ad valorem* duty. If that was the principle adopted, then we shall know true facts and probably there will not be much objection from some quarters to such Bills. That would clear the mind of the people, the position of the industry and also the position of the businessmen, otherwise this sort of taxation policy will not have the support of any independent persons much less from those who are interested in the subject. In fact, the whole objective of the Legislature has been that the Government should consult the public in these matters and should seek public opinion.

This Bill has come before us without any previous notice whatsoever. We have not consulted our constituency on this Bill at all. In fact, as I said, a large quantity of wattle bark was imported in the last war, but at the present moment I am not in a position to say anything about it. Furthermore, we know very well the condition of the tanning industry and also about the duties that were put on the export of hides and skins in the last war and how gradually they have been removed and how, when the war ended, the hides and skins merchants came into trouble. In fact, the tanning industry in many of the provinces, such as the Bombay Presidency, has died down. It is now going to be survived because of the war exigencies. I do hope, hereafter, that this is not being done for the purposes of war only but that is being done because the Government want to keep it permanently alive. Once again I would like to remark that we do not know the quantity of this bark that is being imported and what is the amount the Government expect out of this and also the losses that they expect out of this. All these figures can only be worked out by finding out the prices prevailing before the war and the prices that are prevailing now and what is the estimated price if the war comes to an end tomorrow. We would also like to know

whether this bark is going to replace any Indian bark and the price of the Indian bark as compared to this foreign bark. Above all I would like to have the views of the industry and the people interested in that industry. In all fairness, the procedure which is now being followed must be objected to by the representatives of the public and before we give our assent to it, we must consult the industry.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Mr. President, I am rather surprised at the last speech of my Honourable friend, Mr. Husenbhai Laljee. This Bill has not been rushed through. It has been on the floor of this House for the last ten days, and if my Honourable friend is so vigilant and so solicitous about the industries connected with it, he had ample time to find out what their opinion was. I can assure him that I have found it out. I have in my possession telegrams from the tanning industry in Madras, which is mainly concerned, thanking the Government for building up this reserve. The difficulty is the difficulty of getting this wattle bark at this time. My Honourable friend, Dr. Sir Ziauddin Ahmad, spoke about the *babul* bark. The *babul* bark is quite insufficient for purposes for which this bark is required. It has not been able to make up the deficiency. My Honourable friend asked, what quantities were being imported? Of course, we have got all those quantities and we have made a study of those quantities.

Dr. Sir Ziauddin Ahmad: My point was whether the *babul* trees are not available or whether they are not good enough for the purpose?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: There is a complete shortage of the *babul* bark, and the fact that during the last few years this particular wattle bark has been imported in a certain quantity shows that it was making good the deficiency which had already existed owing to the shortage of the *babul* bark, a deficiency which has become more acute now because a larger quantity of material is required for the very much larger orders that are now being given to the tanning industry. Let me give the House the total quantity of this bark which has been imported during the last few years:

1934-35	13,987 tons.
1935-36	13,146 ..
1936-37	21,580 ..
1937-38	17,600 ..
1938-39	17,100 ..

Now, we want 30,000 tons a year, that is to say, on an average about 13,000 tons more than the normal imports apart from the fact that the *babul* bark that is available in this country is all being completely used. This measure is really to help the tanning industry. If this wattle bark is not to be obtained or is not so to be obtained as to be at the disposal of the industries, then the industries will not be able to cope with the orders and the result will be that the orders which are being given by the Supply Department for the benefit of the Allies will also be less, which means to say that we will be undergoing losses instead of making any profit. I may also say that to the extent that the tanning industry is

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

going to be affected by these supply orders, the incidence of this three per cent. will really be passed on to the purchasers. There is no question about that.

Now, Sir, let me take, again, the prices. At the present time, the price per ton of wattle bark is Rs. 132. The average prices during the past few years have been:

1937-38	Rs. 120 per ton.
1936-37	Rs. 90 per ton.
1935-36	Rs. 101 per ton.
1934-35	Rs. 92 per ton.

We expect that the moment the war is over, the price may go down to Rs. 100. Therefore, it is natural that we should build up a reserve to cover that loss, because we are building up this particular reserve for the benefit of a particular industry, and it is only fair to throw the burden on that industry. Let me examine whether that burden is so heavy that the industry cannot bear it.

I have already showed that the incidence of it will really be passed on to the purchasers which in this event happens to be very largely either His Majesty's Government or the Allied Governments. Now, Sir the imposition of an *ad valorem* duty at three per cent. on the basis of the current prices, I have already mentioned and estimated at an importing quantity of 30 thousand tons per year, should bring us 1.2 lakhs. The effect of this difference on the price of finished leather has been estimated as just over half a pie per pound valued at one rupee per pound. At that level of one rupee, the effect of this duty would be to add to it by half a pie. I do not want to say that several half pies added, the effect of it will not be felt, but in relation to the value of the goods, if this thing is to be denied to the tanning industry, then their position will be very precarious.

Lastly, there is no idea of the Government buying up all the wattle bark. The industry will try to put these orders and get its supplies as usual. In fact, in many of these cases, their commissions will be there, their orders will be there, but what the Government try to do is to get into negotiations with the South African Wattle Bark Shippers' Association and assure that there is a constant supply of at least 7,500 tons in the country to meet the demands of the tanning industry if at any time they run out of stock of this essential commodity. I trust that with this explanation the House will see that this Bill is as innocent as it appears, and that I am more innocent of the details of this than any Honourable Member, and that is the reason why I commend this Bill for the consideration of this House.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2 stands part of the Bill."

Dr. Sir Ziauddin Ahmad: Sir, I just want to take this opportunity of speaking to clause 2 and I wish to reply to one or two points raised by the Honourable the Commerce Member. In the first place he said there was not sufficient quantity of *babool* barks available in this country. I may just tell him that in the United Provinces there are a lot of waste lands on which the *babool* tree alone can grow. If the Honourable Member gave me an order of *babool* barks in any quantity whatsoever, I can undertake to supply him his entire orders. Let him double or treble or even quadruple the quantity he wants for the Madras industry. I submit that the United Provinces alone will be able to supply all the necessary *babool* barks. We have enormous waste lands in which the *babool* or the *likkar* tree can be grown. I suggest that the Agricultural Department should co-operate with us. I do not know what kind of work the Agricultural Department is doing. They ought to have known that the *babool* barks are required for tanning industry and they ought to have advised all the landlords and cultivators to grow *babool* trees in their waste lands. I am sure they would have made a good deal of profit and the country would have been saved the trouble of importing wattle bark from South Africa and all the money would have remained in this country. The House is aware there are plenty of resources in this country. At least the United Provinces can supply the deficiency of Madras. That is my first point.

The second point is this. The Honourable the Commerce Member did not reply to the point which I raised, and I hope he would reply later on. I submit that if you put this import duty on these barks, then those who purchase these barks direct are handicapped. They will also have to pay this import duty. Now, the people who buy this bark direct from South Africa will also be taxed on account of this method of taxation. It is rather strange that you tax the entire industry for hypothetical loss of the Government in a business adventure. Why not adopt a simpler method of meeting the loss? Why burden all the other importers who are using this bark? I hope the Honourable the Commerce Member will reply to this point also.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): I wish to say only a few words to support my Honourable friend, Dr. Sir Ziauddin Ahmad. My Honourable friend said that the United Provinces alone could supply all the required quantity of *babool* bark for the purpose of tanning. I hail from the Punjab and I can tell the Honourable the Commerce Member that *babool* trees are grown in very large quantities in the Punjab and even if the United Provinces fail to supply, the Punjab alone could supply *babool* barks in sufficient quantities to tan all the hides half the world over. Therefore, the proposition about wattle bark is absolutely out of question. If for no other reason, I should like to teach South Africa a lesson for the treatment that they are meting out to us. I should like to bring home to them that we shall have no part or lot with them as long as they do not realise their duty towards us and until they show some respect to our feelings, we will not allow them to trade with us and be benefited by that.

Mr. Huseinbhai Abdullahhai Laljee: Sir, I quite agree with the Honourable the Commerce Member that wattle barks are necessary for

[Mr. Husenbhai Abdullabhai Laljee]

tanning purposes. During the last war, I happened to be connected with certain enquiries made and we did find that the wattle bark was much more useful than the *babool* bark. Of course at that time an attempt was being made to have wattle trees grown in India, but still no serious attempt was made. I should only say this much that if as the Honourable the Commerce Member says that at the present moment for the sake of the industry, we should import wattle barks, we must do so, but that should be until we are able to give *babool* barks or some other suitable substitute for wattle barks for the tanning industry. With these words, I support the motion.

Mr. M. S. Aney; Sir, it is a pity that we have to import the wattle bark for the sake of the tanning industry now. It may be we may be able to grow *babool* trees in large numbers, if we take serious steps. But if it is a pressing necessity, then we must allow the duty to be imposed and the necessary quantity of wattle bark should be imported into the country now. By the way I may make the suggestion that if at all this wattle bark is much better than the *babool* bark for the purpose of tanning, why should not the Agricultural Department in all the provinces make an attempt to cultivate wattle trees? Has the Indian soil been tested and found to be useless for the cultivation of the wattle trees. I am just told by the Honourable Member, Mr. Husenbhai Abdullabhai Laljee, that during the last war also, they found the necessity to import the wattle barks in large quantities. Twenty-five years have elapsed since the last war. What did the Government of India do to develop the cultivation of the wattle trees in this country? The Agricultural Department and the research institutions have been in existence and why did they not do something to bring *babool* trees to the level of wattle trees for the purpose of tanning. Of course these are matters which I am suggesting for the Government to take note of for future guidance, but in the meantime I realise the necessity of the measure introduced by the Honourable the Commerce Member. I only wanted to know from the Honourable the Commerce Member that supposing there is no loss, is he going to earmark a sum of money if he gets in the form of duty for the purpose of utilising it to see that hereafter there is no deficiency of wattle barks in this country and that we are not made to depend upon South Africa or any other foreign country for the sake of this material in times of difficulty. With these words, I support the motion.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): I think it proper for me to say a few words in support of the learned Doctor. He impressed upon the House that the United Provinces can produce enough *babool* trees for supplying all the bark necessary for the tanning industry. I also wish to bring to the notice of the House that in Behar also there are lots of waste lands which are very fertile for the growth of *babool* trees, and at present *babool* bark can be had in large quantities. Although there is the Agricultural Department in every province I am sorry that they do not take any steps in the direction of increasing the cultivation of *babool* trees. And over and above that there is the Imperial Council of Agricultural Research. What are these bodies doing? If they

are useful bodies they should have come forward with suggestions how these things can be grown in the provinces. Some provinces have just been named and the Commerce Member should take steps to ask the Agricultural Departments of these provinces and also the Imperial Council of Agricultural Research to see if all these waste lands of India which are useful for the growth of *babul* trees could be utilised and the *babul* barks available in India could also be utilised.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

Sir, I do not think the House will expect any long speech from me. Most of the arguments advanced have been already answered. I am glad to know that there is infinite scope for the growth of the *babul* tree in the United Provinces, but my Honourable friend, Sir Ziauddin Ahmad, will realise that I cannot make the tree grow in the few months ahead of me when I want this bark. I will pass on the suggestion to the Imperial Council of Agricultural Research to see what can be done by way of propagating the plant and making it grow to provide against contingencies of this kind. My friend, Mr. Husenbhai Laljee, was nearer the mark when he said that the tanners themselves prefer in many instances the wattle bark to the *babul* bark. There is that difficulty also. Initially, there is a shortage of *babul* bark. Had there been a sufficient supply, we could turn to it at this critical period. But, normally speaking, the tanners feel that the skins give much better results when wattle bark is used than when *babul* bark is used. It is possible that scientific investigations regarding the *babul* bark and its adaptability to such use as the tanners require may give good results. I will also have that considered in order to see whether the *babul* bark can be suitably accommodated for the use of the tanners. This is a short-range question and not a long-range policy. Its immediate need is obvious, and, therefore, I have come forward with this Bill.

My Honourable friend, the Leader of the Nationalist Party, has again put me an embarrassing question which I frankly avoided answering on a previous occasion. What will happen if there is no loss, and where will this revenue go? I cannot give an answer to this question now as my Honourable friend can easily realise. But his suggestion that it may be considered if no future losses arise without again imposing an additional duty of three per cent. will certainly be borne in mind.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

Sir, I move:

"That the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill be passed.

Dr. Sir Ziauddin Ahmad: Sir, my Honourable friend did not answer my second point and that is why I stand up now. Some one is writing a book in which he is putting together all the anecdotes of the Assembly, and I will advise Dr. Banerjea or some one else to write a book to give an account of the novel theories of political economy, initiated and practised by the Government of India and I am certain that today's debate will add one more chapter to this particular book if it is ever compiled. They point to which I wanted a reply from him was that by putting this duty he is adding to the cost of the manufacturers who order this material direct from South Africa. Why is he going to increase the burden upon them. If it is intended only to meet possible losses to Government? My Honourable friend, I hope, will reply to this question now.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It is not intended that this duty will be a permanent duty at all. When we have built up the reserves necessary, I think, by executive action we may say that this duty does not continue any further. It is not going to be a permanent burden to the industry at all, and it is not meant to raise revenue for that purpose. It is only against cutting the losses which Government may suffer on account of having purchased this stock of wattle bark that this duty is intended to be levied.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed.

The motion was adopted.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (Member for Commerce and Labour): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1934 (*Second Amendment*), be taken into consideration."

This Bill seeks to continue the existing level of protective duties on three different commodities,—wheat, broken rice and silk. Let me take wheat first.

The House will remember that some time back a protective duty on wheat was levied again, and the House is perfectly aware of the circumstances in which that duty was levied. That duty expired on the 31st March of this year and the question arose whether the duty should be continued. The Commerce Department have had a very anxious time in considering this question. It is not so simple as it would have been in normal times. There are two conflicting considerations which have weighed with us before we came to a decision on this subject. In the first place, the need for a protective duty at this time on an agricultural commodity, when there is a cry that price control schemes should be established in the country, is very questionable. There has been a great deal

of agitation in the country that prices should be controlled, particularly from urban areas. There has, on the other hand, been a cry the other way by very influential bodies and by representatives of agriculturists that the agriculturist having passed through a lean time during all these years and having suffered the worst effects of the depression period should not be handicapped now that he has a chance of recouping those losses and that the prices should adjust themselves to the normal circumstances of the times. In between comes this question of a protective duty for the agricultural produce of wheat. This was merely the question of allowing wheat to find its own normal level. There may be justification for it, but we go on further to give this artificial help, ignoring altogether the cry of those who want the prices to be controlled, and artificially raise the price of wheat. That, it has been contended in some quarters at any rate, is not justifiable. Secondly, there has been some amount of criticism as to the level of the duty itself. Supposing for a moment it was necessary to continue this protective duty, a duty of Rs. 1-8-0 is not justified at this particular juncture, because the parity of prices between the chief wholesale markets in India and the prices at the main import ports like Calcutta is such that a lower duty is quite adequate for the purpose.

Now, Sir, having taken both these matters into consideration, we have come to the conclusion that taking a view which is not absolutely for the moment alone, but taking a longer view, the present rate of duty may be continued. It is perfectly true that on the basis of parity of prices between the wholesale markets and the prices at the main import ports a duty of one rupee would be adequate according to the prices now prevailing, but these prices may not always continue either at one end or the other. It is equally true that shipping facilities being what they are, the question of imported wheat hardly arises at the present time. But even there I have felt it necessary to have the caution that I may not entirely depend upon shipping obstruction being the most helpful factor in preventing import of Australian wheat. On both these grounds, I have felt that, illogical as it may appear at first sight, we have to submit ourselves to a certain amount of illogicality and continue the import duty at the rate of Rs. 1-8-0. But having said that, I may also say something which, in fairness to those who are agitating for controlled prices of agricultural products, has to be said. I wish to state distinctly that the position of the Government is this: if at any time we feel that owing to the existence of this duty or otherwise, prices soar so high of this particular commodity that there is a danger of people not being able to get it at reasonable prices, if either owing to speculation or other reasons the market is forced beyond what we consider to be reasonable limits, then the Government will be perfectly at liberty either to reduce the amount of duty by executive action, as they can do, or to take such other steps as may be necessary to bring prices more into form which reasonable circumstances would dictate us to do. I am not saying this as a threat at all, but I think it must be made perfectly clear that, under the circumstances in which we have agreed to continue this duty, the responsibility equally lies on us if the prices soar beyond what may be considered reasonable level—it must be open to us without any charge of breach of faith being brought against us to bring down the level of the existing duties to facilitate imports, which is one of the ways by which prices may be brought down. There are, of course, other ways of control methods.

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

Virtually the same arguments apply with reference to broken rice, and I need not repeat these arguments.

The third question is as regards silk. Here I want to make the position perfectly clear, especially as I have seen certain criticism as regards the way we have dealt with the Tariff Board report on sericulture. That report, contrary to what has been said in certain commercial papers, the authors of the articles being somewhat on unstable ground regarding dates—that report was signed by the majority on the 23rd December, 1938; it was signed by the third member of the Tariff Board on the 24th of January, 1939; and it was at the end of January in manuscript form that this huge volume of the Tariff Board report was sent into the Secretariat of this Government. That was just a year ago. Now, it was too late for any measures to be calculated on this report without the evidence that was taken on it, with the complication that it was not a unanimous report, but there were very divergent views between the majority and the minority sections of the Board—it was obvious that it was impossible for the Government to frame any policy or to announce any policy before the end of the Budget Session of the last year; and my Honourable friend, who was then in charge of the Commerce Department, stated that he would continue the duty for another year on the ground that there had not been sufficient time to deal with the Tariff Board proposals in the few weeks that he had at his disposal in the very busy Budget Session of last year. It came to my lot to examine this Tariff Board report; and by the time I could fairly consider the proposals that were being put forward, the war broke out, and the import and export figures were immediately very seriously affected. I felt that in the September Session it would be perfectly futile on my part to bring in any well-considered proposals as regards the rates of duties on these products, or any suggestions with reference to the acceptance or rejection of any particular proposal of the Tariff Board. It would have been a leap in the dark absolutely, when things were so unsettled as they were in September of last year, to have made proposals fairly definite for the continued protection of this industry. Later months have only justified the first apprehensions that I had that it would be wrong on my part to base any calculations in those unsettled conditions. The war has completely upset the import markets so far as this is concerned, and completely upset it in two directions—in the amount of quantum or volume of imports that are coming in, and in the prices at which they are coming in. Both these factors had necessarily to be taken into consideration; and, when after giving three or four months for these two factors to fairly settle down, we examined the position with reference to the specific recommendations of the Tariff Board, we found—and I have got here exhaustive and detailed examination of these proposals—that in practically every instance the prices at which these goods were being imported were such that even with the existing rates of duties, the fair price, the price at which they were coming in, were in many instances in excess of the fair price at which the Tariff Board fixed the indigenous article to be sold: that is to say, that on the basis of the existing duties alone many of these articles were coming in at prices which were more than the prices which were required for the indigenous industry to establish itself according to the fair selling price fixed by the Tariff Board on sericulture. Not only that. But Honourable Members can see from the

customs returns the quantity that was coming in became very small indeed; and during the past few months it was declining more and more rapidly. The position was then this. Shall we be justified in putting forward any long-range policy of protective tariffs in these special circumstances, or was the path of wisdom in continuing the existing level of duties, not because it is the easiest way out for me personally or for the Commerce Department, but because in fairness to the industry any other commitment or decision binding over a period of years would not be fair? These extraordinary prices which prevailed for the imported article cannot form the basis for calculating a proper level of tariff duties for these articles. If the war came suddenly to an end, we may find ourselves, in spite of the acceptance of any of these recommendations, having placed the indigenous industry in a worse position than it was if the level of duties had continued and, therefore, having regard to all these factors, we have come forward with the proposal that for the next two years the level of duties may remain what they are. As I said, in many of these instances, if Honourable Members want detailed calculations, I am prepared to go into it at a later stage; but in many of these instances the prices calculated on the prevailing import prices and the duty are greater than the fair selling prices that have been suggested by the majority of the Tariff Board for the same goods. Sir, it is in these considerations that I have come forward with the proposal that the existing level of duties on sericultural goods may continue. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934 (*Second Amendment*), be taken into consideration."

Sardar Sant Singh (West Punjab: Sikh): Sir, I must congratulate the Honourable the Commerce Member on the decision taken to continue the duty on wheat for another two years. There has been a constant demand during the time of depression, particularly from the constituency which I have the privilege to represent for the last ten years, that the import of Australian wheat should be stopped. Now, that the prices have begun to rise due to war conditions there were some apprehensions felt in Lyallpur district and I was flooded with inquiries whether the duty was to continue or to be abolished after the 31st March.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): You have got it now.

Sardar Sant Singh: That is why I am congratulating you on the decision. There may be reasons, which have been explained so eloquently by the Honourable the Commerce Member, which led to the prolonged deliberation on this point, but I want to ask the Government of India one question—and I hope they will always keep that question in mind—that India being predominantly an agricultural country, and 80 per cent. of the population being engaged in agriculture, is it not fair to such a big industry as agriculture in India that they should be protected from onslaughts from outside?

In the matter of foodstuffs it is absolutely essential, and it has been found to be essential in all countries, that the country should be self-sufficient. There is no excuse for India where agriculture is the mainstay of an overwhelming number of people to be dependent

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[Sardar Sant Singh.]

upon other countries or to have to face competition from any quarter in the matter of foodstuffs. Therefore, I regard this measure as a very necessary measure. I shall not go into the other questions or the reasons which have impelled the Government to take this decision in favour of the agriculturists but I want to say one word before I conclude and that is about the attitude taken by some regarding the control of prices of wheat. Sir, I had an occasion to inquire into the cost price of production of wheat in Lyallpur at the time when the depression had set in, I think it was in 1931 or 1932, and I came to the conclusion that the agriculturist engaged in production of wheat gets next to nothing if the price of wheat goes down to Rs. 2 per maund in Lyallpur. We issued a report, and I had an occasion to submit it to the Honourable the Commerce Member for his careful perusal. According to me, the minimum price which the agriculturist at Lyallpur should get for wheat should not be less than Rs. 4 per maund. If the price goes beyond that, it is then alone that there will be some justification for the Commerce Department to control the prices. Sir, the agriculturists have suffered tremendously; most of their reserve in the shape of gold and silver has disappeared, the only consolation that was held out to them was that this was a sort of distress gold which was going out. Now that the time has come to make up that reserve, I think the Commerce Department should always keep in mind this one question, that the agriculturist too needs protection as the other industries require it. With these words, I support this Bill.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I support the Bill so far as the first part is concerned, that is about the continuance of the duty on rice and wheat. The other part refers to continuing the existing duty on silk for two years, and I cannot support this part. There is one factor which the Honourable the Commerce Member ought to have borne in mind, and that is the abnormal conditions created as a result of war have supervened and have given ample opportunities to industrialists of this country to improve their industries from the resources available in this country, while these very abnormal conditions have placed the people of other countries who were hitherto exporting their finished articles to this country in a disadvantageous position. This has afforded a very good chance to Indian industrialists of cotton and silk more particularly to compete with foreign manufacturers and has placed the Indian industries in a more favourable position, and there is therefore no reason why at the cost of the consumer there should be an extension given straightaway for two years so far as the duty on silk is concerned. I quite realise that the Tariff Board reported on the protective duties for silk and wanted that further protection should be given,—I quite appreciate it, but it must be remembered that when the Tariff Board reported, the conditions were altogether different and they did not then know that an emergency of the kind which has arisen out of war would arise. The Honourable Member should have taken into consideration all these factors before granting an extension of the existing duties straightaway for two years. This is distinctly at the cost of the consumer and against the interests of the consumer as it eliminates chances of cheaper competition in prices, and so I do not feel inclined to accord my support to a measure which operates against the interests of the consumer and only provides fat profits to the industrialists. I certainly appreciate

that this would give support to the industries,—in fact such support or protection ought to be given to industries; so long as they are not able to stand on their own legs, we must help them. But the moment they are able to consolidate their position and they are able to stand on their own legs, I do not think there will be any justification to ask the consumers to make a sacrifice by a contribution in the form of granting further protection to such industries, and to allow such industries to sell their finished goods at a higher price than the price at which they would have sold them under normal conditions of competition with foreign import. I should be very glad to know from the Honourable Member what reasons led him to come to the decision to grant an extension of two years for this duty. Does he not realise that foreign industrialists are placed in a distinctly disadvantageous position in regard to export of their finished articles of all varieties to this country? Is he not aware that the question of difficulty of exchange, restricted shipping facilities, question of insurance and other things are confronting the foreign industrialists and, thereby, they are handicapped in many ways as compared to our Indian industrialists? I do not think all these factors have been taken into consideration by the Honourable the Commerce Member in granting extension straightaway for two years. In the first case, that is in the case of rice and wheat, the duty has been extended only up to the 31st March, 1941, while in the case of silk it has been extended to two years from today. I trust in the light of the views I have expressed above, the Honourable the Commerce Member will revise his opinion and satisfy the House that the extension of the duties will not operate against the consumers of this country. With these few words, I support the first part of the Bill, and oppose the second part.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I rise to support this Bill. I fail to understand my friend, Mr. Nauman, when he pleads the cause of the foreign industrialist, and says that reasons should be advanced to prove that this extension will not be against the interests of the consumer. We Indians all along wanted protection for all industries if it were possible we wanted that high tariff walls should be raised to protect our indigenous industries from foreign competition, we want the protection to remain until our industries are in a favourable position to compete with the finished products of foreign countries

Mr. Muhammad Nauman: What about the prices in the market?

Pandit Krishna Kant Malaviya: That means that there should be no industry in this country at all, nor should any protection be granted to any industry, because so long as the foreign industrialists are allowed to export and dump our markets.

Mr. Muhammad Nauman: We do not want to nurse a child for all time.

Pandit Krishna Kant Malaviya: I want the child to be nursed till it becomes a strong and healthy adult, is able to take care of itself and heget others like himself. I, therefore, strongly support this Bill and I feel that the duties which have been imposed are in the interest of the country.

Mr. Husenbhai Abdullahhai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to support this Bill. I must say that I am rather disappointed with the speech of my friend, Mr. Nauman. First of all, I will deal with wheat and rice. When the duty on these two articles is imposed, surely we must congratulate the Government for the bold step they had and have taken protecting our interests as against the interests of the foreigners. We know very well how much opposition there was at that time, and still, in the interests of the agriculturists they succeeded in putting on those duties. We are told by the Honourable the Commerce Member that so far as prices are concerned the urban areas want that the prices should be controlled; at the same time he told us that so far as the rural areas are concerned, they are not in favour of the control of prices. So far as the population of the urban areas is concerned, it is very very small and that population depends for its prosperity on the rural areas. We have been told whenever the question of protection to industry is being considered, that it is in the interests of the agriculturists that protection to industries must not be given freely and fully; in any case the protection which has been given to many of the key industries has been half-heartedly given on the plea that it is in the interests of the rural areas or agricultural classes. I should like to think that when the Honourable the Commerce Member referred to the rural areas he did really mean the agricultural people who form 80 per cent. of the people of this country. Let not the Government who have been in season and out of season saying that they are the champions of the agricultural classes come in their way when an opportunity has come to them, God knows for what little period. Take the case of wattle bark. The Honourable the Commerce Member gave us the price of wattle bark as being 30 per cent. more in South Africa.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss that Bill which has already been passed. The Honourable Member had better leave it alone.

Mr. Husenbhai Abdullahhai Laljee: My point is that 30 per cent. more prices are prevailing outside India, as just admitted by the Honourable the Commerce Member.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has told the Honourable Member not to revive that discussion.

Mr. Husenbhai Abdullahhai Laljee: With regard to wheat prices, the prices are such that wheat requires protection, and I say that the protection must be granted permanently. I agree with my Honourable friend, Pandit Krishna Kant Malaviya, because of the fact that we ought to be self-sufficient at least in our foodstuffs, and if we protect the agricultural product in this country from being dumped upon from outside we are really giving

Mr. Muhammad Nauman: I am supporting that part.

Mr. Husenbhai Abdullahhai Laljee: We are simply doing our duty and thereby we raise the standard of life of the masses. I ask the Honourable the Commerce Member to compare the rates prevailing outside India and the rates prevailing in India. The people of this country do

not think that it is fair and equitable to control the prices and therefore the protection that is being given ought to be continued and continued for some time. I am very sorry that it is only for one year.

Then we have got the silk industry. With regard to that, my Honourable friend, Mr. Nauman, says, why should you give them any protection because it is very difficult now to get silk or artificial silk from outside owing to shortage of tonnage or exigencies of war. Recently, the Honourable the Finance Member contended that sugar was the right commodity on which Government wanted to put on an excise duty because he considered even in the present state of India that sugar was somewhere near a luxury. Would not the Finance Member consider that silk imports are greater luxuries than sugar? All the same, we have got to take into consideration one aspect of the question and only one, and that is, we want that the drain from the country should be stopped. Our raw materials should be used and employment should be given to our masses. That must be the principle. So far as the price to agriculturists is concerned, it is a vicious circle, but I may point out to the Government that they did a very good act when they passed the Salt Protection Act. That was passed from year to year but at the same time in that Act it was provided that the maximum selling price should be such and such. I should like that protection should be given freely and fully to stop the foreign goods coming in, and at the same time to protect the interests of the masses, the agriculturists, you must fix a maximum price. And you did it successfully for six years with regard to salt. Every year you fixed the maximum price. Government should not hesitate to give protection to stop the drain, to give employment to our people and to use our raw materials, and at the same time, to protect the masses, let the Government fix the maximum prices as they did for six years in the case of salt. Salt has become self-supporting. There may be internal competition, but the Government ought to get themselves rid of the bogey that agricultural interests will be affected. I should certainly never be a party to a just demand for protection to industries when the world is progressing so much, that industries in this country should not be protected when every part of the world is becoming self-sufficient in every respect is not at all fair. With these words, I fully support the Bill.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I join in the chorus of congratulations to the Honourable the Commerce Member on his bringing in this Bill extending the import duty on wheat and silk. That is the only silver lining we have had in this House because we have had taxation after taxation every day. Wheat is one of the commodities which is of every day use by Indians, and therefore it is extremely good of the Honourable Member to have brought in this Bill extending the duration of the duty. As pointed out by my Honourable friend, Mr. Husenbhai Laljee, the more duty there is on goods imported into this country, the more will Indian commerce and industry flourish. We had expected that it would be permanent, and I hope that during his tenure of office the Honourable the Commerce Member will see to it that this Bill is made permanent. With these words, I support the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I do not feel I am called upon to explain many of the points that have been raised in this House. In fact, arguments have been met by counter-arguments,

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

advanced by one set of interests and another. And if at any time I felt that Government had taken the line which was nearest to what may be considered fair to all parties concerned, the arguments that have been advanced from different quarters justify that view. I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the Bill further to amend the Indian Tariff Act, 1934 (*Second Amendment*), be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move:

“That the Bill be passed.”

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill be passed.”

Mr. Muhammad Nauman: Sir, I expected the Honourable the Commerce Member to explain certainly the objections which I raised. Of course the argument was met by other Members of the House but it was up to the Government to make an answer. My argument was supported in substance by Mr. Husenbhai Laljee. He said that in the case of salt something was done for the consumer by fixing the price limits, when the duty was fixed. For instance when duty was fixed at 4½ annas a maund the price limit for salt was fixed at Rs. 66 per 100 maunds. When the duty was reduced to 2½ annas, the rate was fixed at 48 rupees per hundred maunds. When the duty was further reduced, by the Government to two annas, the limit of price was fixed at Rs. 44 per 100 maunds. A graduated rate was to be fixed. What I was pleading before the House was that the consumers' position should also be considered. Of course we are prepared to give the industrialists' all possible support but we cannot do it at a very heavy cost to consumers of India. If the Government were prepared to give them protection and if the Government have seriously taken into consideration the circumstance I think the Government will have to admit that huge profits may be made at the consumers' cost, if this duty is extended and there should have been some sort of suggestions regarding limit of prices in India by the Government Member who did not explain it to us. I said in the beginning that I very much appreciate the first part so far as the duty on wheat and rice is concerned and so far as the agriculturist is concerned, but I do not support with any enthusiasm the tariff rates on silk. I find and I believe the Honourable the Commerce Member also as an Indian knows the condition prevailing in the market.

The silk industrialists have increased their prices for no reason at all. The prices of raw materials which they are using have not advanced to the extent that would justify the increased price rates. At the same time they are being afforded the same support which they were afforded to stand foreign competition and at a time when the position was not what it is today. The Honourable the Commerce Member did not care to make any comment on these views placed before him. I quite appreciate the reply which Mr. Malaviya gave but the reply should come from Government. Still he did not say anything about the consumers. I asked Mr. Malaviya the question: How long are we going to nurse this child. There should be a limit of time fixed and the Honourable Member did not take any notice of that fact. With these few remarks, I take my seat.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I should be very sorry indeed if in any quarter and particularly my Honourable friend, Mr. Nauman, were to consider that I was lacking in courtesy and did not reply to the arguments of any Honourable Member.

Mr. Muhammad Nauman: It is not a question of courtesy.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I said that my Honourable friend's arguments were met by arguments on the other side and that I would be only duplicating the work if I were to meet them afresh. My Honourable friend has suggested that the consumers' interests should be protected. That raises a very big question relating to all protected industries—that they may, in view of the tariff wall that is put up, so increase their price that the consumers may be unduly handicapped. I am not going to suggest that with reference to the sericulture industry that is happening or is going to happen, but the obvious remedy in these cases is in the hands of the Government, that by executive action they can vary the protective duties. What cannot be varied is the revenue duty, without the consent of the House, but the Honourable Member will find that a protective duty, under the provisions of the Indian Tariff Act, can be lowered by executive action and if in the case of any protected industry one feels that the industrialists are acting in such a way as to seriously prejudice the consumer, Government would be fully at liberty, in consonance with the recommendations of the Indian Fiscal Commission, to vary that duty by lowering it. That is the remedy that is open to the Government.

Mr. Muhammad Nauman: Government ought to have a special eye on that.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I believe I told in reply to Sir Ziauddin Ahmad that Government were constantly watching the position so far as the protected industries are concerned, and though, for the time being, I cannot quote any instance where that protective rate has been decreased, that is an aspect of the position which is ever present before the Government, and that is not merely a theoretical aspect of the question.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

THE DRUGS BILL.

The Honourable Sir Girja Shankar Bajpai (Member for Education, Health and Lands): Sir, I beg to move:

"That the Bill to regulate the import, manufacture, distribution and sale of drugs, as reported by the Select Committee, be taken into consideration."

It has been said that the best form of defensive is an offensive. My own feeling is that there are occasions when the contrary is the correct course to adopt. The best form of offensive is to adopt a defensive attitude. That is what I propose to do in dealing with the numerous criticisms that have been received of this Bill, even in the very satisfactory form in which it has emerged from the Select Committee. There are two main lines of these criticisms. The first is that the Bill is incomplete in the following respects: (a) that there is no provision made for the regulation of the profession of pharmacy, (b) that there is no specific provision in the Statute itself for the simultaneous enforcement by provinces and by the Centre of the provisions of the Bill, (c) that we are not setting up a joint executive board to ensure uniformity of rules and regulations on the model of the joint executive committee in the United Kingdom and (d) that there is no control over Unani and Ayurvedic drugs.

The second main criticism relates to the composition of the proposed Advisory Board, the suggestion being that it is undemocratic. I should deal with the two categories of criticisms in the order in which I have enumerated them. Take first the criticism that no provision has been made for the regulation of the profession of pharmacy. It will be within the recollection of Honourable Members that the last Bill which was referred to a Select Committee required the regulation only of imports and exports. The House said that that was not sufficient, that we should also undertake to regulate the internal manufacture and distribution of drugs. That was the specific point of reference to the provinces. That is the special point which we are dealing with in the Bill which is now before the House. We were not asked at that stage to attempt to cover also the regulation of the profession of pharmacy, and for one very good reason, Sir. If Honourable Members would look at the relevant recommendations of the Drugs Inquiry Committee, namely, the Chopra Committee, they will find that, while attaching great importance to the regulation of the profession of pharmacy, the pivotal recommendations for that purpose, which they made, were, first, the establishment of provincial pharmacy boards, second, provision for pharmacy education, third, registration of pharmacists. Now, it will be appreciated by all Honourable Members that we cannot attempt to regulate these things without the co-operation of the provinces. And, in so far as the provision of educational facilities for pharmacists is concerned, we had found that several provinces, for various reasons, had not expressed their readiness to meet or incur the expenditure involved. We felt that the choice lay between holding up this measure which is a fairly necessary measure, until such time as all the provinces were prepared to fall into line as regards the regulation of the profession

of pharmacy and the education of pharmacists and so on on the lines recommended by the Chopra Committee, the holding up of this legislation till then, and going forward with this Bill in the hope that, after we had got this particular piece of legislation out of the way, every possible endeavour would be made to get the provinces to agree to legislation with regard to pharmacy. That, Sir, is the attitude which Government still maintain, namely, that it is of the utmost importance that the provision of pharmacy should be regulated and that the co-operation of the Provincial Governments for that purpose should be obtained. Honourable Members will observe, I think, from paragraph 2 of the Report of the Select Committee, that the Select Committee have emphasised that the Government of India should get immediately into touch with Provincial Governments on this subject. On behalf of Government, we gave the assurance that this was what Government would do. That assurance, Sir, I reaffirm on the floor of the House. The second point was that no specific provision in the Statute itself has been made for the simultaneous enforcement, by provinces and by the Centre, of the Rules and Regulations framed under the Statute and provisions of the Statute itself. The difficulty with regard to that, Sir, is not of our making. It is not that we do not recognise the importance and the value of uniformity. But the constitutional position is this. The executive authority of the Centre is limited to imports and exports, the executive authority of the provinces applies with regard to internal manufacture and internal distribution. That being so, without amending the Government of India Act, it is impossible for the Central Government to take on itself an executive authority which would amount to a usurpation of the executive authority of the provinces. That is the reason why no statutory provision has been made in the body of the Bill for simultaneous enforcement of the provision of the Act and the rules made thereunder. But the Select Committee were told, and this is what I am telling the House now, that we have in existence the machinery of the Public Health Advisory Board, on which Provincial Ministers are represented, and it certainly is the intention of Government that, before the regulations framed under this Act are put into operation, we should consult that Board and impress upon it not only the desirability but the necessity of going forward with a simultaneous enforcement of the Central and the Provincial provisions of the Act and the rules made thereunder.

Sir, the third point relates to the absence from the Bill of any provision for a Joint Board to ensure uniformity. I have indicated the difficulties, the constitutional difficulties, which stood in the way of our making such a provision in the Bill itself. The example of the United Kingdom had been cited but, Sir, Honourable Members will not need any elaboration of the point that the United Kingdom happens to be a unitary Government while here we are not a Unitary Government. The old days, when the Government of India could, in the absence of distribution of functions between the Centre and the Provinces, legislate for the whole of India, those days no longer exist. We cannot, therefore, because of something that has been done in the United Kingdom, slavishly imitate what the United Kingdom has followed.

Part (d) of the criticism as regards incompleteness was that we had not attempted to enforce any control over Unani, and Ayurvedic drugs. Now, Sir, this particular question was very carefully examined by the Chopra Committee. The Chopra Committee examined a multitude of

[Sir Girja Shankar Bajpai.]

witnesses, including witnesses drawn from the Ayurvedic and Unani professions, and I should like to read for the information of the House an extract from paragraph 158 of that Report. This is, Sir, what the Chopra Committee have to say:

"Many of the witnesses gave evidence showing the utter impossibility of such a control. Some of the indigenous practitioners objected to it on merely sentimental grounds, saying that there is something higher and more vital in their systems which is inscrutable and impenetrable by modern science and which modern chemists cannot analyse and determine. We know what hold conservatism has and how slow we move when the question of sentiment is raised. Others reasonably contend that the materials used by the indigenous practitioners are derived from every source in nature, animal, mineral and vegetable, and in many instances the nature and quality of the materials used is known only to the person who dispenses it. To control such materials by application of scientific principles would be a formidable task indeed. The composition of the majority of these drugs is not known and therefore standardization would not be possible in the same sense as with the Western medicines. Standardization presupposes a knowledge of the chemistry, the pharmacology and the therapeutics of the drugs, which are unknown in this case. Unless and until these drugs are investigated on scientific lines, control is not feasible. The useful remedies should be separated from the inert and useless by a proper scientific study and the potent drugs should be analysed and standardized before any steps can be taken."

That, Sir, is the pronouncement of experienced Pharmacologists. I think the House will agree that in the face of that verdict, based upon a scrutiny of fairly wide evidence, it will be a great error on the part of the Government of India to attempt to regulate or control Ayurvedic and Unani drugs. Now, Sir, that the list of charges of incompleteness have been dealt with to such extent as I could, I have to move on to the other criticism that has been made, namely, the composition of the proposed Advisory Board. Sir, it has been said that the Board that we proposed is undemocratic. The first point that I want to make with regard to that is that we are not setting up a Parliament, we are setting up an Advisory Board or Committee consisting of persons who have got the necessary technical knowledge. Therefore, strictly speaking, democratic or undemocratic criteria do not apply to the composition of such a Board. But, even so, we felt that, to the extent that we could meet the demand for giving the non-official section adequate representation, for Pharmacologists and so on, on the Board, to that extent we should go to meet that demand, Honourable Members will observe from the Bill as it has emerged from the Select Committee, that whereas originally we contemplated a majority of officials, now there will be a majority of non-officials on this Board. And, further, Sir, we have undertaken, as is pointed out in the report of the Select Committee that, in so far as the pharmacologist and pharmaceutical chemist are concerned, as soon as there is proper organisation of the pharmaceutical profession, their elected representatives will be substituted. That I submit is all that can in reason be expected, and to that extent we are not only prepared to go, but we have made provision in the body of the Bill itself. That, Sir, I think, brings to an end most of what I had to say as regards the substantial points of the Minute of Dissent. But before I resume my seat I should like to acknowledge the co-operation of all non-official Members of this House who sat with the official representatives on the Select Committee and, in particular, Sir, I should like to pay a tribute to the public spirit of my gallant and Honourable friend, Sir Henry Gidney, who in spite of the perilous state of his health at the time attended every meeting of the Select Committee. For the rest,

I repeat what I began with, namely, that this Bill is for obvious reasons limited only to the control of drugs and that it has now received the scrutiny of a representative Select Committee and such improvements as consistently with our constitutional position could be made have been made. My appeal to the House now is to treat it as a non-controversial measure and proceed to place it on the Statute-book without any further avoidable delay.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to regulate the import, manufacture, distribution and sale of drugs, as reported by the Select Committee, be taken into consideration."

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, before I deal with the salient points in connection with this Bill, may I, with your permission, thank the Honourable Member for his very kindly reference to the humble part I played in the Select Committee. Sir, seriously ill though I was, I felt it was my duty to my country to serve on the Select Committee and I am delighted to feel that we have now before us a Bill which, in my opinion, both as legislator and as a professional man, I hope meets with the demands of this Honourable House. I do not want to carry the memories of Honourable Members to the ancient history of this House, but I think it was in 1922, when I first moved, not in this very House, but in the House in Simla something almost akin to this Bill. I then asked Government to impose a higher import duty on patent drugs. I considered, at that time, it was not fair nor right to introduce into India from abroad patent drugs on the same footing as honest drugs. Being the only Doctor in the House, I had to make my demand somewhat humorous, and so I quoted and then very appropriate mixture—a patent medicine which was on the political market of India at that time, which I called the *Monte-Aque* mixture, the cost price of which I said was half a crown (meaning the Crown of Britain) and the selling price was the Empire of India. Of course, Members will realise I tried to make patent the Montague Chelmsford Reforms then operating in India. Let me now try and take Honourable Members back to 1928-29 when, on the floor of this Honourable House I exposed, thanks to the *Civil and Military Gazette* which put the information in my hands, the terrible fraud that was being perpetrated on the public in India by the sale of spurious quinine. The drug then being sold in large quantities as quinine bisulphate, consisted of three grains of chalk, one and a half grains of quinine and half a grain of alum. I am very glad to know that Colonel Chopra has mentioned this in his foreword to this Bill.

Sir, we have now before us a Bill which is one of the most important that has ever been placed before this House, for it deals with the health of India and not with its wealth. If history were ever to record on this Bill, it will emphasise that this Bill which has as its main purport the purity of drugs is of great importance to the health of India and that the development, progress and contentment of India depends more on its health than on its wealth. The House owes a deep debt of gratitude to the Honourable Member who has drawn up this Bill and who has piloted it through its various stages till we see it now before us in an almost perfect state. As we consider this Bill today, I should like Honourable

[Lt.-Colonel Sir Henry Gidney.]

Members to remember that we are not dealing so much with law as we are dealing with drugs and, therefore, this Bill should not be treated on Party lines but in the spirit a co-operation and trust. It should not be a matter entailing any controversial conflict or a battle between an official and non-official majority on the Board, *i.e.*, officials *versus* non-officials in this House. There seems to be an obsession in the mind of some Honourable Members that anything that has an official mark on it is bound to be wrong. Sir, here is a matter which primarily concerns neither officials nor non-officials only but it certainly concerns the whole of India and its health and welfare.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Every legislation of this House concerns the whole of this country.

Lieut.-Colonel Sir Henry Gidney: I make one exception in you. Sir, I repeat this is not a matter of law but of drugs and I do appeal to Honourable Members, when they discuss this Bill and their various amendments, to eliminate from their minds that poisonous and pernicious belief which, unfortunately, we have encouraged and believe almost to the depth of an obsession and a conviction that whenever Government or its representative presents any measure or Bill he is always actuated with the desire to harm India and her peoples and never with a desire to benefit her. Whatever may be said against other Bills, no one in this House can deny that the one and only object of this long awaited Bill is for the benefit of India and the health of her peoples.

The Bill when first presented had many defects, but as amended today by the Select Committee it supplies almost all the needs we want. There is, however, one serious defect in it, *i.e.*, the absence of a Pharmacy Bill. I frequently brought this defect to the notice of the Government as also the Central Board of Health and at the Select Committee and I am happy to tell this House that the Honourable Member on behalf of Government gave the Committee a distinct assurance that he will at once address himself to Provincial Governments with a draft Pharmacy Bill, and, after obtaining their views, he would present this Bill for the acceptance of this House. Now, what will happen when this Pharmacy Bill is passed and I hope this happens very soon? We shall then have a complete piece of legislation, not only a Drugs Bill but a Drugs and a Pharmacy Bill both operating together and, what is more, when the Pharmacy Bill is passed, to the present Drugs Technical Advisory Board will be added Pharmacists and Pharmaceutical chemists which will still further satisfy our demands.

I will now come to the next point, namely, the constitution of the Board. Various Members have tabled a long list of amendments dealing with the composition of this Board. To my mind, the Board is now very evenly established with an un-official majority. We must not forget that this Bill is a new measure, one that requires some experience on the part of those people who are to control and regulate it. After all, it is a measure that requires tact and experience because it *ipso facto* interferes with the functions of the Provinces which they zealously guard. I do not object to an official majority on the Board at the beginning the same as we had with the Indian Medical Council and which, today, has

a large non-official majority. After all, who is going to control this Bill? The Government of India and surely, the House does not expect the Government of India to introduce a Bill without adequate representation of it. Surely, when dealing with a professional matter like this, there is no need at the beginning to insist on there being a non-official majority.

Looking at the names of Honourable Members who have tabled amendments, in my opinion not one is competent to pass a sound opinion on the professional aspect of this Bill. Lately we have heard of and seen developing all sorts of chemists, the alchemist, the ordinary chemists, and now we have got a new genus—the Legislative Assembly Chemist, moving amendments to this Bill dealing with the professional aspect of it and about which he knows next to nothing. Sir, the Drugs Technical Advisory Board has been amended to satisfy the demands that were made by the members of the Select Committee. I attended all those meetings and I know that whatever was asked for was given. There were one or two matters on which the Honourable Member disagreed with some members of the Select Committee. But we have the Honourable Member's assurances which I have no reason to doubt, knowing the Honourable Member's honesty of purpose and frankness, that he will do everything he can for the good of India and that he will fulfil his promises. He has said that when the Pharmacy Bill is passed, this Advisory Board will be changed so as to include certain members who will represent chemists and chemical manufacturing societies. Now that we have got that promise from the Honourable Member, what is the use of demanding today from Government additional representation on the Board of those persons whom he has assured us will be appointed when the Pharmacy Bill has been passed? I appeal to Honourable Members to have a little patience and wait for the passage of the Pharmacy Bill. When that Bill is passed, we shall then have a completely representative Board.

Then, Sir, there were some other minor matters which came up before the Select Committee. There was the matter of Ayurvedic and Unani drugs. Sir, the Honourable Member has referred to this in some detail and has explained to us the opinion of Colonel Chopra, for whom I have a very high regard and to whom I feel I must pay a public tribute on the floor of this House for the excellent work he performed, not only as the Chairman of the Drugs Committee, but for the excellent report he produced which stands out as one of the finest piece of work in the annals of our Legislature, and one is proud to feel that Colonel Chopra is a son of India. We had Colonel Chopra appear as a witness before us by invitation and we asked him several questions. Colonel Chopra is in close touch with those societies and associations which have flooded us with memoranda and so we looked upon Colonel Chopra as the mouth-piece of those various bodies. We asked him several questions and I was perfectly satisfied with his replies. I, therefore, pay a great tribute to the great work done by this great son of India,—a retired member of the service to which I once had the honour to belong.

The two systems of medicine, the Ayurvedic and Unani, are certainly loopholes through which allopathic medicines can be sold. There is nothing easier than for a certain allopathic drug which does not come up to standard to be sold under the guise of an Ayurvedic or Unani medicine, and, possibly, by this means there will be some escape from detection of a fraud that might be perpetrated on the public. Colonel Chopra very

[Lt.-Colonel Sir Henry Gidney.]

rightly told us that he was not aware of the composition of the various Ayurvedic and Unani drugs. It was, he told us, almost humanly impossible to analyse these drugs and, who knows, many of them may consist of solution of soap and water.

Mr. M. S. Aney (Berar: Non-Muhammadan): The Honourable Member has no knowledge of Ayurvedic and Unani systems of medicine, and so why should he speak about them?

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): A solution of soap and water will do for the Honourable Member.

Lieut.-Colonel Sir Henry Gidney: Though I never dealt with Ayurvedic and Unani medicines, I hope I am as equally ignorant of their usages as the interruptor. I usually wash my face with soap and water, and I do hope the Pandit does the same. I wonder!

There are one or two minor points which I wish to touch upon before I sit down. I do hope Government will exercise the greatest care in the selection of Inspectors. I think this is a weak link in this preventive chain of the sale of adulterated and spurious drugs in the markets of India. These Inspectors are to be given very responsible duties. I would, therefore, ask Government to take the greatest care to see that these Inspectors are men of high quality and character and are men specially qualified to exercise these responsible duties and are well paid to rise above all temptations. I repeat this is a weak part of the Bill and I feel sure Government will see that this is strengthened and guarded against.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): What does the Honourable Member expect to be the pay of an Inspector?

Mr. M. S. Aney: The financial aspect has not been examined.

Lieut.-Colonel Sir Henry Gidney: One other very important matter I wish to mention. I see many Honourable Members have tabled amendments to this Bill. The Honourable Member has just given us an assurance that he will see that uniformity is introduced in the execution of this Bill and he has explained to us in such matters how delicate is the position of the relations between the Provinces and the Central Government. Sir, I feel it would be to advantage of all concerned, and particularly to the operation of this Bill if Government could, by some means, see that it is uniformly applied and uniformly acted upon throughout India. How that is to be done I am prepared to leave to the Government Member. It is a point of some delicacy, but it is a point of great importance and if this is to be effected, it should be given effect to at the same time and not at varying periods which would rather militate against the usefulness of this Bill. There are certain parts of this Bill, specially in clause 23 and some of the other clauses which give one the impression that the Inspector, in the execution of his duties, and to whom will be given

great powers, might exercise these powers to the detriment of manufacturing chemists, especially those who have secret processes. I do not think it is right that these Inspectors should be allowed to examine or even visit any manufacturing department connected with the preparation of any secret drug. I do not think this is permitted even in England. I am sure manufacturing chemists would have serious cause for complaint unless the Inspectors' duties were somewhat curtailed in this part of their duties. I desire to draw the attention of the Honourable Member to this point, not that I fear Government will not take adequate precautions.

Now, Sir, I have touched upon what I consider to be the most important parts of this Bill which I am satisfied have been amply remedied by the Honourable Member. The care and attention which the Honourable Member has given to this Bill calls for the thanks, not only of this House, but of the whole country. India has been longing and waiting for such a Bill but India will not be satisfied unless she has a Pharmacy Bill. I do hope and trust the Honourable Member will devote his entire future attention to the passage of this Pharmacy Bill by speeding up the opinions of the Provincial Governments and may I hope, the replies from the Provincial Governments will be placed before this House so that we can pass the Bill at the next sitting of this Legislative Assembly.

Sir, I most heartily congratulate the Honourable Member and his Department on this Bill. I thank him for the generous way in which he listened to all our demands in the Select Committee and I would ask those Honourable Members who are outside the medical and chemical professions, for after all, even as a practical doctor we know as much about the manufacture of drugs as we know about flying and which is not very much.

Pandit Lakshmi Kanta Maitra: Hear, hear.

Lieut.-Colonel Sir Henry Gidney: . . . and may I add, my Honourable friend who cries out 'hear, hear', knows much less. There is no doubt that we know very little about it.

Pandit Lakshmi Kanta Maitra: Hear, hear.

Lieut.-Colonel Sir Henry Gidney: Say it again. There are only a few men who are specialists in these matters and who really can be looked upon as authorities on such matters, and one of such men is Colonel Chopra who was examined by the Select Committee. He addressed us and we addressed him on various doubtful points. He satisfied me and I do hope and pray that he satisfied my other colleagues and that as far as this Bill is concerned, Honourable Members will not, without grave reasons, doubt the intention of the Government as to its honesty of purpose and its desire to serve India with the same sense of duty as is I hope possessed by every Member of this Honourable House.

Pandit Lakshmi Kanta Maitra: Hear, hear.

Lieut.-Colonel Sir Henry Gidney: Again I thank the Pandit for his "hear, hear". Sir, I support the Bill very heartily.

Dr. B. D. Dalal (Nominated Non-Official): Sir, I rise to support the motion moved by the Honourable the Education Member to take this Bill—the Bill to regulate the import, manufacture, distribution and sale of drugs in British India, as reported by the Select Committee,—into consideration. May I, in passing, be permitted to express to my Honourable friend, Sir Girja Shankar Bajpai, my cordial congratulations on his accession to the Viceroy's Executive Council. Sir, this is a Bill that is more important than its size indicates; and I am sure that with the general objects of the Bill this Honourable House would unanimously be in hearty sympathy. This Bill is, as I have already stated, quite a short Bill. So, I shall deal with it as shortly as I can and as simply as I can without any of the adornments of the speech which might be appropriate to a contentious and controversial measure.

The control of drugs even in Western countries has been found to be a problem of considerable difficulty and complexity owing to the fact that the world-wide credulity of the public gives rise to so great a demand for secret remedies. In India the complexity of the problem is much greater. In addition to drugs whose composition and properties are known, there is a flood of secret remedies both from indigenous and foreign sources, while the education of the masses is so defective that they are easy victims of quacks of every kind. In India several of the most fatal diseases are amenable to proper drug treatment, *e.g.*, malaria, kala azar, amoebic dysentery, relapsing fever, syphilis, etc., in the case of these diseases the administration of useless remedies is not a harmless comedy; it is often a question of life and death, because those who are induced to take useless drugs are thereby prevented from employing remedies which would save their health and lives.

The treatment of many tropical diseases today depends upon supplies of new drugs. The substances such as tetanus and diphtheria anti-toxin, typhoid—para-typhoid vaccine, insulin, liver extract, sulphanilamide, etc., represent some of the most important conquests of disease which have been achieved during the last half century. They represent also a gradual change which is taking place from a crude and almost casual use of drugs to a therapy based on principles of exact science. The old sneer that doctors put medicines about which they know little into bodies about which they know nothing is thus refuted.

No control can be really effective unless it covers both imported and locally manufactured articles. So I congratulate the Provincial Governments on their agreeing to enforce a comprehensive and uniform enactment by the Central Legislature. This Central measure ensures uniformity of standards. Proper control, however, can have little beneficial effect without the willing co-operation of the Indian States, in which a flourishing trade in drug preparations is carried on. So, the Government of India should approach the Darbars on an all-India basis.

Sir, the subject of drugs is intimately bound up with the subject of Pharmacy. The profession of Pharmacy in India is in a very primitive condition. India has no Act to control the practice of Pharmacy. Poisons and dangerous drugs can be handled by any one who satisfies the officials of the Excise Department that he can comply with the conditions of license. To all intents and purposes the practice of Pharmacy in India

is unrestricted. Many incompetent and ignorant persons are in the habit of compounding medicines. Except in Madras, there is no regular course of training for Pharmaceutical Chemists. So, it is highly desirable to enact a Pharmacy Act in India at the earliest possible date.

From financial point of view, I think the Director-General of the Indian Medical Service in consultation with the Central Advisory Board of Health and the Director of the Central Laboratory is quite competent to advise Government on technical matters and to give effect to the provisions of this Bill. On general grounds it is highly desirable to have an Advisory Board. So, I cordially welcome the provision as regards the establishment of an Advisory Board. I may state in passing that the composition of the Advisory Board as settled by the Select Committee is such as will command the confidence of the public in India.

Now, Sir, I shall indicate a few points for the guidance of the Advisory Board. The object of this Bill is to bring under effective control the import of drugs and medicines from foreign countries and the manufacture of indigenous drugs. A measure of this kind naturally affects the interests of large bodies of wholesale dealers. In the drug trade there are dealers whose reputation is of the highest, who would not touch inferior or adulterated drugs. Their interests are damaged by unscrupulous men who either import inferior drugs or adulterate what is good when imported. Let me give examples of unscrupulousness and of inert and useless drugs which are palmed off on medical practitioners to the detriment of their patients. The device adopted is adulteration of drugs with substances similar in appearance, *e.g.*, cocaine with aspirin, santonin with boracic acid, quinine with chalk, potassium iodide with potassium bromide, insulin with castor oil, etc. India is the dumping ground for every variety of quack medicines and adulterated drugs. The public do not realise the harm that is done by the use of slimming drugs and lip-sticks. Here the substances incriminated are dinitrophenol and cosin. The public, therefore, are in need of protection, so also are manufacturers, importers and dealers of drugs who serve the public honestly. Efficient measures should be adopted to counteract the nefarious practices of dealers of drugs who prey upon the public and deceive them by supplying adulterated, sophisticated or substituted articles. Many patent and proprietary medicines imported into British India are distinctly fraudulent and are sold under false names. The insertion of advertisements of remedies for which exaggerated, unwarranted, and fraudulent claims are made should be prohibited. An import duty and a stamp duty should be imposed on all patent and proprietary medicines, and on all medicines whose formulæ are not printed on their containers. A tax should be imposed on all secret remedies, and there should be a provision for the control of objectionable advertisements of secret remedies. The result would be to discourage the exploitation of the public by vendors of inferior drugs, and to prevent the cruel fraud which is perpetrated on the ignorant masses by supplying them with bogus remedies. The evil of the influx in increasing quantities of spurious drugs must be combated so that the Western system of medicine may not fall into disrepute. The Western system of medicine has by its progress and proved merit established a firm hold on India and is daily growing in popularity.

As a first step indigenous herbal drugs and remedies should be analysed, standardised and catalogued into an authoritative Indian Pharmacopœa.

[Dr. R. D. Dalal]

The object of a pharmacopœa is to provide standards of purity and strength of drugs. It is undeniable that many of these remedies are really very effective, *e.g.*, Ephedrine—an alkaloid extracted from Ephedra plant, which grows in Northern India. Ephedrine is a specific for asthma. Unfortunately, in a majority of cases these remedies are based on secret formulæ and family tradition. Local drugs and herbal remedies are much cheaper than imported varieties and more within the purse of the public. This consideration applies particularly to the provision of adequate medical relief in rural areas. Nearly three-fourths of the drugs used in the British and the United States Pharmacopœas grow wild and in abundance in India; so it is very easy to manufacture certain drugs in India, but as sufficient capital would not be forthcoming to start drug manufacture in India on a large scale, India cannot do without imported drugs and medicines. A study of the available sea-borne trade statistics in British India shows that in 1908-09 the value of imported drugs was Rs. 73 lakhs, and that in 1935-36 the value of imported drugs was Rs. 273 lakhs. This represents a four-fold increase during a period of 26 years.

Sir, this Bill deals with the standardisation of drugs and medicines, both imported and indigenous. The standards proposed by the permanent commission on Biological Standardisation appointed by the Health Committee of the League of Nations have been accepted by the British Government, and the use of these standards is obligatory. It is highly important that medical men who administer substances should know exactly what they are administering, and that substances, both imported and indigenous, should not be permitted except under proper standardisation. There is no doubt that considerable harm has been done through the indiscriminate use of substances that have not been standardised. I will give two or three illustrations to show the necessity for this legislation. There is a substance known as Pitutrin or Pituitary Extract—an extract prepared from a small gland in the brain. One of the uses of this substance is to expedite labour. In an emergency a medical man may use a brand that has not been standardised and may be five or ten times as strong as the brand with which he is familiar; and while his intention has been to stimulate a womb sufficiently to secure contraction, the use of a drug of unknown strength may cause a fatal rupture of the uterus from over-stimulation. Another illustration is furnished by a valuable drug known as Insulin—a very important drug used in the treatment of diabetes mellitus. We have preparations of it either inert altogether or too strong for ordinary use. The urgent need for proper standardisation has been brought out by a recent investigation undertaken by the Government of India Bio-chemical Standardisation Laboratory, Calcutta, into the liquid preparations of Ergot, which are sold in the Indian bazaar—chiefly used to stop post-partum hæmorrhage, a condition where treatment with potent Ergot preparations is essential to save the life of a mother, the poor quality of Liquid Extract of Ergot, which is employed in hospitals and private obstetric practice, constitutes a grave menace to maternal health, and is an important contributory factor to maternal morbidity from a sub-involuted and imperfectly contracted uterus. It is just possible that the deterioration of the active principle of Ergot in the hot and humid climate of India may be an important factor in bringing about the poor quality of Ergot preparations, but it seems probable also that both

cruder and finished preparations of Ergot of an inferior quality unsaleable in their countries of origin due to stringent drug laws are imported at cheap prices into India

Mr. President (The Honourable Sir Abdur Rahim): It is now a Quarter Past One: the Honourable Member may resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. M. S. Aney, one of the Panel of Chairmen, in the Chair.

Dr. B. D. Dalal: Mr. Chairman, before Lunch I dealt with the important question of standardisation of drugs. Now, Sir, with your permission, I propose to indicate a few more points for the guidance of the Advisory Board. Sir, in view of the fact that prohibition campaigns have been launched in Provinces, Medicated Wines should be abolished. Medicated Wines contain opium, cocaine, chloral hydrate, preparations of morphia such as Heroin, preparations of Barbituric acid such as Veronal, and such dangerous narcotic drugs. It is a strange and noteworthy fact that if you try to stamp out alcoholism by prohibition, you drive the weak person from alcoholism to some other drug. If alcohol is prohibited, some other drug which is much more fatal is resorted to in its place. It is interesting to note that the consumption of opium and other narcotic drugs varies in inverse proportion to the consumption of alcohol. It is also very interesting to remember that alcoholism is simply an expression of a nervous weakness. Nervous weakness leads to alcoholism, and not alcoholism to nervous weakness. Therefore I would like to abolish Medicated Wines, which are a camouflaged method of introducing drinking habits. Pledged as the Provincial Governments are to the ideal of drink restriction, they must be even more concerned to prevent the potential growth of the traffic in dangerous narcotic drugs, which that policy threatens. So the possibility of people trying to smuggle or bring in surreptitiously dangerous narcotic drugs, which are deleterious to health, has to be considered. There exist in Europe wealthy and ingenious cosmopolitan gangs known as the Drug Barons of Europe, whose purpose in life is to carry on illicit traffic in dangerous narcotic drugs such as opium, morphia, heroin, cocaine and similar preparations. The lack of international co-operation and the numerous gaps in the legislation of different countries and national inertia assist these Drug Barons to make huge profits and to escape when hard pressed. More recently these Drug Barons have extended their nefarious activities to India. It is a matter for congratulation that the Government of India had taken the lead in ratifying the International Convention of 1936 signed at Geneva for the suppression of illicit traffic in dangerous narcotic drugs. More recently Turkey has ratified this Convention. This brings the number of ratifications to ten, so the Convention automatically comes into force.

Sir, licensing of importers and manufacturers of indigenous drugs is a salutary provision, but in this connection a word of warning may not be unwise. If the trade is to be confined to certain persons to be licensed for the purpose, there is a great danger that those persons may put their

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heads together to corner the market and to exact from the public a very undue profit. So drastic steps will have to be taken to control any cornering of the market or undue profiteering which may arise.

Sir, I strongly support the leaving open of the possibility of adding substances to the Schedule of the Bill. I think it would be quite out of the question to have an Amending Act every time it is found necessary to add to the list of substances. I also support the taking of power to lay down a standard quality for any drug not specified in the Schedule of the Bill.

We are all imbued with the desire to restrict the disastrous effect of this traffic in drugs and to introduce the use of legitimate and proper preparations. There are certain clauses in the Bill which impose penalties. Penalties should be deterrent, and no penalty is too severe to stop nefarious practices.

Sir, this Bill provides for the appointment of Public Analysts. The appointment of Public Analysts should be made compulsory. It is desirable to have the same Analyst for the different municipalities and local bodies rather than to have an Analyst for each separate town, or I would suggest that a province should be divided into three or four divisions, and that a competent Analyst should be appointed for each division. The refusal to supply samples on the part of traders should be an offence under the Act. Wholesale dealers should pay all expenses of inspection and analysis in order to ascertain whether the drugs are adulterated or not. Government should have a voice in the appointment of a Public Analyst, and his salary should be partly paid by contribution by Government. If the skill of a Public Analyst were called in question, there should be a reference to the Central Laboratory for the purpose of further analysis.

Sir, it has been urged that Government Medical Stores Depots impede the development of local drug industry in India. In this connection I would point out that Government Medical Stores Depots supply only a fraction of the total demand for drugs and medicines, and that they give a valuable demonstration of the possibility of developing a sound indigenous drug industry in India. When any article of the requisite quality is obtainable on the Indian market at a rate lower than the cost of manufacture at the depots, the manufacture of that article at the depots is at once stopped. So I submit that no steps should be contemplated to reduce the activities of the Government Medical Stores Depots. Government Medical Stores Depots saved the situation both for the Army and Civil Institutions in the last war.

Now, Sir, there is only one further point to which I wish to refer. Sir, the subject of the warranty as a defence in prosecutions is one of considerable importance. A warranty is a statement or declaration made by a vendor to a purchaser that the article sold is sound and of good quality. A retailer who receives such a declaration with an article, which he in turn sells and which on analysis proves to be adulterated and not as warranted, is by law entitled if prosecuted to plead the warranty. If the warranty is good, and if it can be proved that the article was sold as received, the accused will be discharged. But, Sir, the whole subject of warranties is very difficult, and it is a source of great discontent on the

part of Health authorities. Either wilfully or as a result of ignorance warranties are frequently not clearly expressed, and it is in these instances that trouble arises.

Mr. J. D. Boyle (Bombay: European): Mr. Chairman, my friend, Colonel Sir Henry Gidney, stated this morning that he knew nothing of the scientific implications of this Bill and he deduced from that fact that there was nobody in the House who did so either. That challenge was immediately taken up by my friend, Dr. Dalal, who showed clearly that he knew far more about the technicalities of our insides than was good for most of us here.

The Honourable Member in charge of this Bill made the type of speech that we are now accustomed to from him, extremely lucid and covering almost all the major points of the Bill, and it is very difficult for those of us who have studied it previously and come to some opinions as to what we were going to say, now to repeat a good deal of what he has said, and if I cover any of the ground that he has already covered, I hope he will excuse me. In so far as pharmacy and the pharmaceutical profession are concerned, a great deal has been said by Honourable Members with which I entirely agree. I think it can reasonably be argued that a Pharmacy Bill should, in fact, have preceded a Drugs Bill, and that it is, if anything, putting the cart before the horse to introduce a Drugs Bill first. But I understand, and I think that the major point that was made by my Honourable friend, Sir Girja Shankar Bajpai, was, that any pharmacy legislation would involve a considerable sum of money from the provinces. They would have to establish colleges, training courses, inspectors and so on, and there is the cry which we hear day in and day out that the provinces have not enough to carry on their normal functions, much less to undertake work of this nature. That being so, it must not appear in any way that we do not think that pharmacy legislation should be undertaken because we do and we consider that it is absolutely essential, and apart from the undertaking that the Government have now given, I think that it is the duty of all those of us who are interested in this legislation to bring whatever pressure we can to bear in our respective provinces to see that the necessary resolutions are in fact passed which will enable the Central Government to undertake such legislation as had had to be done in the case of the Drugs Bill itself. So much for pharmacy, because, as I said, a great deal has already been stated on the subject and I think the main points have been touched. Though giving special emphasis to the necessity of having pharmacy legislation I wish to avoid giving the impression that I do not regard this Drugs Bill as of great importance. I certainly do regard it as such. I regard it as of the greatest possible importance, and I know Honourable Members are inclined to try and lay emphasis on the subjects upon which they are particularly interested by claiming that their subject is of paramount importance and everything else must stand on one side. I do not fall into that trap, but I do agree with my Honourable friend, Sir Henry Gidney, when he says that this is a matter which affects the health of the whole nation. He gave examples of adulterated quinine. I myself was shown by the police in Amritsar a sample of quinine that was being sold in a district in the Punjab where malaria is endemic and had actually assumed the proportions of an epidemic.

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The quinine that was being sold was very cheap, but on analysis it was found to be nothing but straight and pure chalk. And the epidemic which had assumed very serious proportions had resulted already in very high death rates indeed.

An Honourable Member: Not even faith cure!

Mr. J. D. Boyle: No. I was shown one other sample, and that was in Bombay, of what was supposed to be a cheap form of aspirin, and instead of the genuine article, it had already caused serious results in one particular district of Bombay City and the stock had been seized. There was no doubt that the preparer of the stock had only meant to produce something innocuous, but in actual fact, owing to the lack of knowledge of compounding he had prepared a medicine in which was included some acid—the name of which I forget now, but it does not matter much to Honourable Members—that, according to the Government Analyst, one of those tablets taken by a patient would produce serious pain, two would produce coma and anything more than two, particularly on a person with a weak heart, would certainly cause death. Those examples are not examples that are extravagant, nor are they examples which come from any one part of India. They can be repeated a thousand times over and from every quarter of India. Therefore, I do agree with my Honourable friend, Sir Henry Gidney, when he says that it is impossible to over-estimate the importance of this Bill and no difficulties or differences of opinion as to whether this technical Board should be constituted largely from Bengal or anywhere else, should be allowed to stand in the way of turning it into law at the earliest possible moment.

Now, the Bill as it was introduced had two apparently very obvious dangers. The first of these was that provinces were given the right under the Bill to enforce the legislation whenever they thought fit and suitable. I realise the constitutional difficulty. I appreciate that even after passing the resolutions that they have done to authorise the Central Government to pass this legislation, the Central Government is still unable to take away from those provinces who are administrative agents of the Central Government in this respect, the right to introduce the Bill as and when they think fit, and I think it comes ill from those who have been pressing for autonomy on every occasion, now to reduce from the powers of those very Governments the autonomous rights that have been given to them under the Government of India Act. But, nevertheless, it was obviously highly desirable that this legislation should be introduced uniformly throughout the whole of India. The second point of the greatest importance was the desirability of uniformity of standards of various medicines and drugs that were going to be used. Both these matters were, as can be seen from the report of the Select Committee, very fully discussed. If I am giving away no secret, I may say that it was perhaps the main subject of discussion. When the constitutional difficulty had been overcome or had rather been explained to us and it was clear that it was correct, we had to go into ways and means of overcoming that difficulty. It was explained to us, as it has been explained now by the Honourable Member in charge of the Bill, that the only thing that can be done is to use a certain amount of moral suasion on the Governments, and that could best be done by some form of consultative committee on which all the provinces would be represented which would have meetings specially to discuss the dates when the Bill

should be introduced and any changes subsequently found necessary to be made in the schedules. As my Honourable friend has explained, there is a body already in existence called the Central Advisory Board of Health, which, in fact, is constituted of the members of the Education, Health and Lands Department, and provincial Ministers from different provinces representing the department of Health. That would seem to be, therefore, a reasonable body to consult with on this matter. But I should like to have an assurance from my Honourable friend that, in fact not only will they be consulted but that a meeting will be held with that item on the agenda at the earliest possible moment, to ensure that the Bill is introduced on the same date throughout the whole of the country and that the Provincial Ministers will, at any rate, in so far as promise given to this committee is concerned, will promise that no changes will be made in the schedule without a great deal of consultation. It is in the Bill that it is to be after consultation with the Technical Board, but they are not compelled to take that Technical Board's advice. I do not think there is anything in the Bill which says that they must accept the advice given by the Technical Advisory Board. That could be done after all by discussion in this consultative committee whether it is a separate committee or the Central Board of Health.

The Honourable Sir Girja Shankar Bajpai: On a point of personal explanation, Sir. You could not, without infringing on the executive authority of the Provincial Governments, say that they must accept this advice. The words used by my Honourable friend are moral suasion and that certainly would be used.

Mr. J. D. Boyle: Thank you. That is really what I meant. I realise that it is impossible to bring compulsion on them. Nevertheless, the fact that all the provinces represented by their Ministers meet on such a Board—~~it~~ would make it very difficult for one particular Minister to claim special exemption for some particular drug whatever it may be, when all the others do not approve of it.

That brings me to the Technical Advisory Board itself and it is clear from the amendments on the Order Paper that a number of Honourable Members intend to dilate on this point at some length. I should like to make only two points, namely, that the Board has now got a non-official majority, thereby bringing it into line with the similar body that was set up in England under the Therapeutic Substances Act and, secondly, that we should avoid at all costs getting into arguments and discussions either on provincial or parochial or territorial or communal lines or anything else as to the personnel of this Board. The only qualification should be, for this most important Board, that we shall get people with the very highest possible qualifications for that job.

Now, as to the Board itself, it has been suggested, as Honourable Members will probably have seen in the various recommendations made by outside bodies, that representatives of the trade, by which I mean local manufacturers and importers, should be included. At one time I myself thought that that would be a highly desirable feature but after consultation and talks with my other colleagues, I am inclined to agree that desirable though it be in some ways, it is to a certain degree improper that those who will be brought within the mischief of this Act should find a seat on

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the technical board which will formulate the policy. I understand that Government are prepared under section 5 (5) to set up special sub-committees and I hope very much that one of the special committees will in fact consist of members of indigenous manufacturers and importers of drugs to this country, so that they may advise the technical board on the difficulties which are likely to arise from carrying out the recommendations of the Technical Advisory Board itself and I would further suggest in this respect that as far as possible that special committee should be set up at the same time, at any rate not later than the Technical Advisory Board itself, so that they can act as permanent check to see that the recommendations of the Board are in fact practicable from the point of view of the trade.

Honourable Members will note in the Bill there is only one Pharmacopoeia mentioned and that is the British Pharmacopoeia and that the Select Committee have added the words "or any other pharmacopoeia authorised in this behalf by the Central Government". That phraseology would allow of Government introducing other pharmacopoeia which they consider suitable. It has the advantage that it entitles the Central Government not to recognise the pharmacopoeia of any country which they do not wish to recognise and it is clearly not possible to enumerate in a Bill all the different pharmacopoeias without intensive research work beforehand.

Now, there are a certain number of more detailed points with which I wish to deal. The first of these is in regard to registration. I think it is clear that as a result of the work of the Select Committee in so far as patent and proprietary medicines are concerned registration is only necessary where the formula of a particular medicine is undisclosed. Now, most importers anyhow, I cannot speak for the indigenous manufacturers of patent and proprietary medicines, import a very considerable range of such medicines. They do not import just one patent medicine. They import a great number. I am quite sure that this is in fact the Honourable Member's intention but I should like to have the point made absolutely clear that the importer will be entitled to take out one registration in respect of all his range of patent and proprietary medicines and that it will not be necessary for him to take out a separate registration certificate in connection with all the individual items which may amount to 30 or 40 and in some cases even more.

Now, another point, and an important one, concerns Inspectors. I think it is clear that in the case of Bills of this type which are really enabling Bills, rules will be made concerning a great number of matters and a great deal will depend upon the Inspectors and in the Select Committee you will notice that a change has been made to ensure that as far as possible Inspectors are not in a position to abuse the powers which they will have. There was an alteration made in connection with the right of an Inspector to withhold permission to sell the stock without taking any further action against that stockholder in court and that point has now been covered. The main point is in connection with the qualification of Inspectors. I quite appreciate that it is difficult to lay down their qualifications in a Bill but I presume that it will be done under the rules and I would most strongly urge that if such qualifications are laid down, they should be laid down by the Central Government and be uniform throughout the whole of India and the Provincial Governments should not have the right to set up their own particular standards for Inspectors in different provinces.

Indirectly, that brings me to the question of the rules to be framed under this Bill which, as I have said, will really constitute the Bill itself. Most of the provisions of the Bill enable the Government to make rules. I know that Government have certain statutory obligations as regards rules and the publishing of them in the official gazette and so on but I do urge on Government that they should go beyond what is necessary for them to do under the law and that they should give prior publication of such rules so as to enable the trade to make their recommendations in advance and get the rules altered, if necessary, before they finally become law and that they should wherever they think there is any difficulty get into direct touch with the trade itself even before they frame the rules. It seems to me clear that in the case of a Bill with such technicalities as this, it is just as difficult for Government and it is just as difficult for the highly scientific people who will constitute the Advisory Board to know the difficulties of the actual trader and I do think that as he is the person who is, ultimately, responsible he should be consulted on every possible occasion and given as long a time as possible to make his suggestions.

Now, Sir, I wish to refer very briefly to the definitions. Both in the definition of drug and of patent and proprietary medicine, you will find a reference to the use of such drugs on animals. Many Honourable Members are probably aware that drugs used on animals are very often not of the correct standard of purity, of the same standard of purity that is required for human beings and one does not wish that drugs that are suitable for animals should be excluded from this Bill. At the same time I quite realise that we are trying to prevent the unscrupulous use of bad medicines on human beings and, therefore, Government must have the power to see that such drugs as are intended to be used for animals are not, in fact, at any stage used on human beings. Government must have, therefore, power to control the use of drugs for animals and I do hope that the Honourable Member will see to it that executive instructions are given that in the case of drugs that are exclusively used for animals, proper exception should be made in the case of well known medicines for that purpose.

Now, Sir, I wish to refer to clause 11. This is one of the clauses which enables the Government to make rules. This
 3 P.M. is one of the major clauses of the Bill in that respect and I want to refer in particular to clauses 11 (2) (h), 11 (2) (i), 11 (2) (k) and 11 (2) (l). Clause 11 (2) (h) refers to the submission of samples by importers. Now, Sir, I know that one cannot legislate on the assumption that Government are always going to hinder or ill treat the people to whom a Bill will apply but this is a matter of the greatest possible importance. The drugs are imported at the main ports and in the case of a great many drugs, particularly sera and vaccines, they come out in specially air conditioned compartments in the ship. If they are to be detained at Customs office for any length of period, by the time they are released they are of no value to anybody. I hope, rather I presume, that the Customs officials will do just as they do with other commodities and take an occasional sample only. But I expect that the Honourable Member will give instructions that even in the case of a consignment that is held up, and perhaps quite rightly held up for test, a sample only will be taken and the rest of the goods should be allowed to be taken delivery of and put into the godown of the buyer

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even if he cannot sell them while the test is being taken. I know that in the case of some tests it is a matter of weeks and weeks before a final result can be achieved and it will be impossible for those drugs to be kept in old godowns on the pier for the period till that test has been carried out. Therefore, I wish to draw the attention of the Honourable Member to this matter so that he may give instructions to the Customs authority. After all the appraiser who does this work is not a technical man, he is even less technical than we are, he cannot realise the damage that is being done and unless specific instructions are given to them to make certain that as little delay as possible is made in this matter, I think there is definitely a risk of some damage being done.

Now, Sir, section 11 (2) (i) refers to the evidence to be supplied, whether by accompanying documents or otherwise, of the quality of drugs sought to be imported. I presume all that is required is the ordinary shipping documents or copies thereof. I think this matter should be made quite clear so that the Customs people may not ask for all sorts of papers which may not be available. Sub-sections (k) and (l) refer to the conditions to be observed in the packing in bottles, packages, and the mode of labelling drugs, etc. Here again I am quite sure that it is the intention of the Government not to interfere with the trade more than it is absolutely necessary. I am told by doctors that certain drugs must be imported in glass bottles of a very dark colour, for the light will affect the quality of the drug. In a matter like this nobody would grudge the Government the right to insist on this being done if the manufacturer happens to be ignorant about it. As I have said, Sir, it is not Government's intention to interfere in such a way but after all we are giving powers to all sorts of people who may not be in such responsible position as the Honourable Member in charge of the Bill and I am, therefore, asking that necessary instructions should be given to ensure that no embarrassment of that kind is made possible.

In Chapter III, clause (7), sub-section (2), and in Chapter IV, clause 15, sub-section (2), there are provisions made by which Governments are empowered to make changes in the standards laid down or to any of the provisions of the Bill. The Select Committee was able to secure the introduction of the words "after consultation with the Technical Advisory Board" and that is, as far as I understand, all that is possible in the matter. But a minimum period is laid down of three months. I know it is a minimum period and, therefore, I have not moved an amendment but we consider a three months' period to be insufficient in actual practice, and, I hope, the Honourable Member in charge of the Bill will see to it that in effect this minimum period of three months is not made a maximum period and that the period allowed should be nearer six than three months. Sir, I want to mention one or two small points more. One refers to the question of the report of the Government Analyst. I am moving an amendment in the hope that the period of ten days, in which a person from whom the sample was taken, has to give notice of his intention to adduce evidence to controvert the Analyst's report, will be increased to 28 days. I am myself quite clear about it and I hope the House will support me in this.

An Honourable Member: I support it.

Mr. J. D. Boyle: In conclusion, I would say that I hope Members will gather from what I have said that after very careful consideration of this Bill, and I would remind the House that those Members who are interested in this have had a rough idea of this Bill in their minds for two years and certainly these Members have been considering the provisions of such a Bill very carefully indeed, I think it is a Bill of the greatest possible value to the country and I do hope, very sincerely that the Bill will now be passed in its present form as rapidly as possible.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I am not an expert and after the speeches of three great experts I was overwhelmed with feelings of hesitation and trepidation in rising to speak. Fortunately for me, my Honourable friend, Mr. Boyle, intervened and enabled me to overcome my hesitation and trepidation to a very large extent. My only excuse for standing before you this afternoon is that this House should hear not only the views of experts but also the views of men of common sense. (Interruption.) A friend of mine asks,—who are the three experts? The three experts I referred to are the Honourable Sir Girja Shankar Bajpai, Lieut. Colonel Sir Henry Gidney and Dr. R. D. Dalal.

The Honourable Sir Girja Shankar Bajpai: Sir, may I disclaim the statement that I am an expert in this matter?

An Honourable Member: Lieut.-Colonel Sir Henry Gidney and Dr. Dalal are medical experts.

Dr. P. N. Banerjee: But, Sir, Sir Girja Shankar Bajpai is an expert of every subject under the sun.

The Honourable Sir Girja Shankar Bajpai: Sir, if I may presume to intervene again, it is only the economist who surveys the mankind from China to Peru.

Dr. P. N. Banerjee: Sir, the occupants of the Treasury Benches are supposed to know everything in this world. This is why we regard Sir Girja Shankar Bajpai as a great expert on this subject.

Sir, this Bill has a considerably long history behind it. For a long time past there has been an insistent demand for the proper regulation of the imports of drugs and of the manufacture of locally produced drugs, and it was in response to this demand that a Committee was appointed in 1930 under the presidency of Lieut.-Colonel Chopra to investigate the whole subject. This Committee submitted a report in 1931, but for six years the report was placed on the shelf and it was not until August, 1937, that the Report was brought out of the shelf and a Bill was published which contained only a very small portion of the recommendations of the Chopra Committee.

When this Bill was referred to a Select Committee, its members thought that the Bill was very incomplete and contained many objectionable features and at the instance of that Select Committee, the consideration of the Bill was adjourned *sine die*. It was also suggested by the Select Committee that a more comprehensive Bill should be brought forward. Then,

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Sir, the Provincial Governments were approached and in all the Provincial Legislatures Resolutions were passed giving authority to the Central Government to bring forward a comprehensive Bill. This Bill was placed before the Assembly in the second week of February, if I remember aright, and it was referred to a Select Committee only a few days later. It may be asked, why was it not circulated for eliciting opinion thereon? I do not know. But the procedure which was adopted by the Government on that occasion led to a great deal of mistrust and suspicion in the public mind and, during the last few weeks, we have been overwhelmed with protests from all parts of the country and from all interests affected. Protests have come from Bombay, Baroda, Calcutta and other places and protests have also emanated from the medical profession, the chemists, the pharmacologists and the manufacturers of drugs and medicines. It may be said that these protests are based on ignorance and self-interest. But that is not a correct view to take of these protests. It may be that there are some interested persons but there are also many others who are completely disinterested. The President of the Medical Council of India is not an ignorant person, nor is he interested in the manufacture of drugs. The Secretary of the Indian Medical Association is neither an ignorant person, nor is he guided by any selfish motive. I will place before you the opinion of a distinguished colleague of ours, namely, Dr. Deshmukh, who observed a few days ago . . .

Syed Ghulam Bhik Nairag (East Punjab: Muhannmadan): What a pity he is not here himself?

Dr. P. N. Banerjee: He is not here, but he expressed his opinion in the form of a statement to the Press. He says:

"It is difficult to imagine a more dishonest measure than the Drugs Bill of 1940 brought by the Government of India. I do not want to go into the details of the Bill at the present time, but this is the third appearance of the Bill before the Legislature and with every re-appearance it has become more objectionable."

He says further:

"One does not see any trace of experience, of import, distribution and manufacture of drugs in the Advisory Board as recommended in the Bill with the nominated President and an appointed Secretary."

He adds:

"The trick of having two Schedules and leaving each province to declare when Schedule No. II will come into force removes the idea of simultaneous beginning of control of imports and manufacture of drugs."

And he concludes with the words:

"The Bill is a thoroughly dishonest Bill trying to sneak in during the war time when the majority of elected Members of the Legislature will not be present. As such, it deserves to be summarily thrown out."

These are strong words. But from whom do these words come? These words come from a gentleman who occupies one of the highest positions in Indian society, who was twice a Mayor of the Corporation of Bombay and who is known as one of the leading medical men in India.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): If that logic is correct, then all the Bills that have been carried through are dishonest.

Dr. P. N. Banerjee: We must consider his words because he is neither an ignorant person, nor is he an interested person. There are other opinions to which I will not refer at the present moment. But I will ask my Honourable friend, the Mover of the Bill, to consider in what way he can meet the objections which have been raised against the Bill. The Select Committee, I admit, has improved the Bill to some extent, but I am afraid the improvements introduced by the Select Committee have not gone far enough. They have not removed many of the objectionable features of the Bill.

Now, Sir, the object of the Bill is, as appears from the Statement of Objects and Reasons, to implement the recommendations of the Chopra Committee. Have these recommendations been implemented to the full extent? I say, 'no'. This Bill differs from the Chopra Committee's recommendations to a very considerable extent. It also differs to a very large extent from the draft Bill which was circulated to the Provincial Governments by the Central Government a short while ago. Why should this departure have been made from the Chopra Committee's recommendations and from the provisions of the draft Bill which was circulated to the Provincial Governments? Sir, it may be said that times have changed. I agree that times have changed. When the draft Bill was circulated to the Provincial Governments, Provincial Autonomy was in existence. Congress Governments then existed in many of the Provinces and in order to satisfy the Congress Governments, a Bill was circulated which would be acceptable to them. Now that the Congress Governments are out of office, the Central Government have no hesitation in bringing forward a Bill the provisions of which are to a very large extent different from the provisions of the draft Bill. Is this honest, is this straightforward?

I will not discuss the clauses of the Bill, but I will mention only some of the important provisions. Sir, no attempt has been made in this Bill to give simultaneous effect to the measure at the Centre and in the provinces. The result will be that while importation will be controlled, the local manufacture of drugs will not be dealt with satisfactorily from the very beginning. Besides it is not laid down that there should be uniformity in respect of locally manufactured goods and of imported goods. Two schedules have been provided in the Bill, one for locally manufactured goods and the other for imported drugs. This, again, raises suspicion in the minds of the people that it is the intention of the Government to deal with imports in a manner different from the locally manufactured products. Then, also, we find that the composition of the Advisory Committee is different from the composition which was suggested by the Chopra Committee and from the composition which was given in the draft Bill. Why has this departure been made in this respect, may I ask? With regard to the composition of the Advisory Committee I must say that the Bill will prove infructuous if the Advisory Board does not command the confidence of the public to the fullest extent possible. But no attempt has been made to inspire confidence in the public mind. The Select Committee has introduced some changes, it is true, but these changes ought to have been of a more radical character.

[Dr. P. N. Banerjea.]

So far as the actual provisions of the Bill are concerned, what do we find? We find that enormous powers have been vested in the Inspectors. Their powers are perhaps much larger than the powers which are generally given to the police in this country. This reminds me of the general impression that in India still exists what is called the police-state, and even in the case of such a non-political measure we are going to be governed by regulations which appertain to the police rule.

My Honourable friend, Sir Henry Gidney, is an expert on the subject.

Lieut.-Colonel Sir Henry Gidney: I have repeatedly said I am not an expert on drugs. I willingly give place to my Honourable friend, Dr. Banerjea.

Dr. P. N. Banerjea: I admit the humility and modesty of my Honourable friend. My Honourable friend, Sir Henry Gidney, regards the provision with regard to the powers of the Inspector as a weak spot in the Bill. He also suggests that the application of the Bill should be uniform in regard to imports as well as of locally manufactured products.

Sir, these are some of the unsatisfactory features of this Bill. Now the question is, what should we do with this Bill? There are two alternatives before us,—one is for Government to postpone the consideration of this Bill and the other is to try and improve this Bill in the light of amendments of which notices have been given by me and by some of my Honourable friends.

Sir, this is not a political measure. This is not a measure which has been brought forward in the interests of the war. The defence of India does not depend upon the immediate passing of this Bill. Where, then, is the hurry? If the Government could sit tight over the recommendations of the Chopra Committee for six or seven years could not the Government wait for four or five months by which time they could get the opinions of experts other than Col. Chopra and to improve the Bill in such a manner that it may command the confidence of the public and become a beneficent measure. Why is there any hurry to transform a beneficent measure into a maleficent one? This is a measure, I understand, which has been brought forward from a humanitarian point of view. Why spoil its effect by introducing provisions which are not acceptable to the people of the country?

Sir, my Honourable friends, Sir Henry Gidney, Dr. Dalal—I hope he will soon become a Knight—and my Honourable friend, Mr. Boyle—I hope he will also soon become a Knight—all these friends of mine have heaped high praise on the Honourable Sir Girja Shankar Bajpai. I admire his great ability and I also admire his capacity for hard work. He has been deservedly knighted for his hard work and he has earned his knighthood by dint of sheer good work. But I feel bound to say that his attitude in regard to this Bill is not as satisfactory as it ought to have been. I had some personal talks with my Honourable friend, Sir Girja Shankar Bajpai, with regard to this Bill and he agreed to consider my suggestions in the House.

Mr. Chairman (Mr. M. S. Aney): The Honourable Member ought not to introduce extraneous matters.

Dr. P. N. Banerjea: The Honourable Member is the Mover of the Bill and with his assistance we could improve the Bill in this House. He has got many votes in his pocket.

Mr. Muhammad Nauman: That is why he can do anything he likes.

Dr. P. N. Banerjea: Yes, he is the master of the situation. I have nothing but goodwill for him, for his late lamented brother was a friend of mine.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I appeal to him to take up an attitude of sweet reasonableness in regard to this Bill and improve it in such a manner that it may become a beneficent measure in every aspect of it. If this Bill has been brought forward, as has been suggested by the previous speakers, in the interests of the country, let all its provisions be such as will conduce to the good of the people of this country. Let no other motive guide the deliberation on this Bill. I hope and trust that the House and the Government will combine in making the Bill a measure which will conduce fully to the welfare of India.

Maulana Zafar Ali Khan: Sir, this Bill is decidedly one of the most important legislative measures brought before the House in its present Session. But I find that even after emerging from the Select Committee it bristles with defects and affords little satisfaction from my point of view and from the point of view of at least 300 millions of India. It seems to me that this Bill is concerned only with allopathy, and the Ayurvedic and Unani systems of medicine have been left out of its purview altogether. I have the greatest admiration for the Honourable Sir Girja Shankar Bajpai, for his talents and qualities of head and heart and for his great knowledge, as a scholar, of the conditions of India. But the speech which he delivered in introducing this Bill was, for the first time in my life as a Member of this House, very disappointing. It seems to me that like certain other gentlemen of the allopathic world he has run away with the idea that the Unani *tabibs* and Ayurvedic *raids* are a body of quacks who know nothing about science and whose whole system is based upon superstition and certain charms and amulets and arbitrary prescriptions for which there can be no standardisation. But I will remind the Honourable Member, who is a student of history, that when the whole of Europe was steeped in darkness it was the Muslim world which did yeoman service to the cause of science and perfected the system of medicine which they had borrowed from the Greeks. Just as Ibn-i-Rushd, whom Europe calls Averroes rescued the peripatetic philosophy of Aristotle from oblivion, similarly, the Mussalman savants of that golden age of Islam revived the glories of old Greek medicine by following in the footsteps of Galen and Hippocrates. And this they did because of the injunctions of the great Prophet of Arabia. "*Al ilmo ilman*" (Knowledge is of two kinds) *Ilmul abdan wa ilmul adyan* (medicine or physics and theology or things divine). So every Muslim scholar before he gets his diploma and comes out of his *musjid* is supposed to be versed in medicine. For five hundred years Avenenna's "canon" was in the curriculum of European Universities like, for instance, the University of Salerno.

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Do you know the name of Abu Bkar-i-Razi and his valuable contribution to medical knowledge? We came to India just as we went through the whole of the world. We lit the torch of knowledge and the world knows medicine through us. Now, Sir, allopathy is of high value only because officialdom supports it. You leave the Ayurvedic and Greek systems in the lurch as if they count for nothing. Ask the average man in the street, and he will tell you that allopathy is all right only so far as surgery is concerned, but allopaths are poor physicians. If you want good physicians, you should go to Delhi and see the family of the late Hakim Ajmal Khan. Go to Benares and see some of the *vaid*s. These allopaths talk of rejuvenation, and what do they tell us? Their latest discovery is to graft a monkey gland on the *medula oblongata*. But go to Benares, and you will find the *kayakalpa* treatment which made Pandit Madan Mohan Malaviya 40 years younger. You go to the ordinary *tabib* and the ordinary *vaid* and explain to him what your malady is. His diagnosis will be prompt. He will write out a prescription which will cost you one or two pice. Now, go to the allopathic doctor who is rolling in millions, billions and trillions, and his prescription will cost you five rupees. Reading this Bill between the lines we find this invidious distinction glaring us in the face. Drug is defined thus:

“‘drug’ includes all medicines for internal or external use of human beings or animals, and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals, other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine;”

If medicinal products which alleviate human or animal suffering are drugs why not those substances which are produced by Unani *tabibs* or Ayurvedic *vaid*s should also be drugs? That shows that the Ayurvedic and Unani systems are outside the scope of Government consideration. But they must know that in spite of this patronage of the allopathic system the Ayurvedic and Unani systems still live and will continue to live. Only two courses are open to the Government. Either the *tabibs* and *vaid*s are quacks and are a danger to society and, therefore, they must be sent to jail and their system condemned outright; or they are doing some good to the country, which is a fact: millions and millions are going to them and they are being cured of their maladies, and in that case, they have a right to be recognised. But you do not recognise them. This Bill does not recognise them. They will have to be recognised. You do not patronise them; but go to Hyderabad, go to Baroda, go to Gwalior, go to Travancore, go to Mysore—all these big States recognise and patronise them.

You have drafted this Bill in order to improve standardisation and to see to it that medicines imported from outside are of unexceptionable character and there is no adulteration in them. But what are you going to do in the case of medicines imported from Indian States? Perhaps you will say that although you do not recognise those systems, the medicines prepared according to the Unani and Ayurvedic recipes must still come within the ambit of the law. You will require importers from Indian States, just as you require importers of medicines from Europe and America, to display the ingredients of the medicine contained in a bottle on the outside label. For instance, it will be a sufficient passport for an

importer if the ingredients of a bottle of medicine are labelled—strychnine, iron and nux vomica, because you comprehend these terms. Now, suppose the bottle is labelled in Baroda, or Hyderabad or Travancore "*Panir maya Shutar arabi, ustokhudus, todri*". Will you understand that and pass the labelled bottle?

Dr. P. N. Banerjea: Please translate.

Maulana Zafar Ali Khan: Ask the Education Member: he can translate. He ought to know, being a Persian scholar of no mean order: according to your own theory he ought to know what is *Panir maya Shutar Arabi* and what is *Ustokhudus* and what is *Todri*. If he does not know then Britishers are not fit to rule India and they ought to get out. So, Indian States will have to be taken into consideration and some sort of arrangement will have to be made with them. This law must be uniform, whatever it is. I know it is defective: I know the time will come when it will be perfected—by and by it will be: but it must be introduced throughout the length and breadth of India to co-ordinate all parts of India.

You propose that a Board should be constituted known as the Drugs Technical Advisory Board. This Board has been invested with large powers. But as has already been pointed out by my friend, Dr. Banerjea, the general impression is that the Board consists mainly of officials. The majority of them are officials, although in order to inspire confidence in the public mind the majority of the members on this board must have been non-officials—gentlemen knowing something about higher science, something about advanced chemistry and not ordinary medical gentlemen alone. Then again, on this board we do not see any representative of the Unani system of medicine or of the Ayurvedic system of medicine, although they ought to have been there.

Mr. M. S. Aney: Those systems are excluded from the operation of this Bill.

Maulana Zafar Ali Khan: You know that India has got a pharmacopœia of its own. The *vaidis* have their pharmacopœia and the *hakims* have their pharmacopœia. But so far as pharmacopœias are concerned, you think that London alone is the place where such a list of medicines or medical substances and drugs can be compiled. My definite opinion is that the consideration of this Bill should be postponed for at least two years: in the meantime witnesses should be called from all parts of India—allopathic, Greek medicine and Ayurvedic—all these should be called before the bar of public opinion and given a chance to represent their interests. Then and then alone will a law of this nature be regarded as something like satisfactory. Meantime, Government should start a compilation of an Indian pharmacopœia. There is a British pharmacopœia, there is a German pharmacopœia, there is an American pharmacopœia, and India should have a pharmacopœia of her own.

Again, the definition of 'drug' is somewhat unscientific, when you talk of science. Drugs, as I know from my limited knowledge, are those medical substances intended for the alleviation of human suffering or animal suffering, which belong to the vegetable world. Similarly, these substances if they come from the mineral world are called chemicals: and if they come from the animal world, they are called organo-products. So

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there is some want of clarity in the definition of this term, and the Honourable Member in charge of the Bill would be well-advised to see to it that wherever this expression has been used in the Bill it should be clarified.

The powers with which inspectors are invested under clause 21 are vast. If my humble suggestion that the consideration of this Bill may be postponed for another couple of years does not meet with the approval of the Honourable Sir Girja Shankar Bajpai then I think that the grievances which the public seem to have in plenty against this measure, as we find it now, should be removed with a sympathetic attitude. I think there are other gentlemen who wish to speak on this Bill and who want to go through it clause by clause and so I shall not detain the House any longer. Sir, with these words I resume my seat.

Lieut.-Colonel M. A. Rahman (Nominated Non-Official): Mr. President, I think there is a good deal of misunderstanding regarding this Bill. My two Honourable friends, Dr. Banerjea and Maulana Zafar Ali Khan, just now offered a few criticisms on the Bill, but I am afraid they were throughout labouring under a misapprehension. I shall, however, try, as far as possible, to prove that their criticism was not at all justified on this occasion. My friend, Maulana Zafar Ali Khan, complained that this Bill did not include Ayurvedic or Unani system of medicines or drugs belonging to these two systems, and I think, if I understood him correctly, he said that this Bill rejected the drugs prepared under these two systems. Nothing of the sort. This Bill does not pretend to cover Ayurvedic or Unani drugs or medicines, because the difficulties are innumerable. This point, Sir, was discussed thoroughly at the Select Committee stage, and we came to the conclusion that as there was no standard pharmacopœia either of Ayurvedic or Unani system,—and if there is one,—I am not aware of any existing,—we could not legislate for drugs prepared under these systems and bring them within the scope of this Bill

Maulana Zafar Ali Khan: Karabady ?

Lieut.-Colonel M. A. Rahman: Well, as far as I know a little of the Unani system, and I do not know anything about the Ayurvedic system,—I have very great respect for this system in many ways,—but quite 90 per cent. of the medicines which are used have not been thoroughly tested either clinically or chemically or by any other method. I am not satisfied myself

Maulana Zafar Ali Khan: You can satisfy yourself by testing some of them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has had his say already, and he cannot interrupt the Honourable Member in this way. Besides, the Honourable Member is not in his place, and he cannot intervene in the debate from any other place.

Lieut.-Colonel M. A. Rahman: Now, some of my friends suggested that we should postpone the consideration of this Bill for at least two years. To start with, their object . . .

Dr. P. N. Banerjea: I did not say so. I said you should postpone it for four or five months.

Lieut.-Colonel M. A. Rahman: Well, if our attempt is dishonest in introducing this Bill now, in four or five months you cannot introduce honesty into it.

Dr. P. N. Banerjea: I said that was the opinion of Dr. Deshmukh.

Lieut.-Colonel M. A. Rahman: I am sorry that my friend has introduced the name of another professional friend of mine. I have great respect for him as regards his professional abilities, I was his fellow student, but if you mix up politics in a matter which concerns life and death of human beings, then I totally disagree.

Now, Sir, as regards throwing out this Bill or postponing it for five or six months or for two years as some Honourable Member suggested, well, if your object is to compile a comprehensive Indian pharmacopœia, then it cannot be achieved so easily. If you are in earnest, you should start with a Committee of experts under the direction of the Technical Advisory Committee which we are going to set up and proceed with the work. Some eminent physicians should sit on it and work laboriously in right earnest and it will be a task of tremendous difficulties, and it will take not only five years, but even more than that, and then, certainly, you can come out with another Bill including all these drugs, of which some of my friends are so fond. Sir, I was away this morning on some other duties,—and I may be excused if I were to repeat some of the points on which some of my friends may have touched this morning. I remember,—I think it was in 1927,—in the Council of State a similar measure was introduced by the Honourable Mr. Haroon Jaffer. He moved a Resolution in the Council of State recommending to the Governor General in Council to take immediate steps to control, what he called the craze for medicinal drugs, by legislation and for the standardisation of the preparation of such drugs and their sale. He rightly pointed out the practice of many unscrupulous traders belonging to India and outside India dealing in drugs and chemicals of defective strength and of impure quality and untested sera and vaccine as a great menace to the public health in this country. Then the Council of State, as Honourable Members are aware, passed a Resolution to this effect,—that the Council recommends to the Governor General in Council to urge all Provincial Governments to take such steps as may be necessary to control the indiscriminate use of medicinal drugs and to legislate for the standardisation of the preparation and sale of such drugs. Now, that Resolution was adopted in 1927. Then, my Honourable friend, Sir Henry Gidney,—I think it was a year later,—he was only Lieut.-Colonel Gidney then,—in this very House insistently pressed this point to control adulterated drugs. I think he went so far as to threaten to move for leave to adjourn the House for the consideration of what he described as the gigantic quinine fraud, and he stressed the fact that India was par excellence the dumping ground for every variety

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of quack medicines and adulterated drugs manufactured in all parts of the world and that her markets were glutted with useless and deleterious drugs sold by unqualified chemists who were themselves a public danger. And he did say it very rightly, and as a remedy, he suggested that we should immediately take steps to bring forward a Drug and Pharmacy Act. Now, Sir, through the columns of the *Indian Medical Gazette*, I think General Megaw also drew a picture in very lurid colours when he described India as a place of quacks, quack traders, quack medicine mongers and so on

An Honourable Member: Quack Doctors?

Lieut.-Colonel M. A. Rahman: I am afraid there are Doctors here, but this Bill does not legislate for them. If this Bill were to cover Doctors, I would bring Dr. Sir Ziauddin under it, because very often people go to Dr. Ziauddin for medical treatment and he treats them,—I do not know with what result.

Sir, as recently as 1937, Dr. Anderson, the Secretary of British Medical Association, toured all over India at the Association's directions and in his Report he referred to the disturbing fact that the market in India was flooded with drugs and preparations of impure quality and defective strength. It was well-known that firms in other countries manufactured cheap and inferior drugs especially for India with the result that local producers followed suit. Well, Sir, these are really authoritative statements, and it is certainly a deplorable state of affairs. So this Bill has not come before this House a day too late. In fact, it has been long overdue.

Now, Sir, we hear so much,—and I daresay this morning many Honourable Members must have touched it,—we hear so much about the Drug Inquiry Committee which was presided over by Col. Chopra. The Committee toured extensively all over India and examined a large number of witnesses and submitted its Report in the form of a voluminous document running over several hundred pages embodying conclusions on all aspects of the problem. But years lapsed and nothing was done to carry into effect the recommendations of that committee.

An Honourable Member: Who was responsible for that?

Lieut.-Colonel M. A. Rahman: As was pointed out by the *Statesman* the other day, the responsibility did not rest with Government.

4 P.M. The delay in producing the present comprehensive measure is to be accounted for less by official dilatoriness than by an understandable reluctance to encroach on the Provincial list. After the Chopra Committee report Government no doubt hoped that suitable action would be taken by the Provincial Governments but nothing of the sort happened. Then, in 1937, when the Central Government saw that nothing was forthcoming they introduced a Bill only covering its own sphere of activities, i.e., regulating the import of drugs into British India. But it fell through because it was not comprehensive and the public once more clamoured and rightly so, for a more comprehensive measure. Hence this Bill has been brought forward. Now, the criticism mostly has been that it is incomplete. Certainly it is not complete, and as my Honourable friend, Dr.

Dalal, said, nothing was perfect in this world. The first criticism is that its provisions do not include the Pharmacy Act and I understand well that pharmacy and drugs should go together. If you enforce one you must enforce the other. This point also was discussed and an assurance has been given by my Honourable friend, Sir Girja Shankar Bajpai, that they will immediately take steps to consult the Provincial Governments with a view to undertake the passage of such legislation as early as possible. Let us hope the Bill will come before us as soon as possible.

Now, Sir, talking about drugs, they fall under three headings; (i) those which belong to the vegetable kingdom are called drugs, (ii) those which belong to the mineral kingdom are comparatively recent, remedial agents obtained by various chemical operations, and other products obtained by a very complicated process of synthesis, and (iii) those which belong to the animal kingdom are what we generally call biological products like sera, vaccines, and gland products, etc. The definition of "drug" is given in clause 3 (b) of Chapter I and an occasional reader will at once say that the first part of the definition is in contradiction of the last, because a drug is comprehensive term and it must include all the drugs under the sun. But this does not contain drugs prepared under the Ayurvedic or Unani systems. But, as I pointed out just now, there is no standard form of pharmacopœia prepared and accepted by the scientific world and it is impossible to include those drugs in the scope of the present Bill. To a layman one drug is certainly just as good as the other, whether it is prepared under the allopathic or under the Ayurvedic or Unani system. If you bring one under control you leave the floodgates of the others open on the disease-ridden millions of India. Therefore, in my opinion, it is time when Government should seriously think of compiling a more comprehensive Indian pharmacopœia which would contain medicines of indigenous origin besides those which come under "approved and known" or included in the British Pharmacopœia. As I pointed out, it is not a task of a year or two but it will take a few years. And if Government are anxious and serious about it, as soon as an Advisory Committee is appointed they should have a sub-committee under the direction of this very Advisory Technical Board to go into this question. And then the time will come to include all the drugs which are being sold in India.

Now, just a few words as regards patent medicines. Every one knows that patent medicines are increasing day by day. You find in every morning newspaper that a certain medicine will cure any disease under the sun and any chemist you visit will give you any number of patent medicines, so that even medical advisers are disturbed and bewildered. This is a dangerous state of things. These patent medicines will now be regularised and thoroughly tested and on the label everything will be written out for the direction of the medical men. I can give you many instances from my own experience of these patent medicines. In one case I was called to see a man who had not slept for seven days and seven nights, and on my asking what he had been taking he said he had been taking only tonic pills. It took me three days to get rid of that poison from his system. I know many cases where men have taken medicines under Maulana Zafar Ali's system and one fine morning they found their arteries bursting in the brain and many of them succumbed to cerebral hæmorrhage. These are the dangers in patent medicines if you take them without knowing their contents. Another point is that these patent medicines to

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whichever system they belong should be tested. Here Ayurvedic and Unani patent medicines are not covered but, personally, I think they ought to be. Otherwise there is danger of labelling many a patent medicine under Ayurvedic or Unani names.

Mr. M. S. Aney: May I ask one question? Are not these patent medicines, imported into India, tested in the country of origin before they are sent out here?

Lieut.-Colonel M. A. Rahman: They should be tested but I cannot say. I go by the statement of Dr. Anderson and he should know it.

Sir, the other day I received a pamphlet from Alembic Chemical Works Ltd., Baroda, and in the first paragraph it says:

"The manufacture, distribution and sale of drugs in Indian States should be similarly regulated so that control in both Indian States and British India will be on a uniform basis and under one legislative Act."

They are anxious to bring themselves under the rules and regulations under the scope of this Bill but they are excluded in this Bill. Of course the danger is that many a drug of unknown quality and unknown strength may come in our provinces from the Indian States. I quite realise the difficulties, both technical and constitutional, but surely it cannot be beyond the power of the Central Government to have reciprocal understandings in this matter as I understand there are many matters as regards excise and so on where reciprocal arrangements have been made. In the same way I think the Central Government and the Indian States can come to some compromise by which drugs that are made in Indian States are brought under the control of this Bill.

Now, a few words as regards Inspectors. I think Dr. Banerjea complained about the enormous powers given to the Inspectors. Inspectors have no power to go and inspect the plant and process of manufacture of any drug but there is one exception and very rightly so and that is in the case of the manufacture of sera and vaccines and similar things belonging to the animal kingdom. I am very glad that the Select Committee agreed to this exception because these biological products are increasing as the result of intensive scientific researches and they should necessarily be kept under strict control. They require greater skill and more expert scientific knowledge than any other type of preparation used in medicine and the slightest error or carelessness in the preparation by the operator will result in incalculable amount of harm.

Dr. P. N. Banerjea: What sort of men will these Inspectors be?

Lieut.-Colonel M. A. Rahman: It is for Government to find out what qualifications the Inspectors should have. Therefore it cannot be denied that efficient control over the manufacture of such products is essential. I can tell you again from my own personal knowledge that there was an epidemic of cerebro-spinal meningitis in Agra in 1934-35. I have got the statistics here. 211 patients were treated by injection of Anti-meningococcus Serum. We got this from various sources. The result we obtained from the serum prepared by firms of repute was very encouraging but when the stock was exhausted we had to rely on the local supply which proved disastrous. Out of 211, the percentage of cure came to 53 per cent. in

the case of serum prepared by firms of repute and eight per cent. in the case of serum prepared by local firms. Look at the difference between the two. Of course since then this disease is being treated by Sulphanilamide group (693).

Now, I come to the criticism which was put forward by my Honourable friend, Dr. Banerjea, as regards the simultaneous operation of Chapter IV in all the provinces. I think it was understood that through the Central Advisory Board of Health—a body on which all the provinces are represented—the Government will try to have the simultaneous introduction of Chapter IV in all the provinces and that is the only way in which the Centre can enforce the provisions on the provinces. There is no other way, I am afraid. As regards the criticism of this Technical Advisory Board, surely not only the members of this Board have been increased but the elements representing various interests have been introduced and the electorates have also been improved and at this stage I do not think we can expect more than what has been done. There may be loopholes.

Dr. P. N. Banerjea: Stop the loopholes.

Lieut.-Colonel M. A. Rahman: Every effort will be made towards that end but one thing is certain, that the effective enforcement of this measure depends on the Local Governments and it is our earnest hope that the provinces in the interests of the public will be prepared to take trouble in this matter. The Centre has provided uniformity of standards and the Local Governments must ensure uniformity in keeping to those standards. With these few words, I commend the Bill for the consideration of the House.

Pandit Lakshmi Kanta Maitra: Mr. President, it is indeed embarrassing to a lawyer to have to speak on a complicated and purely technical piece of legislation designed to control the import, manufacture, sale and distribution of allopathic drugs in India.

Lieut.-Colonel Sir Henry Gidney: Then don't speak.

Pandit Lakshmi Kanta Maitra: My Honourable friend, Sir Henry Gidney, advises me not to speak. Probably I would not have risen to speak had it not been for the fact that the big doctors, who fired before me and displayed what to them seemed the height of wisdom, confused matters relating to this Bill. Sir, I am encouraged by the observations made by my Honourable friend, Sir Henry Gidney, that even highly qualified and trained medical men were not competent to speak on matters like this.

Lieut.-Colonel Sir Henry Gidney: Quite right.

Pandit Lakshmi Kanta Maitra: I am glad he endorses my view. If doctors cannot do justice to the subject

Lieut.-Colonel Sir Henry Gidney: I mean medical men.

Pandit Lakshmi Kanta Maitra: I shall have the satisfaction that I am in good company. Sir, the Bill, as it has emerged from the Select Committee, represents certain features which I am afraid have not attracted

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the serious notice and attention which the gravity of the subject demands. Sir, my friends who spoke before me all agreed on one point that legislation on a subject like this was of the utmost importance. There was difference only as to the extent to which the provisions of the Bill actually went. In order to understand the changes which have been effected by the Select Committee, they have to be seen against the historical background which is undoubtedly behind this Bill.

There is a chequered history behind the Bill to which some reference has been made but from which have been drawn entirely different conclusions. Sir, as far back as 1927, in response to the strong and insistent demand of the public to have a legislative measure for the control of import, manufacture and sale of drugs in this country, a Resolution was passed in the Council of State. People expected that Government would forthwith take steps to implement the Resolution. Nothing was done. Three long years rolled by and in 1930 an incident occurred, an incident which was of tremendous significance to the country, to the medical profession and to the trade of drugs. There was the withdrawal of recognition of Indian medical degrees by the Medical Council of Great Britain, and in consequence, there was keenest resentment in this country, particularly in the medical profession as well as in the trade of drugs. Sir, a regular movement was started in this country with a political complexion, a movement which was sponsored by the leaders of medical profession all over India including personages like Dr. Sir Nirlatan Sarcar, Dr. P. C. Roy, Dr. Deshmukh, Dr. Mehta, and Dr. Mudaliar. The cry was that the least India could do to vindicate her national honour and self-respect was to boycott British drugs and medicinal preparations and to take to Indian manufactured drugs or to drugs of countries other than Britain. Sir, the movement began to gather volume and momentum. Government suddenly woke up and thought that they also in their turn should do something to counteract the agitation and forthwith appointed the Drugs Enquiry Committee with Col. Chopra as its President. Sir, Chopra Committee Report was published in 1931. Nothing was done from 1931 onwards. The report of Col. Chopra was allowed to slumber in the archives of the Secretariat. Sir, that was the real position. Finding the Government reluctant to implement the recommendations of the Chopra Committee, another Resolution was passed in the Council of State in the year 1935 calling the attention of the Government to the urgency of enactment of legislation for this purpose. Again the Government took two long years to meditate and cogitate and after enormous mental labour a Bill came out in the year 1937 only to control import of drugs. That Bill, Sir, was referred to a Select Committee. The Select Committee after considering all the relevant facts connected therewith came to the conclusion that a Bill of that nature designed only to control the import was of no use, that it was not sufficient to meet the needs of the situation and that they pressed for a comprehensive legislation not only to control the import but also to control and regulate manufacture, sale and distribution of drugs in this country. The Select Committee gave its opinion in the following words :

"The Committee has declared itself impressed with the need for comprehensive legislation on an All-India and uniform basis if the serious drug problem in the country is to be grappled with adequately."

Sir, the autonomous Provincial Governments were functioning and it was thought necessary that for enactment of legislation of such a comprehensive character, as had been recommended by the Select Committee, there must be co-operation from the provinces. The Provincial Governments were approached with suggestions and they came forward quite readily to help the Government to undertake legislation of that character, in accordance with the provisions of section 103 of the Government of India Act. These Provincial Governments authorised the Central Government by Resolutions to undertake comprehensive legislation on their behalf. Government of India in their turn assured that they would furnish the Provincial Governments with a draft of the Bill they would introduce. Sir, in pursuance of that promise, the Government of India circulated a draft Bill to the Provincial Governments in August, 1939. I do not know if the opinion of the Provincial Governments was at all obtained on this draft, and, if so, what was their opinion. Did they agree to the draft as a whole, did they make any suggestion for any addition or alteration? We do not know.

Mr. M. S. Aney: Sir, may I ask the Honourable Member for information whether the opinions of the Provincial Governments on the Draft Bill were circulated or supplied to the members of the Select Committee?

The Honourable Sir Girja Shankar Bajpai: No, Sir.

Pandit Lakshmi Kanta Maitra: Sir, we are, therefore, furnished with no data as to what transpired between the Central Government and the Provincial Governments on this draft. All of a sudden the present Bill, which differs in material particulars from the draft Bill circulated to the Provincial Governments, was introduced in this Assembly in February last and straight off it went into a Select Committee. On the 6th of March last my Honourable friend made a motion for extending the date of submitting the report of the Select Committee. The original date was 1st of March and he wanted an extension up to 15th of March. Sir, we, on our side, moved an amendment extending the date to 30th June. Evidently our idea was that in an important measure like this there was no necessity for haste, that all aspects of the question involved in the matter should be carefully gone into, all interests involved should be given a hearing, their opinion obtained, so that a legislative measure of this importance and magnitude should satisfy the maximum number of people concerned.

Sir, to our misfortune our motion was defeated by the secure majority of the Government. On the 15th March, the Select Committee's report was presented. It will appear from a cursory glance at the Select Committee's Report that some changes only of minor importance have been effected. And a Minute of Dissent has been appended to the Select Committee's report by three Honourable Members, Mr. Som, Maulvi Abdul Ghani and Dr. Habibur Rahman. It is interesting to note in this connection that all these three gentlemen represent the elected Indian element of this House. So, the Select Committee's Report has not come with the blessings of the elected Indian Members of this House. Nobody in the House would desire or suggest for a moment that a legislation of this character, which involves the welfare and the health of my people, should be deferred indefinitely, but nobody in the country wants either that we

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should, at any cost, rush through a piece of legislation no matter whether it satisfies the needs of the situation or not. This country is painfully aware that the condition of its drug industry and of its pharmaceutical profession has been in a most miserable plight. They have not been able to grow and develop on healthy lines as they have not received any encouragement and help from this Government. The result has been that India continues to be the dumping ground of the world for every variety of quack remedies, quack medicines and spurious drugs. The Industrial Commission reported in 1918 that the value of import of drugs and chemicals in this country amounted to a crore and a quarter. Today, it has come up to nearly two and a half crores of rupees. And what is the considered opinion of authorities on the quality of drugs that have been in use in this country? From the communiques that have been issued, from time to time, by the Government facts have come to light which are of so staggering a character that I think you will bear with me, Sir, a few minutes if I bring some of them to the notice of the House. Sir, in very serious and acute cases when the patients are hovering between life and death drugs are administered in this country because better drugs are not available, drugs which have no medicinal value whatsoever. I will give only one extract. This is what it says:

"(1) Out of 125 samples of Quinine and its preparations (powder, mixtures, B. P. preparations, tablets, etc.) nearly 70 samples showed deficiency in their quinine content, more than 50 per cent of which contained such small amount of quinine than it should be of any curative value. Some preparations contained no quinine at all. (2) Out of 130 preparations of Ergot (27 foreign and 103 Indian manufacture), one of the most important drugs used to save the patient's life from death by excessive haemorrhage, so many as 112 or 86.15 per cent. were found much below the falsely declared strength on the labels, and in 50 samples no Ergot at all. (3) Out of 110 samples (8 foreign and 102 Indian) of preparations of Digitalis examined, so many as 87 or 79.1 per cent. were found 80 per cent. below strength. It may be pointed out that this important and widely used drug is also administered to patients at critical times to keep the heart going. (4) Out of 98 samples of Cod Liver Oil, which is an entirely imported product and very largely consumed in India mainly for its valued Vitamin content, 59 or 60.2 per cent. were found below the standard, 24 poor in Vitamin A and 4 having no Vitamin at all, indicating that bad, adulterated and even rancid and rejected oil is dumped into this country without any protective law draining an enormous amount of money and doing a lot of harm to the innocent public paying for such useless stuff! (5) Qualities of other equally important and widely used drugs like preparations of Stropanthus, Pituitary and Adrenalin, also examined at the Laboratory, were found equally bad."

This is a scandalous state of affairs. It involves the health of 400 millions of my people and we cannot sit idle when these things are going on. We therefore, want legislation but not half hearted and insincere measure, We want drug legislation which will effectively control its import, manufacture, sale and distribution. I feel that a drug legislation without its almost indispensable adjunct, the Pharmacy Act, is little worse than useless. To bring legislation for the control of drug, first with a promise that a pharmacy legislation would follow as early as possible is like putting the cart before the horse. That is my one serious objection to it. I have noticed that in the Select Committee's Report there is something in the nature of an assurance that a Pharmacy Act would soon be brought into operation. But what surprises me most is that they should bring in a drug control legislation before they think of introducing a pharmacy legislation first, because the control and distribution of drugs,

come in at a much later stage and the pharmacy is the much earlier stage. In this country, Sir, nothing has so far been done during the last 150 years of British rule either to start any college for the teaching of pharmacy or giving training in pharmaceutical chemistry or giving any training in what may be called pharmacognosis. I hope as a layman I am not throwing a bombshell on my friend, Mr. Oulsnam, who seems to hear this word for the first time. Pharmacognosis is that branch of science which deals with the raw materials of medicines. It is a science which deals, among others, with processes effectively guarding against the deterioration of the medicinal value of plants, their fermentation and the like and that is the reason why it is of utmost importance for the manufacture of drugs. No training of any kind has been given to the people of this country in this science.

Sir, in this House, eloquent tributes have been paid to Colonel Chopra on the very excellent report he submitted to the Government. I do not grudge him that tribute of praise but my grievance is that if Colonel Chopra's report is admittedly so admirable, why did you not give effect to its recommendations? What did you do from 1931 to 1940 to implement some of the most important recommendations made by Colonel Chopra? Sir, of the most important recommendations made by Colonel Chopra, the following may be enumerated. Sir, the first recommendation of Colonel Chopra was that there should be a Drug Act and a Pharmacy Act combined or a Drug Act and a Pharmacy Act separately to begin with. Either a combined Act or separate Acts to be introduced together. (Interruption.) I do not understand what difference my Honourable friends are trying to make. I have made my position quite clear. His second recommendation was that steps should be taken to build up an Indian pharmacopœia. In other words the idea behind this important recommendation of Colonel Chopra was that you cannot effectively deal with this problem of drug legislation or drug control, drug import and drug manufacture until and unless India had got a Pharmacopœia of her own. The next recommendation was that steps should be taken to encourage indigenous drug industry of India. Above all Colonel Chopra was very particular to recommend that the Indian Medical Stores Depot and the quinine policy of the Government should come in for immediate modification. Colonel Chopra finally urged one matter, and this is the most important part of his recommendations to which I want to draw the pointed attention of this House, because I find speaker after speaker quoting the report of Colonel Chopra as their Bible in this debate. After the recommendations, the report concluded as follows:

"We do not pretend to have found out a panacea for all the ills to which the traffic in drugs and the profession of pharmacy are subject, nor do we claim to have discovered a permanent solution of the problem. We have done our best to find remedies, inadequate or incomplete though they be to cure some of the crying evils without violent disturbance of the existing state of affairs. Our scheme is the best that we can offer under the peculiar conditions of the country and we have only to add that it may be given a fair trial, taken and worked as a whole."

This is the most important part of his recommendations. That the scheme he has submitted should be taken and worked as a whole. In other words, Colonel Chopra was strongly against the undertaking of any piecemeal legislation dealing with particular aspects of this drug problem. He wanted all these recommendations to be given effect together and as a whole. What is done in this case? Mere lauding Colonel Chopra to the skies will not do. If he has produced such a splendid report which

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undoubtedly it is, why do you not implement the recommendation he made? What steps are the Government going to take to build up a pharmacopœia for India? What steps are they going to take in regard to the quinine policy? What steps are they going to take to change the Medical Stores Depot policy? What steps are they going to take to build up the indigenous drug industry of this country? Having failed to implement all the vital parts of his recommendations, you come forward with a piece of legislation expecting it to be smuggled through the House, ostensibly to control the import, manufacture, distribution and sale of drugs, but which, so far as I can see, will only end in controlling the import and nothing else. I believe the time chosen for introducing this measure is highly inopportune. I say inopportune, because willingly or unwillingly India is involved in a war in which all her resources are going to be utilised for its successful prosecution. Where is the money to come from? Who is going to finance this costly scheme of a Central Drug Laboratory, and the Provincial Drug Laboratories? These schemes will involve lakhs of rupees. Is there any assurance that Provincial Governments, as soon as this Bill is enacted into law, will set up Provincial Laboratories, Licensing Boards, will appoint Inspecting staff, will undertake equipment of staff and the like for giving effect to the provisions of this measure? If not, what is there to encourage the hope that if this Bill is passed it will bring panacea for all our ills? So, I believe, Sir, the bare passage of this Bill will not usher in the promised land. What is needed, if a Bill of this nature is to be effective, is that steps should be taken to see that all the provinces in India give simultaneous effect to its provisions. In other words, in the provinces as well as in the Centrally Administered Areas these provisions should come to take effect on a certain specified date. If the Centre fixes a certain date for enforcing these provisions and the different provinces have different dates the result would be that the free movement of drugs in the country will be greatly impeded and there will be difficulties and complications in the provinces which will inaugurate the machinery of this administration and in the provinces which will not do it. What will be the result? The result will be that the provisions will be virtually infructuous. We should bring in legislation whose object should be to bring uniformity of standards in all the provinces including the Centrally Administered Areas. I cannot be a party to a legislation which does not ensure these essential conditions.

Sir, my Honourable friend, Sir Henry Gidney, was frequently saying that the fault did not lie with the Government. My Honourable friend, Colonel Rahman, said that the *Statesman* in a recent article had pointed out that inaction of the Central Government had been due to its unwillingness to trench upon Provincial Autonomy under the Government of India Act. Sir, so far as we know the Government of India Act came into operation in 1937, and in April, 1937, Provincial Autonomy was inaugurated. What was there in the Government of India Act, 1919, to prevent it from moving in the matter? What was there to stop the Government from approaching the provinces when the times were propitious when there was no war and when there was not so much demand for money? Why did they not move at that time to bring the provinces into line with them, to impress on them the necessity, the desirability and urgency of legislation of this character? So, the argument, that it is the anxiety not to disturb the autonomous government of the provinces that stood in

the way, is all bunkum. Sir, I think the least that can be done to make such a piece of legislation effective is that we should be able to enlist the active sympathy and co-operation of the Provincial Governments. We do not know what sympathy is forthcoming from the Provincial Governments.

I have suggested, by an amendment, that there should be set up a machinery by the Central Government which will be able to implement the recommendations of the Drugs Technical Advisory Board in the provinces and give effect in a uniform way to all the provisions, rules and regulations that will be framed by the Central Government in consultation with the Central Drugs Technical Advisory Board. I feel that if the Central Government does not undertake this responsibility, that is to say, if alongside of the Drugs Technical Advisory Board they do not set up some other machinery by which its recommendations may not be enforced in the provinces, no useful purpose will be served. Sir, as I heard my Honourable friend, Sir Girja Shankar Bajpai, on the point, I could see that, he was taking his stand on a legal ground that it was not open to the Centre to make any rules and regulations which the provinces would be called upon to give effect to; in other words, he meant to say that the setting up of such machinery as Joint Committee, of which I have given notice, on the lines of the Joint Committee of Britain under the Therapeutic Substances Act, would be absolutely *ultra vires*. That, Sir, is a legal question in which there is room for honest difference of opinion. If my Honourable friend thinks that this is a matter on which the Central Government cannot legislate I will join straight issue with him. I do not think there is anything in the Government of India Act which prevents the Central Government from making any provision for rule-making in a legislation which will affect the provinces, when the provinces themselves have already requested and authorised the Central Government to undertake that legislation on their behalf. When under section 103, the Provincial Governments by resolution passed by the Houses of the Legislature authorise the Central Government to undertake legislation on their behalf, I submit that that authorisation covers not only the making of substantive provisions of the legislation but also the framing of the rules thereunder for the purpose of giving effect to those provisions. Section 103 of the Government of India Act, 1935, runs as follows:

"If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it should be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any province to which it applies, be amended or repealed by an Act of the Legislature of that Province."

It is not denied that even if such a legislation is passed and such rules are made by the Central Government the provinces, if they do not like them, have every right to annul or change or amend them by bringing in amending Bills in their own Legislatures. I hold that when an authorisation has come in the clearest and widest possible terms, at the invitation of the Central Government, from the provinces to make legislation on a certain specific matter, by that authorisation is covered the power of making rules for enforcing the provisions of that legislation. I do not understand how the autonomy of the Provincial Governments is trespassed upon. However, Sir, there are other sections of the Government of India

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Act, and I will deal with them in connection with the amendments. Questions of constitution will then be elaborately dealt with. Unless something like the Joint Committee is set up, however, it will be impossible for the Drugs Central Advisory Board alone to adequately give effect to the provisions of this Bill or carry out its purposes.

I now come to the pivotal part of this Bill, the Drugs Technical Advisory Board. This is really the pivot on which the whole scheme of this Bill turns, and I am afraid my Honourable friend, Sir Girja Shankar Bajpai, has not been able to meet our demands in this respect. It will be for the House to consider whether the demands we are making are unreasonable or immoderate. We hold that a highly technical Central Board, which is proposed to be set up under the provisions of this Bill, should, if it is really to be effective, be not only a thoroughly expert scientific body but should also inspire the confidence of the people. In other words, it should be an expert, highly qualified, honest, impartial body with as much elected Indian element as possible, and that it should be in a position to command the confidence not only of the medical profession but also of the trade, and the public at large. It is no use telling us that responsible Government officials will be put in and there is no politics about it and that officials know the right thing to do and the people need not be afraid or anxious. What is of real importance is that people who will be affected should feel that this is a board which is a competent board, a board which enjoys the esteem and confidence of the public at large. Without this it will not be of great use.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member does not mean to conclude his speech
5 P.M. today.

Pandit Lakshmi Kanta Maitra: No, Sir. I will take some more time.

The Assembly then adjourned till Eleven of the Clock on Friday, the 5th April, 1940.