

14.45 hrs.

**EAST PUNJAB AYURVEDIC AND UNANI PRACTITIONERS' (DELHI AMENDMENT) BILL—contd.**

**Dr. D. S. Raju:** I would like to thank hon. Members for expressing their views so frankly and so freely, but I must confess there is some confusion in their minds. It might be due to their not paying enough attention to the clauses of the Bill or my inability to put the facts before them very clearly. I may explain some of the points.

First of all, I may refer to Shri Trivedi's comments. There is a terrible confusion in the hon. Member's mind about the functions of a university and a registering council. Universities are academic bodies, they are only concerned with the standards of examinations, and registration is done by the State Councils. That is so far as the modern system of medicine and their respective universities are concerned, but we are now dealing with the Ayurveda and Unani systems. The universities have nothing to do with them, except one or two which have faculties for Ayurveda and Unani. They have got their Boards, State Boards, which are concerned with registration of the qualified Vaidyas and Hakims. It is not a new innovation. The functions of the Board have already been separated long ago in many States. There is an examining body, or academic council which deals with the examinations. Even in Punjab, as late as August, 1963, they separated the functions of examination and registration.

The scope of the Bill is very limited. It only applies to Ayurveda and Unani systems of medicine, and only applies to the State of Delhi. But most of the hon. Members have covered a wide field and suggested improvements to the Indigenous systems of Medicine. I appreciate their viewpoint, and also agree that the

systems need much more encouragement and development. There is no dispute about that.

Why did we come forward with this separation of the functions of the Board of Indian Medicines, Delhi? It is not, as some Members have said, under duress or any compulsion or because of the fact of any strike that we have resorted to this amending Bill. It is true that some strikes have taken place, a lot of confusion has arisen. The students struck work, they did not go to the college, the Tibbia college was closed for a couple of months, and so examinations had to be postponed. After some time, at the intervention of myself and the Mayor of Delhi and a few representatives, we discussed the matter with the students, they agreed to abide by our advice; we told them we would consider all reasonable demands, and they agreed to attend the college. But they attended college for a few days and then they again struck work. When the college reopened, out of 603 students none attended, not even one single student attended, although they were told that examinations could be held for those who wished. Therefore, the fact falsifies the impression given to Shri Trivedi. It is true that there are some students who subsequently said that they did not like the new Board, that they would like the old Board to continue, but our information is that very few of them are really anxious to take examinations under the old Board.

**Shri U. M. Trivedi:** Now you have got a list of more than 200.

**Dr. D. S. Raju:** The other list came to 550 or 600. Out of those who wanted no change, why did not a single student attend the classes when they were given the choice.

But the decisions which we have taken are not as a result of duress or anything like that. We wanted to study the question, we have studied it,

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and this problem was discussed. In the presence of the Home Minister, the Mayor of Delhi, the Chief Commissioner and Health Minister, this was discussed at great length, and ultimately we have decided to separate the functions of this Board.

As I have said, there are lots of complaints from the students. They have got to be investigated. At one stage they made a list of complaints, but on examination it was found that there was no *prima facie* case, because the complaints were vague. So, we rejected the allegations. We told the students that if there were specific complaints, they would be investigated, not otherwise. Subsequently, they have given a list of specific complaints against the Board, and they are being investigated now. Several hon. Members said that the powers of the Chief Commissioner were arbitrary. Now, how are the seven people who are to constitute the examining body going to be selected? One would be the representative of the Health Ministry—one of our very topmost experts on indigenous systems of medicine, adviser to the Health Ministry.... (Interruptions.)

**Shri U. M. Trivedi:** That is a matter of detail.

**Dr. D. S. Raju:** He is not going to be a clerk or a section officer. It is absurd; he could not be a clerk.

**Shri U. M. Trivedi:** Absurdity is in the law; I do not say that you will act absurdly.

**Dr. D. S. Raju:** Thank you. The Director of Medical Services of the Delhi Administration will be one of the members; he is an expert in that line. The rest are very reputed people. One is an ayurvedic professor, a reputed professor; another a very reputed unani professor; one very noted representative, who would be a private practitioner of ayurveda and one, an equally noted unani private practi-

tioner. Now, this board consisting of seven persons will be constituted under the authority of the Chief Commissioner. Who is he? He is the representative of the Government of India and acts under our direction and guidance.

**Shri Sham Lal Saraf:** Why burden him with this additional work?

**Dr. D. S. Raju:** He is not overburdened; he can still cope with this amount of work. There are quite a few subjects and this Board will appoint a panel of examiners, one external examiner and one internal, for each subject. Roughly the total number of examiners will be 38 for ayurveda; 34 for unani. They will examine the students. The examining body will also prescribe syllabus, standards and courses. To a large extent they will be under the proper guidance of the experts in the respective fields.

**Shri D. S. Patil (Yeotmal):** Many States have accepted the diplomas but Maharashtra has not accepted. May I know why?

**Dr. D. S. Raju:** There are certain rules and regulations for reciprocal recognition; they send their representatives to the university or college and they study the courses available, teaching facilities, the standards, etc. and then they give reciprocal recognition. We are also trying to get it and probably they may accept it.

Some hon. Members said that this Bill does not satisfy the requirements of all the students. They wanted recognition from the Delhi University. But it is an autonomous body and we could not compel that body to recognise the Tibbia College.

They wanted a few other conditions to be satisfied: improvement of college and hospital renovation of the hostel, abolition of the night classes, etc. All those have been accepted and implemented. As I said we have no control over affiliation with Delhi University.

The students have also said that their status should be improved. That is a question to be decided by the Central Council of Health. It is an all India problem and there are 30,000 integrated doctors in the country practising today. It will have to be decided at the all India level. But the State Governments themselves can take up this question and give them the status which they deserve, and to employ them in their dispensaries, hospitals, etc. I was informed that in U.P. the Government has accepted the integrated doctors to be absorbed into provincial medical service as Class II employees.

Some Members ask: why don't you give adequate attention to ayurveda? We are trying to do our best. Both my senior colleague and myself practise the modern system of medicine but as scientists we keep an open mind and wherever and whenever we find some good theory or method or practice or approach, we would like to encourage that. After all ayurveda was closely interwoven with our civilisation and culture; it was also a scientific system. Unfortunately, due to historical and other reasons, it has fallen under a debris; we would like to clear the debris but it could not be done in a day. There is no standard in ayurveda. The text-books, the syllabus, standards, etc. of ayurveda vary from State to State; the ayurvedic pharmacopoeia is not completed. We are doing our best to encourage it but it will take some time before some tangible results to come out.

Mr Banerjee referred to Hamdard Dawakhana although it is not quite relevant to the Bill. I agree with him that it is doing good and humanitarian service; it is not only a commercial institution. They treat about 300-400 patients every day with unani drugs. I had occasion to visit this dawakhana also; I was impressed with the work. They applied for three plots of lands—about 200 acres of land for their herbarium on the Tuglakabad Road. That

land happens to fall in the green belt area of Delhi Administration. The Delhi Administration could not accede to that request. They requested them to purchase it from the owners; they are free to do so. They need a second plot of 35 acres for their factory and another 90 acres for the institute on history of medicine. The Delhi Administration have fixed a price of Rs. 36,000 per acre and Rs. 5 per acre as ground rent. The Hamdard management want the price to be reduced and it is a question of mutual adjustment and negotiation and I hope it will be settled favourably.

Mr. Banerjee also referred to MPs, MLAs being requested to give certificates about the practitioners of ayurveda, unani medicines before they are registered. Actually, there are three categories of ayurvedic and unani practitioners: firstly, qualified doctors such as BAIM, GCIM, DMIS, etc. legally qualified doctors coming under category A; there is no difficulty about them. They are registered under part I. Then there is the second category doctors, who have the second category of doctors, who have the second category of doctors, who have ten years' experience and who can prove to the satisfaction of the registrar that they have practised for ten years and then they are also entitled to be registered in part II of the Act. These two categories are of registered practitioners; they are covered by the Act.

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Then there is a third category, that is, those who are not either qualified or had ten years' experience, but those who were at least practising at the time of the Gazette notification. If they can prove to the satisfaction of the Registrar that they were practising at the moment, they are entitled to be enlisted. Now, I have mentioned the three types or categories of Ayurvedic or Unani practitioners. It is probably this last group of doctors who out of

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respect for the MPs and MLAs requested them to give them certificates. They are not authorised to give certificates, as Shri S. M. Banerjee said, but they can give conduct certificates. Probably, that is the reason why these doctors approached the MPs for conduct certificates. That might help the Registrar.

**Dr. Mahadeva Prasad** (Maharajganj): A certificate to the effect that they have been practising for so many years.

**Dr. D. S. Raju:** That will not be valid. As a conduct certificate, it will be valid. But the Registrar must be satisfied that they had been practising at that moment. They may be petty, very small practitioners eking out their humble livelihood. We do not want to prosecute them. Otherwise, they will be hard hit. We do not like to punish them. So, this provision of the law was made, namely, of having three categories. If they contravene the provisions of the law, they will be fined. If they are not registered or enlisted, they will be fined Rs. 200 for the first offence and Rs. 500 for the second offence.

I think I have covered almost all the points raised by the hon. Members. I hope they will give consent for the Bill being passed.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the East Punjab Ayurvedic and Unani Practitioners' Act, 1949, as in force in the Union Territory of Delhi, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take up clause-by-clause consideration. There are no amendments to clauses 2 to 6. The question is:

"That clauses 2 to 6 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill.*

**Clause 7—(Amendment of section 30).**

**Shri U. M. Trivedi:** I beg to move:

(i) Page 2, line 25,—

after "may" insert—

"on the recommendation of the Board and" (1)

(ii) Page 2,—

omit lines 29 to 31. (2).

(iii) Page 2, line 35,—

add at the end—

"as hitherto". (3)

I will only say this: that the hon. Minister may kindly look into these amendments. These are verbal amendments which are of a nature which will help the Administration. Under clause 30, sub-clause (b) says:

"The Examination Body may, with the previous sanction of the Chief Commissioner, make regulations for:—

the courses of study for training and qualifying examinations including the course of training and examinations prior to qualifying examinations;"

Will it be possible, in view of the present law, to make such a recommendation? The constitution of the examining body can be under the recommendations of the Board. If it is not with the recommendation of the Board, can this examining body do it only by the previous sanction of the Chief Commissioner? It will come in conflict with the law as it stands. That aspect has to be considered. That is why, "the courses of study for training and qualifying examinations including the course of training and examinations prior to qualifying examinations" should require re-thinking. I do not know how far the hon. Minister has looked into my amendments.

Then sub-clause (e) says:

"the conditions under which students shall be admitted to the diploma, licence or certificate course and to the qualifying and prior examinations;"

In other words, if this is not amended, this will take away all the powers of the Board; the Board will have absolutely no power.

**Dr. D. S. Raju:** It will be a registering body and deal with ethics and conduct. That is the function of most of the State Councils. They are only registering bodies, not anything else. It is happening all over the country.

**Shri U. M. Trivedi:** My whole difficulty is this. If today I point out to you how this can come into conflict with the law, you will be surprised to find that this will not work. I do not know. There has been no motion to refer the Bill to Select Committee. No time had been given, and the Bill is now on the anvil. If you read the provisions that already exist in the Act, you will find that this can come into conflict with those provisions. That is all.

**Dr. D. S. Raju:** Both these functions are so far being done by the Board of Indian Medicine. We are only separating the functions and making the work lighter for the Board. I do not see any difficulty and I do not know why the hon. Member is not able to appreciate my point of view.

**Mr. Deputy-Speaker:** Does he press them to the vote?

**Shri U. M. Trivedi:** No, Sir.

*Amendments Nos. 1 to 3 were, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

Clause 8—(Insertion of new section 31A).

**Shri U. M. Trivedi:** I beg to move:

(i) Page 3, lines 19 to 21,—

for "and prescribing the courses of study and training for such examinations and other related matters",

substitute—

"but shall not prescribe the courses of study and training for such examinations" (4)

(ii) Page 3,—

omit lines 22 to 25, (5)

(iii) Page 3, line 27,—

omit "to be nominated by the Chief Commissioner". (6).

(iv) Page 3, line 29,—

add at the end—

"to be nominated by the Chief Commissioner". (7).

(v) Page 3, line 31,—

add at the end—

"to be nominated by the Chief Commissioner". (8).

(vi) Page 3,—

omit lines 32 to 34. (9).

(vii) Page 3, line 36,—

add at the end—

"from an institution recognised by the Board and on the recommendation of the Board". (10).

(viii) Page 3, line 38,—

add at the end—

"from an institution recognised by the Board and on the recommendation of the Board". (11)

(ix) Page 3,—

for lines 39 and 40, substitute—

"(f) the President of the Board;" (12).

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(x) Page 4,—

for lines 1 and 2, substitute—

“(g) two members of the Board elected by the Board by ballot;” (13)

(xi) Page 4, lines 3 and 4,—

for “the Chief Commissioner shall nominate one of the members to be the Chairman of the Examining Body”, substitute—

“the President of the Board shall be the Chairman of the Examining Body” (14)

(xii) Page 4,—

for lines 32 to 37, substitute—

“(9) The Registrar of the Board shall act as secretary of the Body.” (15)

(xiii) Page 5,—

omit lines 1 to 3. (16).

I am suggesting the deletion of clause 8(2):

“The Examining Body shall be a body corporate with the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and shall by the said name sue and be sued”.

This comes into conflict with the general provisions of the law; that body corporate can be created by a law as it is. This law itself has created the Board of Ayurvedic and Unani Systems of Medicine, a body corporate, and that is in the law in which you are making this amendment. In other words, two body corporates are being created by the same law. Let there be an examining body; let it not be a body corporate under the same law. It will come into conflict with the provisions of the law and it will be very difficult to have two corporate bodies or body corporates, under the same law. That is why I suggest

that “the examining body shall be a body corporate . . . .” should be taken away. It should not be a corporate body in itself. It should be a body secondary to the Unani Board, and when you say that it will be on the recommendation of the Board that the people will have to be appointed, that the courses of study will be by the Board and the expenditure will have to be by the Board, how can a second body, a body corporate, remain? I therefore say that this portion should be deleted.

Then it says that the examining body shall consist of seven members to be nominated by the Chief Commissioner. I would suggest that the words “to be nominated by the Chief Commissioner” should go. Why I am suggesting this is for the following reason. It is quite true that the hon. Minister has just now said that they are going to appoint the learned men and so on. But even if they are learned men, the absurdity of the law is there, in the sense that you do not put any limitation as to who is going to appoint the men. The qualification of the men is not also mentioned. What is mentioned is, “one member to represent the Ministry of the Central Government dealing with Health”. You do not say that that member should be a qualified man, or a man of Unani medicine and so on. You have not provided any qualification for him. That is why I went to the other extreme of saying that you will appoint a Section Officer. What prevents you from appointing him? Of course, in your generosity, in your wisdom, in your prudence, you may not appoint him. But it becomes an absolutely absurd law if the qualification is not prescribed. That is why I suggest that this must be circumscribed. The law itself must not be vague and indefinite; it must be certain and must be available for the interpretation of every prudent man. That is why I suggest there must be some limitation to be put upon who is to be appointed.

III

Clause (c) says:

"one member who shall be a Professor of Modern Medicine or of Ayurvedic or Unani System of Medicine as the Chief Commissioner may determine;"

After having appointed two men under (a) and (b) of your choice, why should there be a Professor of Modern Medicine or of Ayurvedic or Unani System of Medicine? Why is such a wide window being provided? After all, this examining body is being created for ayurvedic and unani systems of medicine. If you have already appointed an allopathic man under (a) and also under (b), if you appoint a third allopathic man under (c), it will go into the hands of those who have no knowledge of ayurveda and unani systems. Why leave it in the hands of such persons? It is quite true that with the very liberal attitude that the present Ministers have got in these affairs, things may not come to that. But you are leaving it open for anybody to exercise it in such a manner as to create trouble for the future. That is why I say that this law is not proper.

Clause (f) says:

"a practitioner of repute of the Ayurvedic System of Medicine."

I remember a man who was practising ayurveda. I used to be a tutor at his house for some of his children. He used to admit to me that he had studied only up to the second standard and he did not know how to write his own name. He used to earn Rs. 4000 to Rs. 5000. That man was a man of repute, but he was useless for all practical purpose. It was his luck probably which made him earn such huge sums. In India we have got people who are always attracted by those who can put up a big show and who do not care for the inherent value of a man. That is why I say, instead of saying a person of repute, you may say, a man holding qualifications of this nature. That must be the thing.

There must be something to indicate that he is a qualified man recognised by the Board of Unani Medicine. Unless that is done, this will create an absurdity in itself.

Actually I may tell the Minister that I am not actuated by any desire to obstruct this measure at all. Studying it as a lawyer, even now I am not satisfied with the way this Bill has been drafted. If he can agree with me, well and good. Otherwise, I do not wish to press it.

**Dr. D. S. Raju:** Regarding sub-clause (c) which says:

"One member who shall be a Professor of Modern Medicine. . .",

the word 'Modern Medicine' has been used because the system is still an integrated system. The whole thing is still in a nebulous state. As long as this batch stays in the college, until it completes the course, one Professor of Modern Medicine must be there. That is why that term has been put there. As soon as the integrated system has been removed, the other people, namely, Professor of Ayurvedic System and Professor of Unani System will remain there.

The hon. Member has taken objection to the word "repute". I think it has got a very wide coverage, which may be interpreted in many ways. I can assure the hon. Member that it will be used in a very sensible manner which will benefit the examining body.

Regarding the legal aspects, I do not wish to cross swords with the hon. Member, who is an expert constitutional lawyer. I would only assure him that we have gone into this question thoroughly and there is no conflict between these two Acts. So, I would request the hon. Member not to press his amendments.

**Mr. Deputy-Speaker:** Does he want to press his amendments?

**Shri U. M. Trivedi:** No, Sir.

**Mr. Deputy-Speaker:** Has he the leave of the House to withdraw his amendments?

**Some Hon. Members:** Yes.

**Mr. Deputy-Speaker:** The amendments are withdrawn by leave.

*Amendments Nos. 4 to 16 were, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

*Clause 9, Clause 1, the Enacting Formula and the Title were added to the Bill.*

**Dr. D. S. Raju:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

15.16 hrs.

#### DELHI (DELEGATION OF POWERS) BILL

**The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):** Sir, I beg to move\*.

"That the Bill to provide for the delegation of certain powers vested in the Administrator of the Union Territory of Delhi, be taken into consideration."

This is a simple Bill which seeks to delegate certain appellate and revenue powers exercised by the Chief Commissioner to other authorities such as the Chief Secretary and the District Judge. The Chief Commissioner exercises these powers in a number of cases including the five mentioned in the schedule to the annexures, namely, Punjab Land

Revenue Act, U.P. Land Revenue Act, The Bengal Sales Tax Act—all these three Acts as extended to Delhi—Delhi Land Revenue Act and Slum Areas (Improvement and Clearance) Act.

The Chief Commissioner has on an average to hear about 400 such appeals and revisions in a year. As the Chief Commissioner has other administrative duties to perform, he does not have sufficient time to attend to these appeals and revisions, with the result that disposal of these appeals get delayed.

It has, therefore, been thought necessary to delegate the powers to other officers so that they might lighten the burden of the Chief Commissioner.

Under the Land Revenue enactments, the Chief Commissioner exercises certain appellate powers over the orders of the Deputy Commissioner and therefore, the Chief Secretary is sought to be authorised with these appellate powers.

In regard to the Bengal Sales Tax Act, he exercises appellate powers over the orders of the Commissioner of Sales Tax. It has been decided on principle to set up a Sales Tax Appellate Tribunal in Delhi, consisting of the District Judge. That will need separate legislation. Meanwhile the authority is being delegated to the District Judge to hear appeals from the orders of the Sales Tax Commissioner.

As regard the Slum Areas (Improvement and Clearance) Act, the Chief Commissioner exercises appellate powers over the orders of the "competent authority" staying execution of decrees of eviction passed by the Civil Court. So far as Delhi is concerned this authority is exercised by the Commissioner of Delhi Municipal Corporation. While exercising

\*Moved with the recommendation of the President.