

LOK SABHA DEBATES

(Tenth Session)



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LOK SABHA SECRETARIAT
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CONTENTS

No. 9—Thursday, November 26, 1964/Agrahayana 5, 1886 (Saka)

	COLUMNS
Oral Answers to Questions—	
*Starred Questions Nos. 205 to 211	1805—42
Written Answers to Questions—	
Starred Questions Nos. 212 to 224	1843—54
Unstarred Questions Nos. 496A and 497 to 529 and 531 to 552	1854—95
Calling Attention to Matters of Urgent Public Importance—	
(i) Dislocation of Indian Airlines Services	1895—98
(ii) Reported strike by workers of Marmagao Port	2033—34
Re : hunger strike in the Lobbies of the House	1899—1905
Papers laid on the Table	1905—08
Petition re: classification of Agri-community as a Backward Community	1909
Statement re: Defence Minister's visit to U.K.—	
Shri Y. B. Chavan	1909
Statement re: Food Position in Kerala	1909—17
Shri D. R. Chavan	1909—10
Prevention of Food Adulteration (Amendment) Bill—	
Motion to consider, as reported by Joint Committee	1917—2028
Shri Himatsingka	1917—21
Shri Mohan Swarup	1922—29
Shri Harish Chandra Mathur	1929—32
Shri Kashi Ram Gupta	1932—39
Shri N. C. Chatterjee	1939—44
Shri A. S. Alva	1944—47
Shrimati Savitri Nigam	1947—51
Shri Muthiah	1951—55
Shri Sheo Narain	1955—59
Dr. M. S. Aney	1959—61
Shri P. C. Borooah	1961—64
Dr. Sushila Nayar	1964—79
Clauses 2 to 14 and 1	1979—2015
Motion to pass, as amended—	
Dr. Sushila Nayar	2027
Representation of the People (Second Amendment) Bill—	
Motion to consider	2029—32
Shri Jaganatha Rao	2029—30
Shri Kapur Singh	2030—32

*The sign + marked above the name of a Member indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA

Thursday, November 26, 1964 | Agrahayana 5, 1886 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Increase in Bank Rates by Scheduled Banks

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*205. { Shri R. G. Dubey:
Shri Yashpal Singh:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that all the scheduled banks have implemented the decision to raise the rates of interest on deposits from 1st October, 1964; and

(b) the reaction of the investors to this new scheme of increased rates of interest on deposits?

The Minister of Planning (Shri B. R. Bhagat): (a) Yes.

(b) As the new rates are higher for long term deposits, the reaction of the depositors is expected to be favourable.

Shri R. G. Dubey: May I know whether the Government have any approximate idea of the increase in the volume of deposits since this new scheme was introduced?

Shri B. R. Bhagat: It is too early to say that.

1591 (Ai) LSD—1.

Shri R. G. Dubey: May I know whether in the light of the new instructions the State Bank of India are trying to introduce any scheme in the rural areas to mop up deposits from rural pockets?

Shri B. R. Bhagat: Even apart from this, the State Bank have very ambitious programmes of extending branches in the rural areas and these programmes are going on.

श्री यशपाल सिंह : स्टेट बैंक ऑफ इंडिया ग्रौर जो दूसरे बैंक्स हैं क्या उन्होंने इस चीज़ के ऊपर अमल कर लिया है ?

श्री ब० रा० भगत : जी हां सब ने अमल कर लिया है ।

Shri D. N. Tiwary: May I know whether the interests on the deposits made in banks prior to October 1964 will also be increased?

Shri B. R. Bhagat: No, not on those deposits which were made prior to the scheme came into operation.

Shri R. Ramanathan Chettiar: May I know whether the Reserve Bank of India has set up a machinery to see that the scheduled banks do not increase their lending rates unconsciously high, consistent with the increase in deposit rates?

Shri B. R. Bhagat: The Reserve Bank has a very vigorous banking department to look into all these matters.

श्री काशी राम गुप्त : क्या इस बैंक रेट के बढ़ने का यह नतीजा नहीं होगा कि कोऑपरेटिव बैंक्स को मजबूरन अपना रेट बढ़ाना पड़ेगा, यदि हां, तो उन को अपना रेट बढ़ाने के लिए आप ने कितनी दूर तक छूट दी है ?

श्री ब० रा० भगत : यह तो अच्छा ही है कि उनका रेट भी बढ़े क्योंकि रेट बढ़ने से उन के डिपॉजिट्स भी बढ़ेंगे ।

Shri Kashi Ram Gupta: Sir, I could not follow the answer.

अध्यक्ष महोदय : मंत्री महोदय ने कहा है कि उन के रेट्स भी बढ़ना अच्छा है, क्योंकि अगर उन के रेट्स भी बढ़ेंगे तो उन के डिपॉजिट्स भी बढ़ेंगे ।

Shri Joachim Alva: Do we keep a strict watch on the increase of rates by the Bank of England and, if so, has it something to do with the rates of our banks?

Shri B. R. Bhagat: No.

Shri S. N. Chaturvedi: What are the rates which the banks are paying on their deposits and what are the rates they are charging for lending?

Shri B. R. Bhagat: All these rates will be regulated by the rates that have been announced.

Shri S. N. Chaturvedi: What is the answer?

Mr. Speaker: It would be regulated by the new order.

Shri S. N. Chaturvedi: What are the current rates?

Mr. Speaker: He might drop in a branch and find out.

Narmada Valley Scheme

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 *206. { **Shri Vidya Charan Shukla:**
Shri Rameshwar Tantia:
Shri Man Singh P. Patel:
Shri Jashvant Mehta:
Shri Uikey:
Shri Radhey Lal Vyas:
Shri Babunath Singh:
Shri R. S. Tiwari:

Will the Minister of Irrigation and Power be pleased to state:

(a) the salient features of the progress made regarding the develop-

ment of Narmada Valley basin for the utilisation of its waters between Madhya Pradesh and Gujarat; and

(b) the specific hurdles in the speedy execution of development plan of Narmada Valley?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) and (b). A statement is placed on the Table of the House.

STATEMENT

(a) The Central Water & Power Commission on behalf of the State Governments of Madhya Pradesh and Gujarat has carried out investigations for the development of Narmada water resources. Project reports for Tawa, Bargi, Punasa and Broach have been finalised and sent to the State Governments for further action. Out of these, Tawa and Broach irrigation projects have been sanctioned for execution. The Punasa project is included in the Third Plan. The project reports is under technical examination.

The Government of Gujarat have since indicated that the Broach project could be modified further to provide for better and optimum utilisation of Narmada waters. This alternative study is also under examination.

(b) The only hurdle to the speedy execution of development plans of Narmada Valley is lack of an agreement between the Government of Gujarat and Madhya Pradesh for the optimum development of the Narmada water resources. Towards that end, the Government of India have set up a Committee under the Chairmanship of Dr. A. N. Khosla, Governor of Orissa.

Shri Vidya Charan Shukla: What are the specific difficulties or disagreements between the Governments of Madhya Pradesh and Gujarat over the development of Narmada Valley Scheme and what progress has Dr. Khosla's committee made towards solving them?

Dr. K. L. Rao: I am glad to state that the main difficulty in connection with the Narmada Valley Scheme is not with regard to the sharing of waters, which would have proved very difficult. It is merely with regard to the height of the dam in Gujarat State in Naugam that all the trouble has arisen. To solve this trouble we have set up a committee under the Chairmanship of Dr. Khosla. It is expected that this Committee will give its report sometime in January.

Shri Vidya Charan Shukla: What are the terms of reference of this committee and have the concerned Governments agreed to abide by the decision of this committee or would they examine and then decide whether the committee's report could be accepted by them or not? Is it in the nature of an arbitration or will it be an administrative committee's report?

Dr. K. L. Rao: The terms of reference of the committee are quite comprehensive. They consist of the drawing up of the master plan for the development of the Narmada Valley together with indicating as to which projects must be taken up first as also giving an indication of the benefits and the costs that should be shared by both Gujarat and Madhya Pradesh.

With regard to the second part of the question of the hon. Member I may state that it is expected that this committee's findings will be readily accepted by the respective States as before the appointment of this committee we had discussed this with both the States and they have agreed with reference to the terms of reference, personnel and everything. Therefore I normally expect that the recommendations of the committee will be accepted with such modifications as the respective States may find it necessary.

Shri Vidya Charan Shukla: I specifically wanted to know whether those Governments have agreed to accept the recommendations of this

committee in advance or they have not agreed to it.

Dr. K. L. Rao: That is what I have tried to answer. There has not been any specific agreement as such, but in so far as both the States have been consulted at every stage with regard to the terms of reference and everything connected with this committee, it is but natural to expect that this committee's findings will be accepted by both the Governments.

Shri Narendra Singh Mahida: May I know whether Government is aware of the importance of the Narmada Valley project which is very vital for Gujarat? The States are having a difference of opinion in this matter. How long will it take for the State Governments and the Central Government to come to some agreement so that this vital project comes into being?

Dr. K. L. Rao: It is quite correct, as the hon. Member has said. The Government realises the extreme importance of the development of the Narmada River because it is one of the rivers on which we can get a large amount of irrigational potential as also power. As I have submitted already, we are expecting that Dr. Khosla's Committee's report will be available in January and after that it will be possible for us to take action to implement its recommendations.

श्री हुकम चन्द कछवाय : रिपोर्ट जनवरी तक आ जायेगी तो काम कब तक प्रारम्भ होगा और क्या उस में केन्द्रीय सरकार भी कुछ सहयोग देने वाली है, यदि हाँ, तो कितना ?

Dr. K. L. Rao: As soon as the findings of the committee are known and as soon as we are able to get a final agreement between the States which, I expect, must follow almost immediately, we will take up the work immediately on two of the projects, Punasa and Broach (Naugam), because these projects have been sanctioned and a provision has been made for them in the Third Plan.

Mr. Speaker: He wanted to know whether the Centre would make any contribution.

Dr. K. L. Rao: The assistance for these projects comes entirely from the Central loan.

Shri Chandrabhan Singh: What is the quantum of the national loss of energy and foodgrains production by the delay of this project?

Dr. K. L. Rao: I have submitted already that this is one of the rivers on which we can have extremely good development. We can get as much as 7 million acres of land under irrigation and about 1½ million kilowatts of power. These are very large quantities and it is very difficult to say what loss it is. I can only say that in the absence of this project economy of the country suffers.

Shri A. S. Saigal: May I know whether it is a fact that the Madhya Pradesh Government had submitted their repercussions on the agreement, which was reached before, for consideration by the Government or the committee which will be appointed?

Dr. K. L. Rao: Prior to the appointment of Dr. Khosla's Committee we had discussions with a view to arrive at an agreement as early as possible. We had on two occasions discussed the matter threadbare and arrived at some understanding, but there was not a complete agreement. Therefore we thought that the best way of solving the problem was to refer the matter to the committee. The committee was appointed in September and it is expected that they will submit their report in January.

Shrimati Savitri Nigam: In this statement it has been mentioned that the Government of Gujarat have since indicated that the Broach project could be modified further to provide for better and optimum utilisation of Narmada waters. I would like to know what the attitude of the Central Government is and whether this demand is genuine leaving aside

the reaction of the Madhya Pradesh Government which is a party to it.

Dr. K. L. Rao: The Government of India is interested in seeing that the development of the Narmada river project is taken up as best as possible. In this connection, we have appointed a committee and we are awaiting the recommendations of that committee.

श्री शिव नारायण : जब देश में अन्न का इतना संकट है, तो गवर्नमेंट इरिगेशन को नेशनलाइज क्यों नहीं करती और इस बारे में फुल पावरज अपने हाथ में क्यों नहीं लेती? गवर्नमेंट का इस बारे में क्या विचार है?

अध्यक्ष महोदय : यह माननीय सदस्य का विचार है । पहले गवर्नमेंट इस पर विचार कर ले ।

Shri Bade: What is the main hitch in the case of two State Governments, that is, Madhya Pradesh and Gujarat, in arriving at the agreement? Is there any difficulty in the quota of their contribution or the difficulty is in the distribution of power which will be produced in this project?

Dr. K. L. Rao: As I submitted, the main difference of opinion is with reference to the height of the dam at Naugam. Otherwise, there is no great point of difference between the two States.

City Development Plans

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- *207. { **Shri Surendra Pal Singh:**
Shri Rameshwar Tantia:
Shri R. Barua:
Shri Vishram Prasad:
Shri D. D. Mantri:

Will the Minister of Health be pleased to state:

(a) whether the Union Government have asked the State Governments to start preparing city development plans for 1965-66;

(b) if so, how many States have responded to this call so far;

(c) the main points that will be covered under the city plans; and

(d) the kind of assistance to be given by the Centre to the States for execution of these plans?

The Deputy Minister in the Ministry of Health (Shri P. S. Naskar):
(a) Yes, Sir.

(b) to (d). A statement is laid on the Table of the House.

STATEMENT

Replies from 14 States have been received and preliminary work has been started by some of them.

The main points that will be covered under these plans are:

- (1) Land acquisition and development;
- (2) Urban water-supply, sanitation and drainage;
- (3) Housing specially industrial housing and low-income housing.
- (4) Slum clearance and improvement and provision of sweepers' quarters;
- (5) Primary and secondary education, including vocational and technical training at the secondary level (in accordance with the State Plan);
- (6) Medical and health facilities (in accordance with the State Plan);
- (7) Adult literacy and education;
- (8) Development of rural areas falling within the municipal jurisdiction (in accordance with the State Plan).

A proposal to grant financial assistance for the preparation of Development Plans is under consideration. Assistance from the Government of India for the execution of the plans is under plans for specific projects such

as slum clearance, Housing, water supply etc.

Shri Surendra Pal Singh: The last paragraph of the statement reads:

"A proposal to grant financial assistance for the preparation of Development Plans is under consideration."

Do we take it that the expenditure on the preparation of Development Plans is likely to be of such a magnitude that the State Governments will not be able to meet it out of their own resources and that they will need the help from the Central Government?

The Minister of Health (Dr. Sushila Nayar): The State Governments are always short of money and so is everybody. If they can have some incentive for the preparation of these Development Plans, they will probably go faster.

Shri Surendra Pal Singh: Is there also a proposal to include in this scheme certain number of agro-industrial towns in the country for intensive Development and, if so, how many such towns are likely to be covered under the scheme and the quantum of expenditure likely to be incurred on their development?

Dr. Sushila Nayar: I am afraid I do not know about the agro-industrial towns. All that this scheme refers to is the Planning Commission's letter to the State Governments that they might prepare overall Development Plans of the bigger towns so that various other schemes like slum clearance, water supply or land acquisition etc. can be devetailed into those overall Development Plans leading to better towns.

श्री यू० सि० चौधरी : क्या अनाज की कमी को देखते हुए और इसी संदर्भ में देश की भलाई को समझते हुए सरकार के विचाराधीन कोई ऐसा मुद्दा है कि छोटे या बड़े शहरों की डेवलपमेंट पर जो खर्च होना है,

वह सारे का सारा वहां से हटा कर देहात की बनाई के लिए लगा दिया जाये ?

डा० सुशीला नायर : डेवेलपमेंट प्लान में एक दो शहर के डेवेलपमेंट का सवाल है, और दूसरे, रिजनल डेवेलपमेंट का भी सवाल है और रिजनल डेवेलपमेंट की योजनाओं में देहात और शहर दोनों के काम्पोजिट डेवेलपमेंट की बात सोची जाती है ।

श्री श्रीकार लाल बेरवा : मैं यह जानना चाहता हूँ कि जितनी योजनाएँ चल रही हैं, क्या उन के अलावा राज्य सरकारों से कोई और दूसरी योजना भी चलाने का मुझाव आया है ।

डा० सुशीला नायर : यह सवाल मेरी समझ में नहीं आया। सभी मंत्रालयों की योजनाएँ अलग अलग चल रही हैं। उन सब को एकत्रित कर के किस प्रकार से काम्पोजिट योजना, टाउन्ज का ओवर-ऑल डेवेलपमेंट प्लान बनाया जाये, इस के बारे में प्लानिंग कमिशन ने स्टेट गवर्नमेंट्स को 1962 में लिखा था । इस सम्बन्ध में बहुत कुछ प्रगति न होने से इधर ध्यान देने की कोशिश की जा रही है ।

श्री अचल सिंह : इस सिटी डेवेलपमेंट प्लान के मेन फ्रीचर्ज क्या क्या होंगे ?

अध्यक्ष महोदय : क्या यह इन्फर्मेसन में दी गई है ?

डा० सुशीला नायर : स्टेटमेंट में सब चीजें दी हुई हैं। हर एक सिटी में अलग अलग परिस्थिति होगी। कहीं पर एक सवाल पर ज्यादा एम्फेसिस होगा और कहीं दूसरी तरफ ज्यादा एम्फेसिस होगा ।

Shri S. M. Banerjee: From the statement it appears that the main thing that will be covered under these Development Plans is the slum clearance. I would like to know whether the Centre had promised to give some amount for the six cities which were declared as slum areas by Ashok K. Sen Commission and, if

so, what amount has been paid to the State Governments for slum clearance schemes of these cities including Kanpur for 1964-65 and 1963-64.

Dr. Sushila Nayar: I am afraid I do not know this quantum. If a question is put to the hon. Minister of Housing, he will be able to give the information.

Shri S. M. Banerjee: Sir, my question has not been answered . . .

Mr. Speaker: The hon. Minister wants notice of that question.

Shri Ranga: Even otherwise, she cannot have all that information ready here and now.

Shri S. M. Banerjee: You will kindly protect us; in the statement slum clearance and improvement is one of the items. You will remember that in this House there was a discussion in this House about this matter, and that discussion was replied to by the then Home Minister. I want to know what amount has been given to these five or six States where certain areas were declared as slum areas by the Asoke Sen Committee.

Mr. Speaker: At present, the hon. Minister has not got the information. If the hon. Member tables a separate question, certainly I shall try to get the information.

Shri Shivananjappa: May I know whether the plan for Greater Bangalore is included in this, and if so, the nature of the financial assistance proposed to be given for this purpose?

Dr. Sushila Nayar: I have already submitted that there is no special financial assistance at the present moment, for these development plans. At the present moment, there are moneys provided for different specific schemes such as housing, water supply, roads etc., and it is a matter of dovetailing them into the overall development plans. But we are trying to set apart some money for this purpose. If we succeed with the Planning Commission and if we get the money that we want for it, we may give help.

Mr. Speaker: What about slum clearance and improvement to which Shri S. M. Banerjee had referred? I believe that that subject is handled by the Health Ministry?

The Minister of Works and Housing (Shri Mehr Chand Khanna): Slum clearance is a part of my portfolio. If a separate question is put to me, I shall certainly answer it.

श्री यशपाल सिंह : क्या सरकार ने इस बात का खयाल रखा है कि शहरों का विकास करते समय देहात की कल्टीवेवल लैंड्स न ली जायें ?

डा० सुशीला नायर : कंट्री एंड टाउन प्लानिंग वालों से यह भी कहा है कि जब ओवर-ग्राल प्लानिंग करते हैं, तो किस जमीन का सब से अच्छा उपयोग क्या हो सकता है, उस को ध्यान में रखा जाये।

श्री यशपाल सिंह : शहरों को बसाने के लिए देहात उजाड़े जा रहे हैं। उस के मुतालिक कोई बात नहीं की गई है।

Shri Bade: On a point of order. The hon. Minister has said that slum clearance is the responsibility of another Minister. But from the statement we find that among the main points covered under these plans will be slum clearance and improvement and provision of sweepers' quarters. When questions are put about slum clearance, certainly that is the responsibility of the Health Minister, according to this statement.

Mr. Speaker: The hon. Minister has said that she does not have that information at present. So, we have already dealt with that point. Shri S. M. Banerjee also had raised it.

श्री काशी राम गुप्त: क्या सरकार को वह जानकारी है कि राज्य सरकारों ने ग्रबन इम्प्रूवमेंट ट्रस्ट्स को, जिन के जरिये ये योजनाएँ चलाई जायेंगी, अपना राजनीतिक हथियार बना रखा है, और उन में गैर-

सरकारी सदस्यों के रूप में ऐसे लोग लगा दिये हैं, जो उन संस्थाओं का उपयोग राजनीति के लिए करते हैं, न कि विकास के लिए ?

डा० सुशीला नायर : इस के बारे में तो मेरे पास कोई जानकारी नहीं है। लेकिन मैं यह भी ब्रज करना चाहती हूँ कि ये जो डेवेलपमेंट प्लान्स बनेंगे, तो ये सिर्फ इम्प्रूवमेंट ट्रस्ट्स के द्वारा ही इम्प्लीमेंट की जायेंगी, ऐसी बात नहीं है। कोई दूसरा तरीका भी हो सकता है।

One Man D.A. Commission

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*208.

Shri S. M. Banerjee:
Shri Daji:
Shri M. L. Dwivedi:
Shrimati Savitri Nigam:
Shri Subodh Hansda:
Shri P. C. Borooah:
Shri Brij Raj Singh-Kotah:
Shri Hukam Chand
Kachhavaia:
Shri Y. S. Chaudhary:
Shri Bade:

Will the Minister of Finance be pleased to state:

(a) whether the one-man-commission appointed to go into the question of dearness allowance for the Central Government employees has started its work;

(b) the number of memoranda received;

(c) whether any unions/associations and federations which boycotted the commission have submitted memoranda; and

(d) if not, the reason for the same?

The Minister for Planning (Shri B. R. Bhagat): (a) Yes, Sir. The Dearness Allowance Enquiry Body started its work from the 1st September, 1964.

(b) The number of original memoranda is 63.

(c) The Enquiry Body has no complete information as to the number or

description of unions/associations and federations which have boycotted the Body. The information will be collected and laid on the table of the Lok Sabha.

(b) The unions/associations and federations had boycotted the Enquiry Body because of their demand for inclusion of review of the Dearness Allowance formula recommended by the Pay Commission in the terms of reference of the Body, and for grant of interim relief.

Shri S. M. Banerjee: May I know whether the hon. Minister is aware that a country-wide agitation has been launched by the associations and federations of the Central Government employees, and a strike ballot has been taken by nearly 121 unions of the defence establishments, and if so, what steps have been taken by Government to see that this commission also considers the question of full neutralisation of dearness allowance and payment of interim relief?

Shri B. R. Bhagat: We are aware of the agitation, but so far as Government are concerned, we have made this position very clear. We have requested the commission also to give their findings very quickly, and I believe they will do so next month. We have gone the farthest extent to meet the requirements of the bodies concerned, and we have made our position very clear.

Shri S. M. Banerjee: Is the hon. Minister aware that in Nov. 1964, that is, this month, the average rise for the entire year has reached 10 points, which is covered by one of the recommendations of the Pay Commission, that when a further rise of 10 points takes place, a further revision will take place? If so, what steps have been taken by Government to revise the dearness allowance or at least to consider the demand of the Central Government employees for an ad hoc increase of Rs. 10 as interim relief?

Shri B. R. Bhagat: That point is under consideration.

Shri S. M. Banerjee: He has not answered the point. Apart from the Commission going into it, my question is whether any interim relief is being given because of this rise of 10 points.

Mr. Speaker: Since there has been a rise of 10 points, he says that independently of the report of the Commission, Government should consider giving an interim relief of Rs. 10.

Shri B. R. Bhagat: I have said that that point is under consideration.

Shri S. M. Banerjee: I seek your protection. My first question was different. Apart from the recommendations of the one-man Commission. . .

Mr. Speaker: He has asked that question and the answer has been given.

Shri S. M. Banerjee: It is very important.

Mr. Speaker: I know. Therefore, I repeated the question and got the answer.

Shrimati Savitri Nigam: Have the memoranda received from defence workers also been taken into consideration and is any interim relief going to be given to them because their case is very hard?

Shri B. R. Bhagat: Any memorandum received by the Commission will certainly be considered. As to whether any relief or other concessions will be given, that will be only when the Commission reports.

श्री हुकम चन्द कछवाय : ये जो निफारिणो हैं ये कब तक लागू हो जायेंगे ? विलम्ब का कारण क्या है ? क्या कारण यह तो नहीं है कि इसमें काफी सा दिशा जाने वाला है और उस कारण से सरकार देरदार कर रही है ?

श्री ब० रा० भगत : अभी रिपोर्ट नहीं आई है । रिपोर्ट आते ही उस पर विचार किया जाएगा ।

श्री हुक्म चन्द कड़वाय : विलम्ब का कारण क्या है ?

श्री ब० रा० भगत : कहां विलम्ब है ?

Shri Nath Pai: The other day replying to a question on the overall policy regarding prices and wages, the Finance Minister was pleased to state that Government would bear this issue all the time in mind in formulating basic policies. Whereas today the living cost index has gone up to 156 and last time some kind of an allowance was given by Government for only a 10 point rise, and that too for only 50 per cent, there is no question of the one-man Commission making a recommendation. It was up to the Finance Minister to give the remainder due for these 10 points. Subsequent to that, there has been a further rise of 10 points. In the light of these rises which are cutting so heavily into the meagre earnings of the employees, what measures by way of relief is the Finance Minister contemplating immediately? I want something more than a statement that this also will be considered by Government....

Mr. Speaker: That would do.

The Minister of Finance (Shri T. T. Krishnamachari): The question put by the hon. Member has dovetailed a number of points. I do not want to mislead by either refusing to give information or by giving information in regard to matters over which Government have not taken a particular stand.

In regard to the recent rise which would qualify for an increase in dearness allowance on the basis which has been granted in the past, the matter is under consideration.

Shri S. M. Banerjee: He is evading a reply.

Mr. Speaker: Shri Nambiar.

Shri Nambiar: In view of the fact that it is now accepted that there is a very high rise in prices it being 156 points as already stated, and in view of the fact that according to the Second Pay Commission, an increased dearness allowance is bound to be given, may I know whether Government are contemplating to grant interim relief of Rs. 10 here and now, not waiting till the decision of the Commission which is likely to be delayed?

Mr. Speaker: Mr. Banerjee has repeated that, Mr. Nath Pai put the same question.

Shri Nambiar: Unfortunately, that is not answered. That is the point we want. We are clinching the issue.

Mr. Speaker: What can I do if the Government says that it is under their consideration just at present? Can I compel the Minister to come out with the reply immediately?

Shri Tridib Kumar Chaudhuri: So far as granting of relief for every ten point increase is concerned, that was the accepted policy of the Government. What prevents Government from acting up to it?

Mr. Speaker: This question is again and again being asked in one form or another.

Shri Nath Pai: I do not think it has become very clear.

Shri Ranga: The question is whether Government would be good enough to grant any interim relief before they make their final decision.

Shri T. T. Krishnamachari: The position is this. There is no denying that the cost of living has crystallised at a particular level which entitled some extra dearness allowance to the Government employees. Government, naturally, have to consider it. Of course, that is a matter of entitlement, of what Government has been giving

all along. That has been accepted by Government. Whether that should be done now, or whether it should be done after the one-man commission reports, if that would mean a variation of this position—we have agreed to accept any variation, because we take it that the one-man commission is in the position of an arbitrator—is a matter which is now being considered by Government, whether we should announce what is to be given now. Of course, anything that is done as a result . . .

Shri S. M. Banerjee: The one-man commission has nothing to do with it.

Shri T. T. Krishnamachari: The hon. Member will please . . .

Shri S. M. Banerjee: You are delaying matters in the name of the one-man commission.

Shri T. T. Krishnamachari: The hon. Member will have an opportunity of expressing his views vehemently, but so long as I am mentioning something. . .

Shri S. M. Banerjee: You gave this assurance in this House.

Mr. Speaker: Should he allow him or not?

Shri S. M. Banerjee: They are going back on their words.

Mr. Speaker: He will have to listen to the answer at least.

Shri S. M. Banerjee: We expect some good reply.

Mr. Speaker: That is not for me to say. He thinks it is not good. He has also to listen.

Shri S. M. Banerjee: Everybody has boycotted the one-man commission.

Shri T. T. Krishnamachari: The position is that the Government has not gone back on anything. What the people are entitled to, they will get.

The question that is under consideration is whether Government should announce what they have agreed to now or it should wait for the one-man commission to report, which might mean a further emendation of the position. That is the matter which is under consideration.

श्री रामेश्वरानन्द : मंत्री महोदय ने कहा है कि महार्घता के कारण कर्मचारियों की कठिनाइयां बढ़ गईं, इसलिए सरकार इस पर विचार कर रही है। जिस तरह से केन्द्रीय कर्मचारियों की महार्घता के कारण कठिनाइयां बढ़ गई हैं, उसी तरह से प्रान्तीय कर्मचारियों की जो कठिनाइयां बढ़ गई हैं, उस के बारे में भी सरकार प्रान्तीय सरकारों को कुछ कहने का यत्न करेगी ?

अध्यक्ष महोदय : वह दूसरा सवाल है।

श्री श्रींकार लाल बेरवा : केन्द्रीय कर्मचारियों को पांच रुपये दिये गये थे लेकिन राज्य सरकारों ने वे भी मंजूर नहीं किये और नहीं अपने कर्मचारियों को दिये। उस पर क्या केन्द्रीय सरकार ने कोई अप्रति की ?

श्री ब० रा० भगत : यह तो राज्य सरकारों का काम है, क्योंकि यह चीज उन के अधीन आती है। वे मानें या न मानें। हम तो उन को सलाह दे सकते हैं, उन पर कोई जोर नहीं डाल सकते हैं।

Rajasthan Canal

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{ **Shri Himatsingka:**
Shri P. R. Chakraverti:
Shri P. C. Borooah:
Shri Rameshwar Tantia:
 *269. { **Shri Onkal Lal Berwa:**
Shri Gulshan:
Shri Y. S. Chaudhary:
Shri Yashpal Singh:
Shri Hem Raj:

Will the Minister of Irrigation and Power be pleased to refer to the

reply given to Starred Question No. 240 on the 17th September, 1964 regarding Rajasthan Canal Project and state:

(a) whether Government have since decided to take over the construction of the Rajasthan canal in view of the national importance of the project;

(b) whether the financial implications of the project and the potentialities of drawing returns out of the same have been studied; and

(c) whether a corporation on the lines of D.V.C. is to be set up to organise and maintain the canal?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) No, Sir. The matter is still under consideration.

(b) and (c). Do not arise.

Shri Himatsingka: Will the hon. Minister consider that Rajasthan has very great potential, and that if water can be supplied, they will be able to feed a great part of India?

Dr. K. L. Rao: Quite so. The Rajasthan Canal is one of the important projects on which the Government of India lays the greatest importance, and the necessary funds are being supplied, and the construction work is proceeding fairly well.

Shri Vidyacharan Shukla: May we know, since when the Government has been considering this matter, and what are the specific difficulties which they are facing in arriving at a speedy decision regarding this matter?

Dr. K. L. Rao: This matter of taking up the large irrigation projects all over the country has been under the consideration of the Government for some time. In particular, Rajasthan canal has been chosen because it is not only the engineering aspect that one has to attend to in the case of that canal but also the development of the area under the canal and

the amount of money required for the development is as much as Rs. 200 crores. Therefore, this has been under consideration for more than a year now whether this project should be taken over by the Centre. The Planning Commission has appointed a study group, to go into the constitution, functions and powers of any authority that may have to be set up in connection with this and we are awaiting the report of the study group.

श्री श्रीकार लाल बेरवा : अभी जो इरिगेशन मंत्रियों की बैठक हुई थी उसमें मंत्री महोदय भी पधारे थे । उन्होंने यह मांग भी की थी कि इसे केंद्रीय सरकार के अधीन ले लिया जाये । मैं जानना चाहता हूँ कि राजस्थान नहर से कितनी सिंचाई हो रही है और कितनी होने की संभावना है ।

Dr. K. L. Rao: Quite so. The Rajasthan Government is also anxious that it should be taken over by the Centre. We are awaiting the report of the study group.

Mr. Speaker: The later part referred to the area irrigated just at present and the possibilities of further extension.

Dr. K. L. Rao: The Rajasthan canal is intended to irrigate 28 lakhs of acres ultimately. In the first stage it is expected to irrigate about 12 lakhs of acres. At the end of the year 1965, 4½ lakhs would be brought under irrigation and by the Third Plan period, it will be about 10 lakhs of acres.

श्री गुलशन : क्या मैं यह जान सकता हूँ कि राजस्थान नहर का जो हिस्सा पंजाब की जमीन से गुजरा है पंजाब के किसानों को उसका मुआवजा मिल चुका है या नहीं । यदि हाँ, तो नहर के नजदीक जो किसानों के खेत हैं उनको पानी की कोई विशेष सुविधाएँ देने का विचार है या नहीं ।

Dr. K. L. Rao: The areas in Punjab through which the canal passes have been given compensation and the oustees are also being considered for resettlement in the Rajasthan canal areas. About the irrigation of areas through which it passes, I may say that the area is being fed through Sirhind feeder or the Bhakra system.

श्री यु० सि० चौधरी : इस बात को सारा देश और सरकार अच्छी तरह से जानती है कि जिस दिन राजस्थान नहर पूरी हो जायेगी उससे भारत की अन्न समस्या 200 फी सदी पूरी हो जायेगी। इस बात को ध्यान में रखते हुए मैं दो तीन बातें खास तौर से सरकार से पूछना चाहता हूँ। एक तो यह कि पंजाब के हिस्से में जितनी राजस्थान की नहर की खुदाई होनी थी क्या वह पूरी हो चुकी है। इसके बाद राजस्थान प्रदेश में जितनी पूरी होने का टागट था वह किस स्थिति में है और आपका जो ओवरऑल लक्ष्य था उस को पूरा करने का उसकी इन महीनों में क्या स्थिति है।

Dr. K. L. Rao: The course of Rajasthan canal in Punjab has been completed in all its aspects and also for another 14 miles in Rajasthan; further work is in progress from the 14th to the 48th mile. By and large, I would say the project is getting on fairly well though I wish that this proceeded in a much quicker way.

श्री यु० सि० चौधरी : फेडरलीवेल से क्या मतलब है। मैं पूछना चाहता हूँ कि आज तक जो लक्ष्य निर्धारित किया गया था उसके हिसाब से क्या वह चल रहा है।

Mr. Speaker: Have the targets been achieved?

Dr. K. L. Rao: I submitted already that it is going according to schedule. I expressed a further wish that it were accelerated.

श्री यशपाल सिंह : पिछले साल इसी आंदरणीय सदन में जब यह सवाल पूछा गया था तब भी यही जवाब मिला था कि "मैंटर इज अंडर कंसीडरेशन"। आज भी यही जवाब मिला है। आखिर क्या वजह है कि आज तक यह काम पूरा नहीं हो सका।

Dr. K. L. Rao: I greatly regret that the matter is not really finalised but the question is of great and major importance. Hon. Members should be aware that it is not only a question of engineering aspect but also the question of development involved and the large and heavy outlay. Therefore, this is a matter which is being dealt with by a number of Ministries and the Planning Commission, and I am afraid it takes some time to arrive at a decision.

Shri Thirumala Rao: Beside the various authorities that are being investigated by the Planning Commission, what are the exact terms of reference that are now given to the Planning Commission to investigate and what are the States affected by this scheme?

Dr. K. L. Rao: I have already submitted that a study group is going into the details of the composition, functions and the powers of the authority that might have to be set up in order to supervise this project. The States concerned are two: Rajasthan and Punjab.

Shri Harish Chandra Mathur: What the hon. Minister said is, what is under study is only the administrative control which will follow after the decision is taken to take it over. First of all, you have to take the decision to take it over. Is it not a fact that the hon. Finance Minister visited the Rajasthan Canal area and then an authentic information was given to the press that this project will be taken over from the year 1965-66, and may I know what was the hon. Finance Ministers assessment and what is the authenticity of this report that it

will be taken over just from next year?

The Minister of Finance (Shri T. T. Krishnamachari): The present thinking is that the financial responsibility for this scheme is to be taken over by the Central Government and the date from which this could be possibly taken over will be 1st April. All that is being done, which has been mentioned by my colleague, is a preliminary work to enable the Central Government to take it over. So the track is clear for the purpose. Broadly, matters as to how it should be taken over, the position of the Centre vis à vis Rajasthan, etc., are also being dealt with. But I do think that between my colleague and the various authorities responsible, we will be able to arrive at a settlement so that the new controlling authority would be in position by the 1st of April.

Shri Hem Raj: May I know whether this study group will also advise the Government regarding the resettlement on the Pong Dam oustees and the Sutlej-Beas Link Oustees and whether the Chief Ministers of the two States have formulated any policy for the colonisation of the Rajasthan Canal because it has been hanging fire for the last two or three years?

Dr. K. L. Rao: The colonisation policy is under discussion between the two Chief Ministers and the Central Government; we are having a meeting in that connection on the 4th December. I may also mention that the study group will also consider this aspect.

Shri Ranga: From all these answers, it is quite clear that the Government seems to be just as keen about the rapid development of this canal and the irrigation under it as ourselves on this side, but may we have an assurance that Government would give some special priority for the speeding up of the consideration and coming to some decision, so that the Centre could take it over, which is considered desirable even by the Centre themselves, so that they can speed up the development of this project?

Dr. K. L. Rao: I may remind the hon. Member that the policy that is going to be adopted in the fourth Plan is that all Projects already undertaken should be completed first. The Rajasthan Canal would be completed by 1969-70.

Shri Ranga: I thought that the hon. Finance Minister would reply to this question; that would have been very appropriate. The bottleneck seems to be somewhere with the Finance Ministry.

Mr. Speaker: Shri Joachim Alva.

Shri Joachim Alva: Whilst formulating or investigating this project for which our engineers go to and fro, have they viewed the Aswan dam and the adjacent territory in the Sahara desert where eucalyptus trees are grown on sand, and also in view of the fact that the hon. Minister has been there and witnessed these experiences, I want to know whether these features could be incorporated into our project here.

Dr. K. L. Rao: I am glad to mention that the hon. Minister in charge of the Aswan Dam has come to India last evening and he is seeing some of our works. In regard to the Rajasthan Canal there is not anything particular that we need take from the Aswan Dam.

The Aswan High Dam is of very great importance in the methods of new technique that are being adopted in constructing the dam. We do not have such kind of difficulties with the Rajasthan Canal.

Shri Karni Singhji: In view of the fact that the Centre proposes to take over the Rajasthan Canal, may I know if any decision has been taken with regard to the lining of the canal, with regard to connecting it to Kandla Port and with regard to making it navigable and also what is being done about giving drinking water from the Rajasthan Canal to the desert areas?

Dr. K. L. Rao: With regard to the lining of the canal, it has been a subject of very careful consideration because the lining costs quite a lot. We have generally decided that the lining will be done for the main canal. With regard to the connection with Kandla Port, it is a problem connected with transport and the Ministry of Transport is seized of the problem. They are going into that in a detailed way.

Shrimati Tarkeshwary Sinha: In answer to part (b) of the question, namely, "whether the financial implications of the project and the potentialities of drawing returns out of the same have been studied", the Minister replied, no. May I know whether these aspects, which are very important aspects of any project, are not studied?

Dr. K. L. Rao: The question has arisen with regard to taking over of the construction by the Government. The engineering aspects of the project and the implications have been gone into. But the main question, as I submitted, in connection with the Rajasthan Canal is not so much the expenditure on the engineering aspect; that is a much smaller portion.

Shrimati Tarkeshwari Sinha: What about the returns?

Dr. K. L. Rao: The main problem is about the development of the new areas for which the estimates are not naturally ready as yet. The rough estimate is it may be of the order of Rs. 200 to Rs. 210 crores; it is not definite. So far as the project is concerned, naturally the project has been sanctioned after going into the financial implications.

Shri Karni Singhji: Part of my question has not been answered.

Mr. Speaker: He will have some other opportunity.

Ghaggar Flood Control Scheme

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{ Shri Harish Chandra
*210. { Mathur:
{ Shri Karni Singhji:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 525 on the 1st October, 1964 regarding Ghaggar floods and state:

(a) whether funds have since been sanctioned for taking up Ghaggar Flood Control Scheme approved by the Technical Advisory Committee of the Planning Commission;

(b) the reason for the delay in according sanction when scheme was approved and found feasible in October, 1963;

(c) the loss in financial terms caused by floods this year; and

(d) the loss suffered by Suratgarh farm by these floods?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Not yet, Sir.

(b) The Scheme is under consideration with the Ministry of Finance.

(c) The approximate loss assessed so far is Rs. 59 lakhs which includes damage to crops, property, irrigation works and roads. This does not include loss sustained by Railways for which the figures are not yet available.

(d) The loss assessed so far is about Rs. 8.77 lakhs.

Shri Harish Chandra Mathur: It is obvious from the reply that even though the whole thing was cleared as early as October, 1963 by the technical authorities, by the Planning Commission and by everybody, even to this day in November, 1964 no decision has been taken and it is stuck up with finance. This delay has caused a lot of suffering to the people and the Suratgarh farm which we have from the USSR. May I know how the hon. Minister explains the delay and the responsibility for this?

Dr. K. L. Rao: I do not know exactly what the hon Member wanted to say. The only question is that these projects have got to be gone through and funds have got to be found. The Finance Minister has inspected this area in October this year and is seized of the problem.

Shri Harish Chandra Mathur: It was in October, 1963 much before the rains that both the Planning Commission and the Minister of Irrigation cleared this project and it was only the finances which were to be made available. Because of this delay in obtaining finance, the entire area has suffered and our commitments with the USSR also are getting into bad shape. Is the difficulty about foreign exchange involved or that we have no funds? What is the matter?

The Minister of Finance (Shri T. T. Krishnamachari): The point is not as simple as the hon. Member envisages. As a matter of fact, if the finances could be found, I do not think the scheme would have really solved the problem. The scheme as it is to-day has thrown up a number of problems; it would have to be varied. As it is, I think the scheme would not yield the results. The tentative thinking in regard to Ghaggar floods does not seem to be adequate to deal with the problem of recurring floods, which seem to be in the offing all the time. The alternatives of a variation scheme are now being studied. In fact, I had a meeting with the Minister concerned, my colleague, and a number of other technical officers a few weeks back. The matter has been thrown up to them again to consider certain other variations which would serve the areas that have been affected by the floods better. The matter has to be considered from that point of view. If one scheme has been made out and if that scheme does not look sufficiently effective or even it would not deal with the situation adequately, naturally one does not embark on a financial expenditure straightaway. The alternatives have to be considered.

Shri Harish Chandra Mathur: May I know what is the outline of the scheme which was drawn up by the Ministry and which was approved by the Planning Commission's technical and financial teams there and what was the amount involved? May I also know whether all interests and all authorities concerned have agreed to it or not?

Dr. K. L. Rao: The hon. Minister for Finance has given an answer to the previous question with regard to the various considerations on this project. The hon. Minister for Finance, before he sanctioned this amount, called for a meeting and raised some points. Since then these have been gone into and the various engineers have sent in a report. That has been sent to the hon. Minister for Finance, probably it has reached him by now.

Shri Harish Chandra Mathur: My question was entirely different. My question was, what was the outline of the scheme that was prepared by the Ministry of Irrigation and Power and which was approved by the Planning Commission, and whether all interests and authorities concerned were agreed on that or not?

Shri T. T. Krishnamachari: I would like to answer that by stating the position. I am sorry my hon. friend wants us to take up a particular position from which he can ask further questions. A tentative scheme was drawn up.

Shri Harish Chandra Mathur: What is the outline of that?

Shri T. T. Krishnamachari: The outline has to be explained with a map. It is about the question of diversion of waters to an area where there is a depression and where it can go. I do not think it is adequate. I do not think it would solve the problem altogether. It is quite likely that diversion of waters through the Rajasthan Canal on to that area will not solve the problem. The floods are bigger than what we have envi-

saged. So there must be additional protection and the whole thing has to be gone into. That is the matter that is being examined. There is no question of the Planning Commission giving a clearance. The Planning Commission cannot give a clearance until the Finance Ministry has looked into it.

Shri Karni Singhji: The question about floods in Ghaggar and northern Rajasthan has been raised by Members from Rajasthan for the last three or four years. In spite of all that, unfortunately, the matter has not been attended to seriously. In view of that, I would like to know the quantum of loss in foodgrains as a result of these floods during the last four years and, secondly, for how long have the railways been dislocated as a result of these floods?

Dr. K. L. Rao: In the railways there has been dislocation for nearly two months for about a length of 50 miles. It is a fact that floods in Ghaggar are causing grave concern to all of us.

Shri Karni Singhji: My question about loss suffered in foodgrains has not been answered.

Shri Harish Chandra Mathur: He has said in the main answer that it is Rs. 59 lakhs.

Shri Kashi Ram Gupta: The position seems to be that there is no expectation of the work being fulfilled before the next rainy season. May I know whether Government will be able to do something effective before the next rainy season or the same thing will happen, as has happened this year?

Dr. K. L. Rao: I submitted that the question of flood control in Ghaggar is of very great importance because it is causing increasing harm and damage. A few schemes had been drawn up and the Ministry of Finance had raised some points on them. The answers for them have been sent.

The Finance Minister has not seen them. I hope he would be seeing them soon. In case some decision is taken now it would be possible for us to start some work before the next monsoon.

श्री शिव नारायण : अध्यक्ष महोदय, यह घग्घर नदी काफ़ी सालों से विनाश लीला किया करती है और हमारे लेट प्राइम मिनिस्टर महोदय ने उसके बारे में यह स्वीकार किया था कि यह नदी उत्तर प्रदेश से लेकर बंगाल तक सारे इलाके को बुरी तरह तबाह करती है, प्राइम मिनिस्टर महोदय ने ऐश्वोरेंस दिया था कि इसको काबू में लाया जायेगा। मिनिस्टर महोदय जो कि स्वयं इस समस्या के स्पेशलिस्ट हैं उन्होंने 80 करोड़ की योजना का मुझाव सन् 56 में उठाया था मैं जानना चाहता हूँ कि सरकार इसमें डिलेडिंग टैकिट्स को क्यों नहीं दूर करती है, यह काम अभी तक क्यों नहीं पूरा हो पाया और अगर स्वयं इसको हल नहीं कर सकते हैं तो किसी फीरनर से हल करवाने के लिए सरकार क्यों नहीं कोई सक्रिय कदम उठाती है

अध्यक्ष महोदय : माननीय सदस्य कोई सवाल भी करेंगे या इसी तरह से भाषण देते रहेंगे ?

श्री शिव नारायण : अध्यक्ष महोदय, बहुत जैनविन क्वेश्चन मैं पूछना चाह रहा हूँ। यह जो इनकी घग्घर वाली स्टडी टीम है उस में कौन कौन इंजीनियर्स हैं और उनके चेयरमैन कौन हैं ?

Shri K. D. Malaviya: Am I correct in presuming that with regard to the technical implications of the scheme there is difference between the assessments of the Finance and Irrigation Ministers? If so, is it a fact that so much time has been taken only because of the difference between them in the examination of the technical assessment?

Shri T. T. Krishnamachari: No, Sir, I do not think so. As a matter of fact,

the original scheme itself is a thing which is of recent origin. The scheme, even if it had been taken up, would not have helped us during the recent floods. It is not a question of any difference in technical examination. It is a question of spotting it somewhere earlier rather than doing it at one end or doing all together.

श्री यु० सि० चौधरी : यह घग्घर नदी जिसको कि पंजाब में सरस्वती भी कहते हैं, पिछले चार, पांच सालों से केवल पंजाब में ही नुकसान नहीं करती रही है बल्कि वह इधर काफी अरसे से राजस्थान में भी लगातार तबाही मचाती रही है और अब उसने पूर्वी पाकिस्तान के अन्दर भी तबाही मचाई है इसलिए जब यह सारे फ्लड्स आये तो उस वक्त अपने यहाँ के जो मंत्री हैं उन्होंने ओट्टू नामक स्थान पर . . .

अध्यक्ष महोदय : माननीय सदस्य कोई सवाल भी पूछेंगे ?

श्री यु० सि० चौधरी : ओट्टू नामक स्थान पर क्या सरकार ने कोई कर्तई फ़ैसला कर लिया है कि वहाँ पर फ्लड्स कंट्रोल करने के लिए कोई ओट्टू पर डैम बनाया जायेगा या किसी और स्थान पर यह डैम बाढ़ की रोकथाम करने के वास्ते सरकार बनाने जा रही है ?

Dr. K. L. Rao : I want to submit once again that the flood control work of Ghaggar is of utmost importance and a number of schemes have been drawn up. With regard to Ottu there is no question of a dam because we cannot raise it more than two or three feet because it will submerge a very large area. There is no question of a dam in connection with the control of flood in Rajasthan or Punjab border area. It is only a question of some diversion scheme, some irrigation schemes and various alternative projects. At the moment, they are under consideration by the Ministry of Finance.

1591 (Ai) LSD—2.

श्री ए० ला० बालूपाल : चूँकि घग्घर नदी की तबाही से मेरा निर्वाचन क्षेत्र सम्बन्धित है इसलिए मैं जानना चाहता हूँ कि रेलवेज को यातायात में लोडिंग और फूड की अन-लोडिंग वगैरह में कितना नुकसान हुआ है और इस बाढ़ के कारण किसानों को कितना नुकसान हुआ है इन सब के आंकड़े सरकार द्वारा सदन के सम्मुख बतलाये जायें दूसरे मैं जानना चाहता हूँ कि इस बाढ़ से होने वाली तबाही को कब तक रोका जा सकेगा, कब तक इस बीमारी का इलाज हो पायेगा यह भी मंत्री महोदय बतलायें ?

अध्यक्ष महोदय : इतने सवाल एक साथ अगर माननीय सदस्य करते चले जायेंगे तो मंत्री महोदय कैसे सब का जवाब दे पायेंगे ? अगर वे एक सवाल पूछते तो मंत्री महोदय जवाब भी दे सकते थे ।

माननीय सदस्य जानना चाहते हैं कि यह काम कब तक पूरा हो जायेगा ?

श्री शिव नारायण : अध्यक्ष महोदय, मैं एक बात निवेदन करना चाहता हूँ . . .

अध्यक्ष महोदय : जी नहीं ।

Dr. K. L. Rao : The Ghaggar flood control work, depending on the finance available, may be completed effectively in two to three years.

Mr. Speaker : Next question. Shri Bhagwat Jha Azad.

श्री रामेश्वरानन्द : अध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है । निवेदन यह है कि जब पिछली बार यमुना नदी में बाढ़ आने के कारण मेरे आस पास के इलाके में जो भारी तबाही आई थी उस के सम्बन्ध में मैंने एक प्रश्न यहाँ पर दिया था तो उस को यह कह कर हटा दिया गया कि यह राज्य सरकार से सम्बन्धित है लेकिन आज यह घग्घर नदी की बाढ़ का सवाल यहाँ इस सदन में लया गया है तो मैं मंत्री जी से नहीं बल्कि अध्यक्ष महोदय से इस बारे में व्यवस्था

चाहता हूं कि क्या यह घग्घर नदी की बाढ़ का सवाल भी किन्हीं राज्य सरकारों से सम्बन्धित नहीं है ? इस बारे में मुझे अध्यक्ष महोदय से उत्तर मिलना चाहिए ।

अध्यक्ष महोदय : अब मेरी याददाश्त इतनी अच्छी तो नहीं है जितनी कि स्वामी जी की है । मैं सम्बन्धित फाइलें मंगवा कर इस चीज को देखूंगा ।

Horticulture in Government Colonies

*211. { **Shrimati Subhadra Joshi:**
Shri Bhagwat Jha Azad:
Maharajkumar Vijaya Ananda

Will the Minister of Works and Housing be pleased to state:

(a) whether Government are aware that there is a great deterioration in the standards of maintenance of horticultural features in the Government colonies of Delhi maintained by the Directorate of Horticulture;

(b) whether a large number of complaints have been received from the residents;

(c) whether most of them remain unattended; and

(d) the action being taken to improve the situation?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) The standard of maintenance of horticultural features in Government colonies has not deteriorated. In fact, the work done in some areas has been commended by the Residents' Associations.

(b) Some complaints have been received from time to time but their number is not large.

(c) No. Complaints are attended to promptly.

(d) Efforts toward further improvement are constantly being made. For example, supply of unfiltered water is

being arranged for new colonies and efforts made to augment supplies during the summer season. Supervision of the work of *malis* of the Horticulture Directorate has been reviewed and improved. *Mallis* obtain the signatures from the representatives of the different Residents' Associations after doing their work. The staff of the Directorate have also invited the co-operation of the residents and extended to them assistance and advice, whenever needed.

Shrimati Subhadra Joshi: Is it a fact that the lawns provided for 'G' and 'F' type quarters are not provided with any *malis* while 'C' type quarters are provided with special *malis* to look after the lawns?

Shri Mehr Chand Khanna: I have not followed the question at all because there is so much noise in the House.

Mr. Speaker: I should not call it 'noise', but so many talks are going on on all sides that it is difficult to follow the proceedings. Will she kindly repeat her question?

Shrimati Subhadra Joshi: Is it a fact that there are no *malis* provided to look after the lawns for 'G' and 'F' types quarters while special *malis* are provided to look after the lawns for 'C' type quarters?

Shri Mehr Chand Khanna: This is a specific question relating to a specific area. If the hon. Member will either write to me or give notice of a question, I will certainly look into it.

श्री विभूति मिश्र : नोर्थ एवैन्यू और साउथ एवैन्यू में जहाँ कि एम०पीज० प्लैट्स बने हुए हैं और उन के आगे लांस हैं, क्या मंत्री महोदय ने उन का कभी इन्स्पेक्शन किया है, यदि हाँ, तो उन लांस में कैसी व्यवस्था पाई है ?

श्री मेहरचन्द खन्ना : मीजूदा सवाल तो गवर्नमेंट सर्वेंट्स की कौलों नीज के हौर्टीकल्चर के बारे में है लेकिन अगर माननीय सदस्य मूझ नार्थ एवैन्यू और साउथ एवैन्यू में आने का निमंत्रण देंगे तो मैं बखशी देखने को आ जाऊंगा।

श्री हुक्म चन्द कछवाय : मैं जानना चाहता हूँ कि दिल्ली में कितने उद्यान हैं और कितने सरकार और बनाने वाली है और जितने उद्यान मीजूद हैं उन में अभी माली कहाँ, कहाँ नहीं है?

श्री मेहरचन्द खन्ना : जहाँ तक अनफिल्टर्ड वाटर की सप्लाई का सवाल है, वह कम है और गरमियों में वह और भी अधिक कम हो जाया करता है। जिस लिहाज से दिल्ली लगातार बढ़ती चली जा रही है उस लिहाज से अनफिल्टर्ड वाटर की सप्लाई नहीं बढ़ पाई है। बहरहाल मैं इस बात के लिए कोशिश कर रहा हूँ कि अनफिल्टर्ड वाटर की सप्लाई की जो कमी है उसे पूरा किया जा सके।

Shri Vasudevan Nair: May I know whether the Government is aware that the nursery at Sunder Nagar is running at a great loss?

Shri Mehr Chand Khanna: I am only talking of the colonies of Government servants. Sunder Nagar Nursery would be the concern of the NDMC or the DMC.

श्री यशपाल सिंह : क्या सरकार ने इस बात पर गौर किया है कि उस ने इस सदन में हजारों दफे विकेन्द्रीकरण का दावा किया है और हालत यह हो रही है कि सरकार के लगाये हुए बाग भी सूखते जा रहे हैं तो यह काम स्वयं वहाँ के सम्बन्धित नागरिकों पर क्यों न छोड़ दिया जाय जैसे कि सुन्दर नगर और नई दिल्ली के जो नागरिक हैं वह खुद ही अपने वहाँ के बागों का काम करें?

श्री मेहरचन्द खन्ना : सरकारी कौलोनीज में जो एम० पीज० के प्लॉट्स हैं अगर उन की यह खाहिश है कि वहाँ के रहने वाले स्वयं बाग का काम करें तो मुझे उसमें कोई इंकार नहीं है।

Shri S. M. Banerjee: I would like to know whether it is a fact that the present arrangements of horticulture in MPs' quarters in North and South Avenues . . .

Mr. Speaker: This question is regarding Government servants' colonies.

Shri S. M. Banerjee: This is about horticulture arrangements.

Mr. Speaker: Yes, but for Government servants' colonies.

Shri S. M. Banerjee: We are all public servants.

Mr. Speaker: Public servants, not Government servants.

श्री ओंकार लाल बेरवा : रामकृष्णपुरम् और दूसरी जगहों में, जहाँ सरकारी कर्मचारी रहते हैं, लान खाली पड़े हुए हैं और उन में दूब न होने की वजह से धूल भरी रहती है। इसके अतिरिक्त बच्चों के खेलने के लिए जो झूले आदि थे, वे भी टूटे हुए पड़े हैं। क्या उन को ठीक रखने की जिम्मेदारी केन्द्रीय सरकार की नहीं है; यदि है, तो उन को दुरुस्त करने के लिए सरकार क्या कदम उठा रही है?

श्री मेहरचन्द खन्ना : रामकृष्णपुरम् हमारी एक नई कालोनी है, जो कि बरस, दो बरस से हम बना रहे हैं। जरूरी बात है कि वहाँ पर कुछ त्रुटियाँ होंगी। मैं कोशिश करूंगा कि जितनी जल्दी हो सके, उन त्रुटियों को दूर कर दिया जाये।

श्री ओंकार लाल बेरवा : क्या लान्ज में दूब लगाने की कोई योजना है?

अध्यक्ष महोदय : वह कहते हैं कि वह जा कर देखेंगे।

WRITTEN ANSWERS TO QUESTIONS

Loss due to Floods

- *212. { Shri Vishram Prasad:
Shri Bagri:
Shri M. L. Dwivedi:
Shrimati Savitri Nigam:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Prakash Vir Shastri:
Shri Jagdev Singh
Siddhanti:
Shri Bibhuti Mishra:
Shri K. N. Tiwary:
Shri Daljit Singh:
Shri Kolla Venkaiah:
Shri Kajrolkar:
Shri S. N. Chaturvedi:
Shri Karni Singhji:
Shri H. V. Koujalgi:
Shri P. C. Borooah:
Shri P. R. Chakraverti:
Shri P. Venkatasubbaiah:
Shri Ravindra Varma:
Shri Yashpal Singh:
Shri Sidheshwar Prasad:
Shri D. D. Mantri:
Shri Hukam Chand
Kachhavaia:
Shri Rameshwaranand:
Shri Brij Raj Singh:
Shri Bade:

Will the Minister of Irrigation and Power be pleased to state:

(a) the total estimate of the damage caused to life and property by the floods during 1964, State-wise;

(b) the assistance given by the Central Government to different State Governments to meet the damage caused by the floods; and

(c) whether a comprehensive plan for controlling the floods is being considered?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) A statement giving the information available so far is placed on the Table of the House. [Placed in Library. See No. LT-3467/64].

(b) During the current year, the Central Government has sanctioned Rs. 17.61 lakhs for emergency relief in Delhi and Rs. 10,000 towards expenditure incurred by the Manipur Administration on relief.

(c) The States are formulating comprehensive plans for flood control and drainage for the river and drainage system within their jurisdiction. Pending preparations of these plans work on urgent schemes is being taken up by the States.

M/s Louis Dreyfus & Co. Ltd.,
Calcutta

*213. Maharajkumar Vijaya Ananda:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 381 on the 24th September, 1964 and state:

(a) whether the Calcutta Custom House and the Enforcement Directorate have since completed scrutiny of documents seized by them from M/s Louis Dreyfus & Company, Ltd., Calcutta;

(b) if so, the conclusions drawn therefrom and the action taken in the matter; and

(c) if not, the reasons for the delay?

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): (a) and (b). On the basis of the investigations so far carried out by the Customs authorities, two show cause notices have been issued to the Company. Further investigations are in progress.

(c) The investigation is taking time as it entails scrutiny of a large number of documents totalling over 3,500 in number and follow up of the clues obtained.

Subsidies to State Electricity Boards

*214. Shri Oza: Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government contemplate granting subsidies to the State Electricity Boards for covering losses

in connecting rural areas with electricity; and

(b) if so, the nature of the proposal?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) & (b). No, Sir. However, a proposal is under consideration for subsidising power supply rates for agricultural purposes in Eastern Uttar Pradesh and North Bihar where the rates are rather high. A decision about the quantum of subsidy will be taken after specific proposals are received.

Sales Tax on Transfer of Property

- *215. {
 Shri Wadiwa:
 Shri Surya Prasad:
 Shri J. P. Yyotishi:
 Shri R. S. Tiwary:
 Shri Hukam Chand
 Kachhavalya:
 Shrimati Jamunadevi:
 Shri Uikey:
 Shri Bade:
 Shri Chandak:
 Shri Vidya Charan Shukla:

Will the Minister of Finance be pleased to state:

(a) whether his attention has been drawn to the recent Supreme Court Judgment according to which it is now no longer possible to recover sales tax on transfer of property in goods made in the course of execution of works contracts and on goods the trading of which is regulated by Statute under which the buyer cannot choose seller and vice versa; and

(b) if so, the measures contemplated to remove these difficulties?

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): (a) and (b). The question relates to two different judgments. In its judgment delivered in April, 1958 in the case of State of Madras Vs. Gannon Dunkerley & Co. (Madras) Ltd., the Supreme Court held that levy of sales tax by States on materials transferred in the execution of

invisible works and contracts was *ultra vires*. In November, 1962, the Supreme Court in the case of New India Sugar Mills Ltd., Vs. the Commercial Tax Officer, Bihar struck down the levy of sales tax by the Bihar Government on despatches of sugar pursuant to the directions of the Sugar Controller. Soon after the first judgment, the State Governments were advised to modify their sales tax laws so that tax could be collected when materials used in works contracts are sold to or purchased by the contractors. The implications and consequences of the second judgment are presently under examination.

Monopolies Commission

- *216. {
 Shri A. K. Gopalan:
 Shri Nambiar:
 Dr. Saradish Roy:

Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 271 on the 10th September, 1964 and state the probable date for submission of the report by the Monopolies Commission to Government?

The Minister of Planning (Shri B. R. Bhagat): The Monopolies Commission is expected to submit its report to Government by October 31, 1965.

Scissors in Girl's Stomach

- *217. {
 Shri P. C. Borooah:
 Shri P. R. Chakraverti:
 Shri Oza:
 Shri Yashpal Singh:
 Shri Hukam Chand
 Kachhavalya:
 Shri Prakash Vir Shastri:

Will the Minister of Health be pleased to state:

(a) whether Government's attention has been drawn to the news item in the Times of India dated the 28th October, 1964, reporting the circumstances of a case relating to the opera-

tion of a 16 year old girl for Appendicitis in June, 1964, in a Government hospital in Delhi in which a pair of scissors had been negligently left in her stomach, which was extracted from her body through another operation later.

(b) if so, whether Government has conducted an inquiry into the case; and

(c) if so, the result thereof and who has been found responsible for the negligence?

The Minister of Health (Dr. Sushila Nayar): (a) Yes, Sir.

(b) An enquiry into the matter has been held by the Medical Superintendent of the Irwin Hospital and the Superintendent of Anti Corruption Police, Delhi.

(c) A statement is laid on the Table of the House.

STATEMENT

The facts of the case are that one Km. Mridula Aggarwal was operated for appendicitis in the Irwin Hospital on 14th June, 1964, and was discharged on the 21st of June, 1964, after recovery from the operation. On July, 14 and again on August 5, 1964, she was X-rayed for some complaints of pain in the abdomen. The X-rays recovery from the operation. On any foreign body in the abdomen. This goes to show that at the time of her leaving the hospital after her operation, she was free of an foreign matter in her abdomen and that the later evidence of Scissors in the stomach was a subsequent happening.

On 18th August, 1964, she was again admitted to the hospital. During her stay, it was seen that she passed a safety pin in her stools which was an indication of the patient being neurotic. She was advised not to behave in that manner and she left the hospital next day of her own accord. She was again X-rayed in the Willingdon Hospital on the 17th September and again on 21st October, 1964. On the first occasion no scissors were seen with X-ray picture. On the

second occasion when a plyogram was taken, one pair of scissors was seen in front view of the abdomen. She was operated in the Jessaram Hospital on the 24th October, 1964, in the presence of a medical officer of the Ministry of Health, and a pair of scissors was found in the cavity of the stomach. Scissors can only reach the stomach by swallowing. The evidence of these facts had been recorded. It is considered that she is a neurotic girl and in a fit of hysteria had swallowed the scissors in pieces. It is also borne out from the press report of 28th October, 1964, that a small buckle was found in her excreta.

Committee on Flood Control

*218 { Shri Rameshwar Tantia;
Shrimati Renuka Barkataki;
Shri P. Venkatasubbalah:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Ministers Committee on Flood Control has submitted an interim report to Government;

(b) if so, the main recommendations of the Committee;

(c) how far Government have accepted their suggestions; and

(d) the action being taken to implement those suggestions?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Not yet, Sir. A communication was sent by Convener of the Committee to Member, Natural Resources of the Planning Commission that an outlay of Rs. 300 crores will be required for flood control works in Fourth Plan.

(b) to (d). Do not arise.

Prices of Essential Commodities other than Foodgrains

*219. { Shri P. C. Borooah;
Shri Prakash Vir
Shastri:

Shri Jagdev Singh
Siddhanti:
Shri S. M. Banerjee:
Shri Daji:
Shrimati Renuka Ray:
Shri H. C. Soy:
Shri S. N. Chaturvedi:
Shri Vishwanath Pandey:
Shri Sidheshwar Prasad:
Shri Jashvant Mehta:
Shri Y. S. Chaudhary:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 91 on the 10th September, 1964 and state:

(a) the extent to which the prices of essential commodities other than foodgrains had continued to rise during the past two months; and

(b) the steps taken and proposed to be taken to arrest the rise in prices?

The Minister of Planning (Shri B. R. Bhagat): (a) and (b). A statement giving this information is laid on the Table of the House. [Placed in the Library. See No. LT-3465/64].

Avoidance of Double Taxation of Income

*220 { Shri P. R. Chakraverti:
Shrimati Savitri Nigam:
Shri Bhagwat Jha Azad:

Will the Minister of Finance be pleased to state:

(a) whether a Tax delegation from India has returned after negotiating with the Governments of United Arab Republic and France for agreements for the avoidance of double taxation of income;

(b) the terms of agreement drawn up in Cairo in the form of a draft;

(c) whether this is based on the principles allowed in the case of India's agreements with other countries; and

(d) whether the discussions held in Paris have resulted in the settlement of outstanding points?

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): (a) Yes, Sir.

(b) The proposed agreement is at the stage of draft and is still to be ratified.

(c) The draft of the proposed Agreement follows the principles in similar agreements concluded by India with other countries, subject to modifications found appropriate in the light of the conditions prevailing in the United Arab Republic and India.

(d) The discussions in Paris resulted in the settlement of all the points which were outstanding previously.

State Bank

*221. { Shri Harish Chandra
Mathur:
Shri Bibhuti Mishra:
Shri K. N. Tiwary:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 511 on the 1st October, 1964 and state:

(a) whether any social objectives have been spelled for the guidance of the State Bank and the steps taken to give effect to these;

(b) what can rural India and small industries expect from the Bank; and

(c) whether any programme has been drawn up or is proposed to be drawn up to train and orient field staff to discharge their functions more effectively?

The Minister of Planning (Shri B. R. Bhagat): (a) and (b). Yes. The State Bank and its subsidiaries are expected to provide banking facilities in areas in which commercial banks have not been established so far, to offer free or easy remittance facilities to members of the general public, to manage currency chests and small coin depots and to conduct Government treasury business, at places

at which there are no offices of the Reserve Bank. They are also expected to assist small scale industries and cooperative societies.

(c) The State Bank has made arrangements for training its officers and staff at various establishments, including the Staff College at Hyderabad.

'C' Power Station, Delhi

- *222. { Shri Vishram Prasad:
Shri P. C. Borooah:
Shri P. R. Chakraverti:
Shri D. C. Sharma:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether Delhi's 'C' Power Station in Indraprastha Estate was shut down on the 8th November, 1964 for repairs;

(b) if so, the nature of defects that had arisen therein;

(c) whether it has since been put in perfect order and if so, the cost thereof; and

(d) how far it has affected the production by the industries in the Capital?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) The Station was closed down on the morning of 7th November, 1964, for check up and overhaul.

(b) Vibrations beyond the permissible limits were noticed in the turbo-generator of the plant.

(c) The machine is being reassembled and the Japanese experts feel that there should be no further vibrations. The cost is borne by the suppliers of the equipment.

(d) By closing down of the machine, no consumer has been affected.

Seizure of Unaccounted Money

- { Shri P. C. Borooah:
Shri Bibhuti Mishra:
Shri K. N. Tiwary:
Shri Vishram Prasad:
Shri Bagri:
Shri Prakash Vir Shastri:
Shri Jagdev Singh Sidhanti:
Shri Harish Chandra Mathur:
*223. { Shrimati Ramdulhari Sinha:
Shri D. C. Sharma:
Dr. Ranem Sen:
Dr. Saradish Roy:
Shri Dinen Bhattacharya:
Shri Sham Lal Saraf:
Shri Surendra Pal Singh:
Shri Hem Barua:
Shri P. G. Sen:
Shri Ram Sewak:
Shri Hem Raj:
Shri Jashvant Mehta:

Will the Minister of Finance be pleased to state:

(a) how much of unaccounted money has so far been seized by the Enforcement Directorate in their raids of film-artists' houses and lockers; and (2) houses and establishments of business magnates in the different States separately;

(b) the penal action taken against the persons/firms concerned;

(c) further steps envisaged to discover the unaccounted money; and

(d) the latest estimates about the extent of unaccounted money in India made in the light of the discoveries made so far?

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): (a) Foreign currency of different denominations including 393 gold sovereigns and travellers' cheques valued at £ 1,895 and Indian currency amounting to Rs. 33,13,000 have been seized by the Enforcement Directorate so far in their raids of film-artists' houses and lockers;

(2) In the houses and establishments of business magnates in the

State of Maharashtra, the amount of money seized by the Enforcement Directorate is Rs. 5,46,550 in Indian currency besides diamonds worth Rs. 3 lakhs, some obsolete foreign currency, gold coins approximately of the value of Rs. 9,000 and sterling currency of £ 1,810. In Madras State, Rs. 2,88,450 in Indian currency was seized by that Directorate in such houses and establishments.

(b) Cases have been registered against all these persons and appropriate action is being taken against them under the relevant Acts.

(c) Besides tightening up the provisions of the Direct Taxes Acts for countering tax evasion, certain other administrative measures have been announced recently by the Government. One of these is to make it more attractive for informers to give information about hidden wealth by offering them rewards ranging from 7½ per cent to 10 per cent of the additional tax realised which may be attributable to the information supplied by them. The other is to encourage purely voluntary disclosures by persons who have concealed their income by showing due consideration in regard to levy of penalties, depending on the extent of co-operation given by them in the enquiries made during the assessment.

The question is constantly under review and steps are being taken from time to time, but, to be effective, they cannot be announced in advance.

(d) It is not possible to hazard a guess about the extent of unaccounted money.

Power Tariff Committee

{ Shri P. R. Chakraverti:
Shri P. C. Borooah:
Dr. Ranen Sen:
Shri Dinen Bhattacharya:
Dr. Saradish Roy:
Shri Ram Sewak:
Shri P. G. Sen:

*224. { Shri Bibhuti Mishra:

{ Shri K. N. Tiwary:
Shri M. L. Dwivedy:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shrimati Savitri Nigam:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that all the State Electricity Boards excepting those in Punjab, Rajasthan, Mysore and Madras are running at a substantial loss;

(b) what are the recommendations of the Power Tariff Committee with regard to the fixation of electricity rates to enable the Boards to attain self-sufficiency and to finance their expansion schemes; and

(() how far the Central Government have persuaded the States to work for a suitable return on investment on power projects?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) to (c). A statement containing the requisite information is laid on the Table of the House. [Placed in Library. See No. LT-3469/64].

Quarters for Income-tax Officials at Calicut

496A. { Shri A. V. Raghavan:
Shri Pottekatt:

Will the Minister of Finance be pleased to state:

(a) whether it has been decided to construct quarters for income-tax officials at Calicut in Kerala; and

(b) if so, when the work will commence?

The Minister of Finance (Shri T. T. Krishnamachari): (a) In view of the present need for economy in expenditure, it has been decided to postpone for the present the construction of quarters for income-tax officials at Calicut in Kerala.

(b) Does not arise.

Drug Testing Laboratory

497. { **Shri Pottekkatt:**
 { **Shri A. V. Raghavan:**

Will the Minister of **Health** be pleased to state:

(a) whether there is any proposal to establish a drug testing laboratory in Kerala to analyse the samples of drugs drawn by drug inspectors;

(b) where the samples are tested now;

(c) the number of samples tested during the last five years;

(d) the number of prosecutions launched during this period; and

(e) the number of persons convicted and for what period?

The Minister of Health (Dr. Sushila Nayar): (a) Yes.

(b) At present samples from Keraia are tested at the Central Drugs Laboratory, Calcutta.

(c) 238 from 1959-60 to 1963-64.

(d) 22.

(e) 16 persons were convicted. Information about the periods for which they were convicted has been called for from the State Government and will be laid on the Table of the Sabha when received.

**Revenue Collected from Central
Excise in Orissa**

498. **Shri Ramachandra Mallick:** Will the Minister of **Finance** be pleased to state the amount of revenue received from Central Excise from the state of Orissa during 1962 and 1963?

The Minister of Finance (Shri T. T. Krishnamachari): The requisite in-

formation is given below:

ORISSA STATE

		Amount realised (Rs.000)	
		YEAR	
		(1962)	(1963)
Gross	.	7,48,46	14,05,73
Refund	.	9,60	18,75
Net	.	7,38,86	13,86,98

Raids on Hotels Kitchens

499. **Shri Surendra Pal Singh:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that some time towards the end of September, officials of the New Delhi Municipal Committee carried out surprise raids on the kitchens of some of the most fashionable hotels and restaurants of the Capital, and found a large majority of them in shockingly filthy conditions; and

(b) if so, names of the hotels and restaurants raided and the action taken against them?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). Surprise checks on the eating establishments situated in their jurisdiction are made by the Health Department of the New Delhi Municipal Committee regularly as a part of their normal duties. Presumably the reference in this question is to the surprise raid on certain hotels and restaurants which was made on 22nd September, 1964 when the local Press Correspondents were also associated in the inspection carried out by the N.D.M.C. staff. On that date, the following restaurants were inspected:

1. Tea House.
2. Gaylord.
3. Standard.
4. Mikado.
5. Madras Hotel.
6. Lakshmi.
7. New Nanking.

Certain defects as noted against each were noticed in the four restaurants named below:

1. *Gaylord Restaurant; Regal Building;*

Running the above restaurant with the back fly-proof door of the kitchen wide open which admitted flies into the premises which were on the articles of food on the process table.

2. *Mikado Restaurant, Block 90, Connaught Circus;*

Running his restaurant in a very dirty condition. 2. Food stuff was exposed to dust and flies. 3. The floor of the kitchen was also in dirty condition.

3. *Lakshmi Restaurant;*

Running his restaurant in a very dirty condition. 2. Food stuff was exposed to dust and flies. 3. Kitchen and dining hall was not fly-proof.

4. *Madras Hotel;*

The fly-proof doors of the kitchen were found lying open and flies were finding access to the articles of food kept uncovered on the processing table. No dust-bin was kept in the kitchen and kitchen waste was seen lying on the floor. General Sanitation of the kitchen was very poor.

These restaurants have been prosecuted under the Prevention of Food Adulteration Act for the above noted defects. The cases are at present pending in the court. Moreover, penalties of Rs. 20 each were realised at the site from the undermentioned 3 establishments under the provisions of the Punjab Municipal Act for not keeping their kitchen waste in proper receptacles:—

Lakshmi Restaurant.

Madras Hotel.

Mikado Restaurant.

Loans from Provident Fund for Constructing Houses

500. **Shri Rameshwar Tantia:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Union Government propose to make the grants of loans from the Provident Fund for the purposes of construction of houses rigid;

(b) if so, the reasons therefor;

(c) the main features of the proposal; and

(d) when it is likely to take effect?

The Minister of Finance (Shri T. T. Krishnamachari): (a) There is no provision in the existing Provident Fund rules for the grant of loans for the purposes of construction of houses. But subscribers are allowed final withdrawals for this purpose subject to certain conditions being fulfilled.

(b) to (d). Do not arise.

Emergency Casualty Service

501. { **Shri Surendra Pal Singh:**
Shri D. B. Raju:

Will the Minister of Health be pleased to state:

(a) whether towards the end of September last the Union Health Ministry convened a conference of State Health Secretaries in Delhi to consider a proposal to set up an emergency casualty service for all big cities in India; and

(b) if so, the outcome of that conference?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). As the result of a resolution adopted by the Central Council of Health at its 11th meeting the examination of the question of setting up of emergency services in all major cities and towns was entrusted to a Committee of Health Secretaries. Following this a meeting was held in September last and a report was drawn, which also came up for discussion at the 12th meeting of the Central Council of

Health in October last. The Committee recommended suitable arrangements at Casualty Departments of major hospitals for the reception of the very seriously ill and accident cases in order to ensure speedy medical attention on reception and admission. The Unit should have basic facilities for resuscitation and treatment and the staff of the unit should be organised and strengthened for duty all the 24 hours. The Committee also recommended arrangements to meet the needs of emergency services for adequate blood facilities; diagnostic facilities, including laboratory, X-ray services, etc. They recommended a pooling and reorganisation of ambulances and a Centrally Co-ordinated System in the large cities. The Central Council of Health commended the suggestions for the consideration and implementation by the State Governments, and asked them for information on the action taken or proposed to be taken.

Terms of Bhakra Loan

502. { Shri Surendra Pal Singh:
Shri Hem Raj:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Punjab Government have once again asked the Central Government to revise the Bhakra Loan terms in order to reduce the burden of betterment levy on the beneficiaries of the project; and

(b) if so, the precise concessions asked by the Punjab Government in this regard, and Centre's reaction to the same?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Yes.

(b) The following concessions have been asked for:—

(i) to waive interest charges during the period of construction of the project;

(ii) to scale down the rates of interest during the early period of development of irrigation; and

(iii) to grant a subsidy to cover the unproductive portion of the loans.

The terms of loans being given to the Government of Punjab are in line with the terms of loans for similar projects in the entire country and any liberalisation of these terms for one particular project is not possible.

Expenditure on Basic Amenities in Rural Areas

503. { Shri Yashpal Singh:
Shri Naval Prabhakar:

Will the Minister of Planning be pleased to state:

(a) whether the Chief Ministers of various States were addressed by the Deputy Chairman, Planning Commission on the subject of increasing the foodgrains and agricultural raw materials with a view to meet the increase in expenditure on basic amenities in the rural areas;

(b) if so, the nature of the suggestions made; and

(c) the reaction of the State Governments thereto?

The Minister of Planning (Shri B. R. Bhagat): (a) Yes, Sir.

(b) It has been suggested that local planning should be so organised that, in the implementation of the programmes not only surplus labour power in the countryside is mobilised in a big way, but also a substantial part of the growth in the rural economy through increased agro-industrial production is canalised for their financing.

(c) So far, replies have been received from the Chief Ministers of Andhra Pradesh, Madhya Pradesh, Gujarat and Punjab only.

**Damage to bridge on the
Krishna River**

504. { Shri Yashpal Sinh:
Shri Bibhuti Mishra:
Shri K. N. Tiwary:
Shri A. V. Raghvan:
Shri Pottekkatt:
Shri Kappen:
Shri Eswara Reddy:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether he had suggested to the Government of Andhra Pradesh to appoint a technical Committee to investigate into the causes of the collapse of the Vijayapuri bridge on the Krishna River near the Nagarjunasagar dam; and

(b) if so, the reaction of the State Government thereto?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Yes.

(b) The State Government has appointed a Committee under the Chairmanship of Shri A. R. Venkataraman, Member, Central Water and Power Commission. A copy of the resolution of Andhra Pradesh Government setting up the Committee is laid in the Table of the House. [Placed in Library. See No. LT-3470/64]. It is understood the Committee has asked for extension of time till 31-12-64.

Floods and Erosion in Assam

505. **Shri P. C. Borooah:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that some Members of Parliament from Assam represented to him and to the Union Ministers of Finance and Planning urging that the problem of floods and erosions in Assam be treated as a national problem;

(b) if so, what were their precise demands; and

(c) the Government's decision thereon?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) A Memorandum presented by some Members of Parliament from Assam to the Finance Minister has been referred to my Ministry.

(b) The suggestions made by Members of Parliament in their representation are as follows:—

- (1) The problem of floods and erosions in Assam should be immediately taken up as the full responsibility of the Government of India;
 - (2) Vigorous steps should be taken without any loss of time, on the lines recommended by the High Level Committee on Floods in its Report of 1958.
 - (3) Special provision should be made for the purpose for the remaining period of the Third Five Year Plan, and adequate provision should be made in the Fourth Five Year Plan.
 - (4) A high power unit of the Central Water and Power Commission specialised in flood problems should be immediately established in Assam.
 - (5) The services of international expert on river flood and erosion should be obtained to study the problem and to offer advice and assistance as may be found expedient.
 - (6) A Master Plan for tackling the problem of floods and erosion in Assam should be formulated and action taken thereunder on priority and phased programme.
- (c) The various suggestions are under active consideration. A study Group has been constituted to go into the problem of erosion by River Brahmaputra. Action to obtain the services of a Foreign Expert to advice on the problem has been initiated. Proposal for building up an adequate Organisation for taking up investigation and other work in Assam is under active

consideration. Besides financial assistance, all possible technical advice is being given to the Assam Government in dealing with the problem of floods and erosion.

Development Credit for Roads and Bridges

506. **Shri P. C. Borooah:** Will the Minister of Finance be pleased to state:

(a) whether International Development Association has recently granted a development credit of Rs. 28.57 crores for roads and bridges development schemes;

(b) if so, on what terms; and

(c) the details of the schemes to be covered thereby?

The Minister of Finance (Shri T. T. Krishnamachari): (a) No, Sir; however, a Credit of Rs. 28.57 crores (60 million dollars) for the National Highways Project was granted by the IDA on 21st June, 1961.

(b) The 1961 Credit is repayable in semi-annual instalments commencing on August 15, 1971 and ending on February 15, 2011. No interest is payable on this Credit. A service charge of $\frac{3}{4}$ % per annum on the amounts drawn and outstanding from time to time is payable to IDA for its administrative expenses. Other details are contained in the IDA Credit Agreement No. 3-IN, dated June 21, 1961, copies of which were placed in the Parliament Library.

(c) The Project for which this Credit is meant comprises:

A—Construction and reconstruction of about 660 miles (1050 kilometers) of National Highways and the Bombay Eastern Expressway, including 19 major bridges.

B—A technical and economic study of the traffic problems of the City of Bombay with special reference to the expressways already under

construction and the contemplated future expressways and highways in the area.

Repayment of Bonn Credit in Rupees

507. { **Shri Bibhuti Mishra:**
Shri K. N. Tiwary:
Shri P. C. Borooah:
Shri Ram Sewak Yadav:
Shri R. Barua:
Shri D. D. Mantri:

Will the Minister of Finance be pleased to state:

(a) whether negotiations had been going on with the Federal Republic of Germany on the question of allowing repayment of part of Bonn credits in rupees; and

(b) if so, the result of the negotiations?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b). While there has been some exchange of views regarding payment in rupees of a part of the interest charges on the loans from the Federal Republic of Germany, the matter is still in a preliminary stage.

योजना आयोग द्वारा निकाले गये प्रकाशन

508 { **श्री विश्राम प्रसाद :**
श्री बागड़ी:

क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) योजना आयोग के अधीन विभिन्न कार्यकारी दलों और कार्यक्रम तथा मूल्यांकन संगठन द्वारा वर्ष 1964 में कितने प्रकाशन निकाले गये ;

(ख) उन में से कितने हिन्दी में प्रकाशित किये गये ; और

(ग) शेष प्रकाशनों को हिन्दी में निकालने की क्या व्यवस्था की जा रही है ?

योजना मंत्री (श्री. ब० रा० भगत) :

(क) 17

(ख) और (ग) इन में से एक रिपोर्ट को हिन्दी में अनुवाद कराने की व्यवस्था की जा रही है। योजना आयोग जन-सामान्य के उपयोग के अधिक से अधिक प्रकाशन हिन्दी में निकालने का प्रयत्न कर रहा है। परन्तु इन प्रकाशनों में से जो मुख्यतया परियोजना अधिकारियों के प्रयोग के लिए परियोजनाओं और कार्यक्रमों के तकनीकी अध्ययन हैं, उन्हें इनमें शामिल नहीं किया जायेगा।

हिन्दी में भारत के बजट के मुद्रण

509. { श्री विश्राम प्रसाद :
श्री बागड़ी :

क्या निर्माण और आवास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार के मुद्रणालय इस स्थिति में हैं कि वे भारत के गजट के भाग 1 के अतिरिक्त अन्य भागों को भी अंग्रेजी के साथ हिन्दी में छाप सकें, ; और

(ख) यदि नहीं, तो इस के लिए आवश्यक व्यवस्था कब तक करने की संभावना है ?

निर्माण और आवास मंत्री (श्री मेहर चन्द खन्ना) : (क) जी हाँ, निम्नांकित सीमा तक :—

(1) भाग 2 के सभी खंड।

(2) भाग 3 के चुने हुए अंश, जैसे केन्द्रीय लोक सेवा आयोग तथा हिन्दी-भाषी संघीय क्षेत्रों के मुख्य-आयुक्तों के द्वारा जारी की गई अधिसूचनायें।

(3) भाग 4 के चुने हुए अंश जैसे— गैर-सरकारी व्यक्तियों और गैर-सरकारी निकायों के विज्ञापन तथा सूचनायें।

(ख) दो प्रमुख आवश्यकतायें हैं :—

(1) और अधिक स्टाफ।

(2) हिन्दी सामग्री की उपलब्धता।

इन दोनों विषयों की जांच हो रही है।

Money Recovered from Contractors

510. { श्री विश्राम प्रसाद :
श्री बागड़ी :

Will the Minister of Works and Housing be pleased to state:

(a) whether over Rs. 2 lakhs have been recovered from the contractors during the quarter ending September, 1964 because of technical defects and irregularities in the works executed by them, on the findings of the Chief Technical Examiner's Organisation of the Ministry;

(b) if so, how many works were examined out of the total works executed; and

(c) the amount recovered so far from the contractors since 1957 in this connection?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) Yes.

(b) 132 works were inspected during the period, but the recovery of over Rs. 2 lakhs relates to inspections carried out earlier. The C.T.E. examines about 10 per cent of C.P.W.D. works during execution and after.

(c) A total amount of about Rs. 19 lakhs was recovered from 1957 to the end of October, 1964.

Reorganisation of D.V.C.

511. { श्री बागड़ी :
श्री विश्राम प्रसाद :

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 255 on the 17th September, 1964 and state:

(a) whether the question of re-organisation of the functions and powers of the Damodar Valley Corporation has been considered by the Central Government in consultation with the Bihar and West Bengal Governments; and

(b) if so, the decisions taken in this regard?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) and (b). The matter is still under discussion with the Governments of West Bengal and Bihar. No final decisions have yet been taken.

भवन निर्माण सामग्री का

मूल्य

512. श्री नवल प्रभाकर : क्या निर्माण तथा आवास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में भवन निर्माण सामग्री के दाम काफी ज्यादा बढ़ गये हैं; और

(ख) यदि हां, तो इस मामले में क्या कार्यवाही करने का विचार है ?

निर्माण और आवास मंत्री (श्री मेहर चन्व लाला): (क) और (ख). दिल्ली में जहां तक ईंट, सीमेंट, रेत, लोहा, इस्पात (स्टील) का सम्बन्ध है, कोई अनुचित मूल्य-वृद्धि नहीं हुई है क्योंकि इनके मूल्य का नियंत्रण सरकार द्वारा होता है ।

जहां तक इमारती लकड़ी का सम्बन्ध है, उसके मूल्य और वितरण पर कोई कानूनी नियंत्रण नहीं है । कुछ सीमा तक इस सामग्री में मूल्य-वृद्धि हुई है ।

Education Allowance to Children of Government Employees

513. { **Shrimati Savitri Nigam:**
Shri M. L. Dwivedi:

Will the Minister of Finance be

pleased to state the maximum age of the children of Government servants upto which they are entitled to the reimbursement of education allowance?

The Minister of Finance (Shri T. T. Krishnamachari): The Children's Educational Allowance is admissible upto the end of the academic year in which a child attains the age of 18. Under the recent scheme relating to the reimbursement of tuition fees for education in Middle, High and Higher Secondary Schools no such age limit has been prescribed.

Gold Smuggling

514. { **Shri Daljit Singh:**
Shri Sham Lal Saraf:

Will the Minister of Finance be pleased to state:

(a) the smuggled gold seized by Government in the country from 1st June, 1964 to 10th October, 1964, State-wise, with their locations and the names of smugglers; and

(b) the steps taken against them so far?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b). A statement showing the quantity and value of the gold seized as smuggled, by the Customs, Land Customs and Central Excise authorities from 1st June, 1964 to 10th October, 1964, State-wise, the places where the seizures were made and the number of persons involved in the seizures is laid on the Table of the House. [Placed in Library. See No. LT-3471/64]. Out of this, a total quantity of about 9.8 Kgms. approximately valued at about Rs. 52,500 has been confiscated. Out of the 191 persons involved in these seizures, prosecution proceedings have either been launched or are under contemplation, as on 10th October, 1964, against 38 persons, out of which 5 have so far been convicted by courts. The names of the persons convicted are not immediately available. Per-

sonal penalties aggregating Rs. 5,835 have also been imposed on the persons involved in the cases adjudicated. The remaining cases are under different stages of investigation and adjudication including possible proceedings in Courts of Law. Pending completion of these, it would not be desirable to give the names of the persons involved.

Heavy and Medium Industries in Punjab

515. **Shri Daljit Singh:** Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 1646 on the 1st October, 1964 and state:

(a) whether any decision has since been taken for the allotment of more funds for setting up of heavy and medium industries in Punjab during the Third Plan period; and

(b) if so, the details thereof?

The Minister of Planning (Shri B. R. Bhagat): (a) and (b). Not yet, Sir. Additional funds will be required for certain projects which are under investigation. Appropriate decisions will however be taken only after these investigations are completed.

Aid from West Germany

516. **Shri D. D. Puri:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Industrial Credit and Investment Corporation of India has so far received DM 40 million from West Germany under the consortium arrangements to finance the Third Plan requirements of foreign exchange;

(b) whether it is also a fact that against this, the I.C.I.C.I. has so far loaned out only a little over DM 25 million; and

(c) the reasons for not utilising the balance available?

The Minister of Finance (Shri T. T. Krishnamachari): (a) to (c). The Industrial Credit and Investment

1591 (Ai) LSD—3.

Corporation of India has so far obtained from the Federal Republic of Germany four lines of credit totalling DR 40 million under the Consortium arrangements. Loan Agreements for the first two credits amounting to DM 25 million have been signed and the Corporation has already sanctioned sub-loans for this amount. The third and fourth credits amounting to DM 15 million were indicated recently for which the loan agreements have not yet been signed. However, the Corporation has already started sanctioning sub-loans against these two credits.

चेचक उन्मूलन

517. { श्री श्रीकार लाल बेरवा :
श्री गुलशन :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या यह सच है कि चेचक उन्मूलन कार्यक्रम स्थगित कर दिया गया है; और

(ख) अब तक चेचक विरोधक टीकों का कितनी मात्रा में आयात किया जा चुका है ?

स्वास्थ्य मंत्री (डा० सुशीला नारयण):

(क) जो नहीं ।

(ख) अब तक चेचक निरोधक वैक्सीन की 36 करोड़ 20 लाख मात्राएँ आयात की गई ।

गिल्ड रोग का सर्वेक्षण

518. { श्री श्रीकार लाल बेरवा :
श्री गुलशन :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या सरकार ने ग्रहिल भारतीय चिकित्सा अनुसंधान परिषद् के साथ मिलकर

भारत में गिल्लड़ रोग का बढ़े पैमाने पर सर्वेक्षण किया है;

(ख) यदि हां, तो कहाँ कहाँ पर सर्वेक्षण किया गया है; और

(ग) उसका क्या परिणाम निकला ?

स्वास्थ्य मंत्री (डा० सुशीला नायर) :

(क) जो नहीं ।

(ख) और (ग). ये प्रश्न नहीं उठते ।

Sub-Soil Water in South Delhi

519. { Shri Yashpal Singh:
Shri P. C. Borooah:

Will the Minister of Works and Housing be pleased to state:

(a) whether there has of late been an alarming rise in the level of sub-soil water in South Delhi;

(b) if so, how many Government buildings and monuments in the area have been affected thereby; and

(c) the steps being taken to prevent its rise and to check the damage to the buildings?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) There has been a slight rise in the level of sub-soil water in South Delhi.

(b) None.

(c) 303 tube wells, spread over the entire area of New Delhi have been sunk for pumping out sub-soil water and maintaining the water level at 10 feet below the ground.

Spurious Drug Factories

520. { Maharajkumar Vijaya Ananda:
Shri Vishram Prasad:
Shrimati Renuka Barkataki:
Shrimati Laxmi Bai:
Shri Ram Harkh Yadav:
Shri C. K. Bhattacharyya:

Will the Minister of Health be pleased to state:

(a) the extent to which the country-wide campaign by the Sadachar Samiti against the adulteration of food and food products and the manufacturers of spurious drugs has been successful;

(b) the number of premises searched; and

(c) the extent of deterrent punishment meted out to them?

The Minister of Health (Dr. Sushila Nayar): (a) The Sadachar Samiti has been instrumental in bringing to notice some cases of adulterated foodstuffs which have been followed up by concerned authorities. Recently the Sadachar Samiti in collaboration with the National Consumer Service of the Bharat Sevak Samaj organised an exhibition on food adulteration at New Delhi from 2nd to 5th October, 1964 which proved very successful. Government have no information regarding the country-wide campaign launched by the Sadachar Samiti against the manufacturers of spurious drugs.

(b) 11 premises were searched by the local authorities in Delhi in connection with food adulteration during the months of August, September and October, 1964.

(c) As a result of the searches mentioned above, so far two prosecutions have been launched but none of the cases have yet been decided.

Aid from Belgium

521. Maharajkumar Vijaya Ananda: Will the Minister of Finance be pleased to refer to the reply given to starred question No. 377 on the 24th September, 1964 and state:

(a) the reasons for delay in committing the amount pledged by the Belgium Government; and

(b) when the amount pledged would be committed?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Some of the delay is inherent in this being a sup-

pliers' credit. The pace of utilisation is also affected by the fact that the credit is not available for the import of commodities and has mostly to be used for large value orders for factory equipment and for ships.

(b) The credit is expected to be committed before the end of this financial year.

Middle Class Cost of Living Indices

522. **Maharajkumar Vijaya Ananda:** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 378 on the 24th September, 1964 and state:

(a) the time likely to be taken for the construction of middle class cost of living indices;

(b) whether a copy of the report would be laid on the Table; and

(c) the action Government propose to take in the light of the report?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The work on the construction of the Middle Class Cost of Living Indices is expected to be completed during 1965.

(b) It is not proposed to publish any report on these indices. Volume I of the Report of the Middle Class Family Survey 1958-59 has been published and copies are available in the library of Parliament.

(c) The question of any Government action on the basis of the index numbers will be considered after these are available.

अफीम का अवैध व्यापार

523. **श्री रामसेवक यादव :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या चालू वर्ष में पिछले साल के मुकाबले अफीम के अवैध व्यापार में कुछ वृद्धि हुई है;

(ख) कितनी अफीम का अवैध व्यापार हुआ और उसका मूल्य क्या है; और

(ग) यदि हाँ, तो सरकार ने इसे रोकने के लिए क्या कार्यवाही की है अथवा करने का विचार है ?

वित्तमंत्री (श्री ति० त० कृष्णमाचारी):

(क) इस वर्ष अब तक किये गये अभिग्रहणों की संख्या तथा पकड़ी गई मात्राओं पर विचार करते हुए उत्तर नकारात्मक है ।

(ख) मंत्रालय को अब तक की उपलब्ध सूचना के आधार पर चालू वर्ष में 30-9-64 तक, 3165.765 किलोग्राम अवैध अफीम, जिसका मूल्य लगभग 2,72,256 रु० है, पकड़ी गई है ।

(ग) सरकार यह अनुभव करती कि उनके द्वारा उठाये गये कदम पर्याप्त हैं ।

Fire Incidents in Government Buildings

524. **Shri Krishnapal Singh:** Will the Minister of Works and Housing be pleased to state:

(a) the steps Government propose to take to prevent fire incidents in view of several cases of fires in Government offices during the last few years and the losses suffered;

(b) whether Government Offices and equipment are insured against fire;

(c) whether any steps have been taken to improve the standard of wiring and electric installations; and

(d) the arrangements that exist for fighting fires promptly by the Office staff and whether they have been inspected at any time?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) to (d). The wiring and electric installations provided in Government buildings are of the approved standards. These are also checked periodically by the Central Public Works Department and suitable action taken where

necessary. The Central Public Works Department have also on hand a phased programme of replacement of old wiring in Secretariat buildings in New Delhi.

To fight fires immediately, fire fighting appliances have been or are being provided in office buildings.

Government buildings and equipment are not insured against fire.

L.I.C. Holdings sold to British India Corporation

525. Shri R. Ramanathan Chettiar: Will the Minister of Finance be pleased to state:

(a) whether the Life Insurance Corporation has sold its holdings in the British India Corporation, Kanpur recently;

(b) if so, to whom and also the amount involved; and

(c) the terms on which the sale has been made?

The Minister of Finance (Shri T. T. Krishnamachari): (a) No, Sir.

(b) and (c). Do not arise.

Loans by Scheduled Banks

526. Shri Oza: Will the Minister of Finance be pleased to state:

(a) whether Government are aware of the continuance of a very small percentage of advances to small scale industry and cooperative sector by the Scheduled Banks out of their total advances; and

(b) the steps, if any, Government propose to take to step up such investment by those Banks?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Advances by scheduled banks to small-scale industrial units and to cooperative societies at the end of 1963 amounted to Rs. 59.39 crores. Although these advances are not very considerable in relation to the total volume of lending by scheduled banks, they are not

on the whole inadequate, in relation to the resources or needs of these undertakings.

(b) A scheme for guaranteeing advances to small-scale industrial units by scheduled banks and other financial institutions upto a limit of Rs. 1 lakh in each case has been introduced from the 1st July, 1960, and loans granted to these units and guaranteed under the scheme can also be re-financed by the Industrial Development Bank. The State Bank of India and its subsidiaries are expected as a part of their development programmes to increase the scale of assistance to cooperative societies.

Thermal Power Station

**527. { Shri A. V. Raghavan:
Shri Pottekkatt:
Shri Ram Sewak:
Shri Ravindra Varma:
Shri P. Venkatasubbalah:**

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is proposed to instal a 100 M.W. thermal station at Cochin; and

(b) if so, when a final decision will be taken in the matter?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Yes.

(b) The Project report is awaited from the State.

Water Cess

**528. { Shri A. V. Raghavan:
Shri Pottekkatt:**

Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Government of Kerala have recently passed orders to levy water cess from the agriculturists of Chittur Taluk with retrospective effect from 1st November, 1957;

(b) whether under the Cochin Irrigation Act, 1935 cess could be collected only from agriculturists who have benefited from new irrigation works completed after the Act came into force;

(c) if so, whether the legality of the levy has been examined; and

(d) the steps taken to exempt the agriculturists who have been using the water from time immemorial?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Orders for the levy of water cess from the agriculturists of Chittur taluk with retrospective effect were issued by the Government of Kerala on 27-7-1963. The following rates of water cess for the Chittur Irrigation Schemes in the Palghat District were fixed for the period from 1-4-1956 to 19-11-1956 i.e., the period prior to the date on which the Travancore Cochin Irrigation Act came into force:

- (i) Single crop wet land—Rs. 5 per acre.
- (ii) Double crop wet land—Rs. 7.50 per acre.
- (iii) Dry crops—Rs. 10 per acre.

As regards fixation of water rates for the period from 20-11-1956 onwards, the procedure laid down in the T.C. Irrigation Rules 1958 was followed. Under Rule 5(a) of the said Rules the rates of water cess indicated above were fixed tentatively for the period from 20-11-1956 also. The date of irrigation facilities was fixed as 1-4-1956.

(b) In the former Cochin area, the water cess was charged along with the land revenue before the introduction of basic tax. Hence, water cess, as such, was not collected from the agriculturists.

(c) The legality of the levy was examined and the position is that during the period from 1-4-1956 to 19-11-1956, the Cochin Irrigation Act was in force in the Chittur taluk and, therefore, the water cess should be assessed as provided in that statute.

To make such assessment subsequently would be in order even though the Cochin Act has been repealed, since under Section 4(c) of the T.C. Interpretation and General Clauses Act, the repeal of an enactment should not affect any right accrued under that enactment and the right to levy cess had already accrued to Government on the date of repeal. For the period from 20-11-1956 onwards, irrigation cess should be levied and collected under the T.C. Irrigation Act VII of 1956. Any other method of levy would be illegal.

(d) According to T.C. Irrigation Act, the agriculturists who are benefited by any irrigation works executed either prior to or after the enforcement of the Act, are liable to pay the water cess and hence the question of exemption does not arise.

Hutti Gold Mines

529. { **Shri Umanath:**
Shri P. Kunhan:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Government have given up the idea of taking over the Hutti Gold Mines Co., Raichur (Mysore), from the Mysore Government; and

(b) if so, the reasons, therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) Taking into account the quantity of gold produced and the high cost of production of gold in these Mines as also the changed economic conditions consequent on the promulgation of Gold Control Rules, it was not considered necessary to acquire these Mines.

Investment in Private Sector in Third Plan

531. **Shri S. N. Chaturvedi:** Will the Minister of Planning be pleased to state:

(a) the investment in private sector so far in the current plan against the target of Rs. 4,100 crores; and

(b) the methods and means by which private investment in agriculture, small and cottage industries and social services is estimated?

The Minister of Planning (Shri B. R. Bhagat): (a) It is difficult to make precise estimates of investment in the private sector. Judging, however, from the Reserve Bank's analysis of company balance sheets and data relating to capital issues, bank and other institutional credit, imports of capital goods, etc., it seems that aggregate investment in the private sector in the first three years of the Plan, though not the pattern of the investment, has been broadly in line with the Plan expectations.

(b) The methods and means by which private investment in agriculture, small and cottage industries and social services is estimated were explained in detail in an article entitled "Estimates of Savings in the Indian Economy" in the Reserve Bank of India Bulletin for March 1960 (pages 315-317). The estimation procedures for individual items have, however, been somewhat modified since then in the light of new data and information which have become available from various sources, e.g. the additional Follow-up Rural Credit Surveys conducted by the Reserve Bank and various publications of the Central Statistical Organization.

Water Supply to Lunkaransar

532. Shri Karni Singhji: Will the Minister of Health be pleased to state:

(a) whether the report regarding field investigation pertaining to water supply to Lunkaransar area (Rajasthan) by the officials of the State Government and the Central Water and Power Commission has been completed in pursuance of the decision taken in a meeting on the 8th July, 1964 presided over by the Health Minister; and

(b) if so, the details of the report?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). No; the revised project report is still awaited.

Staff Inspection Unit

**533. { Shri Karni Singhji:
{ Shri P. C. Borooah:**

Will the Minister of Finance be pleased to state:

(a) whether staff inspection unit which was set up in the Administrative Reforms Division with a view to effecting economy and creating work norms, has submitted its report; and

(b) if so, the salient features thereof and Government's reaction thereto?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The Staff Inspection Unit is a part of the Ministry of Finance and assists Government in securing economy in staff consistent with administrative efficiency. It reviews the staffing of Government establishments through a programme of inspection and work studies. The work of the Unit is thus of a continuous nature and reports are submitted as and when studies of the organisations taken up are completed.

(b) In the six months ending 30-9-1964 the Staff Inspection Unit completed the review of 17 Departments/Organisations in which 416 posts involving a saving of Rs. 13.43 lakhs per annum were found surplus. Certain proposals for additional staff submitted by Ministries/Organisations have also been found necessary.

A working team of the Unit is separately engaged in evolving work standards for common repetitive and house-keeping jobs. Items of work pertaining to the Receipt and Issue Sections have so far been covered.

Co-ordination Board of Irrigation and Power

534. **Shri Eswara Reddy:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether a meeting of the Co-ordination Board of Irrigation and Power Ministers was held in Trivandrum in October, 1964; and

(b) if so, the points discussed and the decisions taken thereat?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Yes.

(b) A statement is laid on the Table of the House. [Placed in Library. See No. LT-3472/64].

Health Drive in Hill Areas

535. { **Shri J. B. S. Bist:**
{ Shrimati Renuka Barkatali:

Will the Minister of Health be pleased to state:

(a) whether Government have launched a special drive to eradicate goitre, leprosy and venereal diseases widely prevalent in the hill areas of the country; and

(b) if so, how much money was allocated by the centre during 1964-65 for these schemes and the present progress of the schemes in hill areas?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). The following programmes are in operation for the control of Goitre, Leprosy and Venereal Diseases in the country including the hill areas:

Goitre Control Scheme:

under the Goitre Control Scheme, iodised salt manufactured by the Iodisation Plant at Sambhar Lake which started functioning in November, 1962 is being supplied to the districts of Mahasu, Mandi, Chamba, Sirmur, Bilaspur and Kinnaur of Himachal Pradesh and to the districts of Tehri Garhwal, Garhwal, Dehradun, Bijnore, Chamoli, Uttar Kashi,

Pithoragarh, Almora and Nainital in Uttar Pradesh. Another iodisation plant is being installed in Calcutta and will supply iodised salt to the States of Nagaland, NEFA, Manipur and to the districts of Jalpaiguri and Darjeeling in West Bengal.

A sum of Rs. 5,50,000 was allocated during the year 1964-65 as grant to the Hindustan Salts Ltd., for the establishment of the plants. Upto June, 1964 the following quantities of iodised salt have been supplied.

Punjab—1496 tons.

Himachal Pradesh—1898.5 tons.

Bihar—5270.9 tons.

Uttar Pradesh—2385.0 tons.

Venereal Diseases Control Programme:

Venereal Diseases Control Programme has been operative in the hilly areas of Himachal Pradesh and Kulu Valley (Punjab). In Uttar Pradesh, mass Venereal Diseases control measures initiated in 1949 have been continued and expanded by the Venereal Diseases Organisation established there. As a result of continued efforts, the prevalence rate in that area has come down from 48.9 per cent, in 1951 to 18.0 per cent in 1962. A mass campaign was also organised in Kulu Valley where treatment was given to 77,413 persons. A survey in the area showed a considerable decline in the prevalence rate. A scheme for blanket treatment drive against Venereal Diseases is being planned for Jaunsar Bawar Pargana of Dehradun District and Jaunpur Pawa in areas of Tehri Garhwal and Uttar Kashi districts in Uttar Pradesh.

Approximately an amount of Rs. 64.582 is expected to be spent on the special mass control programme in the hill areas of Uttar Pradesh. 75 per cent of non-recurring and 50 per cent of recurring cost will be borne by the Central Government in addition to free supply of PAM worth about Rs. 2 lakhs.

Leprosy Control Programme:

There is no separate scheme for eradication of Leprosy exclusively for hill areas. However, the hill areas of Assam, Andhra Pradesh, Himachal Pradesh, Jammu and Kashmir, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal where Leprosy is endemic are also covered under the Programme. Leprosy Control Centres, Survey Education and Treatment Centres and some voluntary leprosy organisations have been functioning in the above States since the Second Five Year Plan. The total number of leprosy patients registered so far under the Programme in hill areas of various States is 66,081.

Allocation of funds has not been made separately for the hill areas. A budget provision of Rs. 50 lakhs has been made during 1964-65 for giving Central assistance to the State Governments.

Tikkerpara Dam Project

536. Shri Surendranath Dwivedy: Will the Minister of Irrigation and Power be pleased to state:

(a) whether they have received a detailed project report on Tikkerpara dam project;

(b) whether this report has been scrutinised by the Central Water and Power Commission and the Planning Commission; and

(c) whether this will be undertaken as a Central project or left to the State to proceed with the matter?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) Yes.

(b) It is under examination in the Central Water and Power Commission. Thereafter it will be submitted to the Advisory Committee on Irrigation, Flood Control and Power Projects of the Planning Commission.

(c) This question will arise only after the project has been sanctioned for implementation.

Yogic Research Institutions

537. Shri Hem Raj: Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 548 on the 12th March, 1964 and state:

(a) the names of the institutions on Yogic Research on the therapeutic value of Yoga exercises on different diseases and health which have been recommended for Government aid during 1964-65;

(b) the amount of aid recommended and actually given; and

(c) whether any aid has been given to the Yoga Prasara Samiti, New Delhi?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). The Yoga Research Advisory Committee has not so far recommended the payment of grants during 1964-65.

(c) No.

Irrigation and Power Projects

538. Shri Kishan Pattnayak: Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have taken any decision about the take-over by the Centre from the State Governments of some big irrigation and power projects;

(b) if so, the nature of the decision; and

(c) which projects are likely to be taken-over by Centre and from which States?

The Minister of Irrigation and Power (Dr. K. L. Rao): (a) No.

(b) and (c). Do not arise.

Employment to Goldsmiths in U.P.

539. Shri Vishwa Nath Pandey: Will the Minister of Finance be pleased to state:

(a) the number of co-operative societies registered in Uttar Pradesh

for providing employment to goldsmiths rendered unemployed as a result of the Gold Control Order; and

(b) the nature of financial assistance rendered to these societies by Government so far?

The Minister of Finance (Shri T. T. Krishnamachari): (a) and (b). The information is awaited from the State Government and it will be laid on the Table of the Lok Sabha, when received.

Family Planning Clinics

540. Shri Vishwa Nath Pandey: Will the Minister of Health be pleased to state:

(a) the number of family planning clinics functioning at present in Uttar Pradesh State for Urban and Rural areas separately; and

(b) the amount of financial aid granted for them by way of subsidy or loan from 1st April, 1963 to 31st October, 1964?

The Minister of Health (Dr. Sushila Nayar): (a) The number of family planning clinics for Urban and Rural areas functioning at present in the State of Uttar Pradesh is given below:

Family Planning Clinics

Urban	Rural	Total
105	695	800

(b) The information is being collected from the State Governments and will be laid on the Table of the Sabha when received.

Primary Health Centres

541. Shri Vishwa Nath Pandey: Will the Minister of Health be pleased to state:

(a) the number of Primary Health Centres functioning at present in the Uttar Pradesh State;

(b) whether all the Community Development Blocks in Uttar Pradesh have been provided with Primary Health Centres; and

(c) if not, the details of the scheme indicating the time by which all the blocks are to be covered by these centres?

The Minister of Health (Dr. Sushila Nayar): (a) 558.

(b) No.

(c) There are 875 Community Development Blocks in U.P.

Number of Primary Health Centres functioning—558.

The balance will be provided as follows:—

Within next 3 months—89

By the end of 1964-65—120

By the end of 1965-66—108.

Earnings from Tea, Coffee, Rubber and Cardamom Plantations

**542. { Shri P. B. Chakraverti:
Shri P. C. Borooah:**

Will the Minister of Finance be pleased to state:

(a) to what extent the earnings of Tea, Coffee, Rubber and Cardamom plantations are at present siphoned off to the Exchequer through (i) Central and (ii) State taxes and also both types of taxes combined; and

(b) the steps taken to streamline the same throughout the country?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Data relating to actual assessments of the plantations to Central and State taxes are not readily available. However, according to a study made by the Reserve Bank of India recently of company finances, the average tax provision in the balance-sheets by a

representative number of plantation companies was as under:

Tax provision (Central and State direct taxes) as a percentage of profits before ax

	Accounting years		
	1960-61	1961-62	1962-63
(1) Plantations principally engaged in production of tea	46.5	51.8	61.4
(2) Plantations principally engaged in the production of Coffee	25.5	43.5	54.1
(3) Plantations principally engaged in the production of rubber	50.5	56.4	49.4

Separate percentage figures for Central and State tax provisions are not available. It may, however, be mentioned that the entire income from rubber and coffee production is treated as agricultural and therefore exempt from Central income-tax, while 60 per cent of the income from tea production is treated as agricultural income, the remaining 40 per cent only being liable to Central income-tax.

(b) The Government in the Ministry of Commerce have recently appointed a Committee for examining the needs of the tea industry and the assistance which should be given to it. The terms of reference of the Committee include examination of the structure of taxes on tea and suggestion of appropriate measures for giving tax relief where necessary. Further action with reference to the taxation problems of the plantation industry will have to await the Committee's report.

Extension of Central Government Health Scheme

543. **Shri Hem Raj:** Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 253 on the 17th September, 1964 and states:

(a) whether Government propose to extend the benefits of the Central Government Health Schemes to other relatives of the beneficiaries on the payment of contribution by them; and

(b) if so, the decision taken thereon?

The Minister of Health (Dr. Sushila Nayar): (a) and (b). With effect from 1st July, 1964 non-entitled relatives of the Central Government Health Scheme beneficiaries and other members of the public, are admitted to the Central Government Health Scheme, at present, in areas covered by the Central Government Health Scheme dispensaries at Kidwai Nagar, Laxmibai Nagar, Andrews Ganj and Moti Bagh, on payment of contribution at Rs. 18.40 per annum per member subject to a maximum of Rs. 92 per annum per family. The extension of the scheme to North and South Avenue has been sanctioned. The scheme will be extended to other areas in the light of experience gained at these 6 places.

Herbarium

{ **Shri Murli Manohar:**
544. { **Shri Ram Harkh Yadav:**
 { **Shri Vishwa Nath Pandey:**

Will the Minister of Health be pleased to state:

(a) whether Government have decided to develop medicinal plants garden and herbarium at Kothrud near Poona in Maharashtra;

(b) if so, whether the herbarium would be named after Nehru; and

(c) the estimated cost of the herbarium?

The Minister of Health (Dr. Sushila Nayar): (a) Yes.

(b) The Garden and Herbarium will be known as Jawahar Lal Nehru Ayurvedic Medicinal Plants Garden and Herbarium.

(c) A sum of Rs. 54,300 has been sanctioned for immediate work. Detailed costs and plans are being worked out and are likely to run into a few lakhs.

Capital Formation by Private Corporate Sector

545. { Shri P. R. Chakraverti:
Shri P. C. Borooah:

Will the Minister of Finance be pleased to state:

(a) whether any study has been made of the capital formation by the private corporate sector during 1963-64; and

(b) if so, how the results compare with those relating to the preceding two years?

The Minister of Finance (Shri T. T. Krishnamachari): (a) Studies relating to the rate of capital formation in respect of the major portion of the private corporate sector are made every year by the Reserve Bank of India. The latest study in this regard relates to the year 1962-63 which was published in its bulletin for the month of July, 1964. A similar study in respect of the year 1963-64 will also be undertaken by the Reserve Bank of India in due course and the results of the same are likely to be brought out by the middle of 1965. Under Section 210 of the Companies Act, a company is allowed six months time to prepare its balance sheets after the close of its financial year and a further 42 days to file it with the Registrar of Companies. This explains the time lag involved in the completion of the study.

(b) Does not arise.

Venereal Diseases

546. { Shri D. C. Sharma:
Shri Dinen Bhattacharya:
Dr. Ranen Sen:
Dr. Saradish Roy:

Will the Minister of Health be pleased to state:

(a) whether the incidence of venereal diseases among teenagers in the country is quite large;

(b) if so, the factors leading thereto; and

(c) the steps taken or proposed to be taken to check the same?

The Minister of Health (Dr. Sushila Nayar): (a) The proportion of teenagers among the total attendance of V. D. clinics according to information available varies from 3 to 8 per cent.

(b) Want of moral and ethical education, lack of proper sex knowledge, greater chances of sexual promiscuity and ignorance of the dangers of promiscuity and of V. D. infection are some of the important factors.

(c) Help is being given to the Associations of Moral and Social Hygiene to run 4 V. D. Control Clinics and through them carry out Health education for V. D. Control. Health and sex education programmes in respect of V. D. directed to different age groups are proposed to be intensified.

Average Indian Diet

547. **Shri D. C. Sharma:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the average Indian diet is lopsided and needed drastic improvement to maintain the vitality of the nation; and

(b) if so, the steps proposed to be taken in the matter?

The Minister of Health (Dr. Sushila Nayar): (a) Yes. The nutritional status of adults and children surveyed in the different States of the country was generally unsatisfactory. The most prevalent deficiency diseases were due to insufficient intake of proteins, iron and Vitamin A, Vitamin B complex and Vitamin C. In majority of cases, high intake of cereals and low intake of protective foods—like milk products, meat and eggs, pulses, leafy vegetables, fresh fruits etc. are the main features of the diets. Cereals constitute the major source of proteins and animal proteins are lacking.

(b) In addition to the education of the public in matters relating to diet and nutrition through the Central Health Education Bureau, the Nutri-

tion Research Laboratory of the Indian Council of Medical Research and State Government Organisations, a programme of applied nutrition has been undertaken in the country in 222 selected blocks during the Third Five Year Plan period. Measures of Health-Education cover the preparation and distribution of pamphlets with information about nutritional values of various items of food, menus of balanced meals, posters and exhibitions on nutrition etc. so that nutrition can be improved through proper utilisation of available foodstuffs. The applied nutrition programme aims at promoting the increased local production of protective foods like fruits, vegetables, fish, milk, poultry etc. and their utilisation for the vulnerable groups. There is also a skimmed milk feeding programme started with UNICEF assistance to improve the nutritional status of expectant mothers and children. Skimmed milk was distributed through Maternal and Child Health Centres in Andhra Pradesh, Assam, Delhi, Gujarat, Kerala, Laccadive, Madhya Pradesh, Madras, Maharashtra, Manipur, Mysore, Orissa, Punjab, Rajasthan and Uttar Pradesh totalling 70,59,095 lbs benefiting 6,96,943 expectant mothers and pre-school children. Further, a total quantity of 50,46,734 pounds was distributed in the schools in the States of Gujarat, Madhya Pradesh, Laccadives, Maharashtra, Orissa and Uttar Pradesh to the benefit of 8,75,432 children. A similar allocation has been arranged through UNICEF in 1964-65.

Jaundice

548. { **Shri Kapur Singh:**
Shri Vashpal Singh:
Shri Solanki:
Shri Buta Singh:
Shri Narasimha Reddy:
Shri P. C. Borooah:
Shri Ram Harkh Yadav:
Shri Yamuna Prasad Mandal:

Will the Minister of Health be pleased to state:

(a) whether several cases of Jaundice have been reported from the

Indian Institute of Medical Sciences recently as a result of transfusion; and

(b) whether any inquiry has been conducted as to the causes of this infection and if so, the details thereof?

The Minister of Health (Dr. Sushila Nayar): (a) No.

(b) Does not arise.

Outstanding Payments to Corporation of Nagpur

549. Shri Balkrishna Wasnik: Will the Minister of Works and Housing be pleased to state:

(a) whether there are any outstanding payments to be made to the Corporation of Nagpur by the Central Government Offices located there;

(b) if so, the amount involved; and

(c) the reasons for the delay?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) to (c). According to the Nagpur Municipal Corporation, a sum of Rs. 1,78,922.95 was outstanding against the Central Public Works Department on the 31st March, 1964. This includes claims amounting to Rs. 1,05,051.49 for property tax. These claims will be examined and settled after all the requisite information certified by the Examiner of Local Fund Accounts of the State Government has been furnished by the Corporation.

The Central Public Works Department have, however, paid a sum of Rs. 43,630.99 during July and October, 1964 towards claims for conservancy and water charges.

Sanitary Conditions in New Delhi

550. Shri D. C. Sharma: Will the Minister of Health be pleased to state:

(a) whether the sanitary conditions in New Delhi have deteriorated considerably; and

(b) if so, the steps envisaged to keep the city more clean?

The Minister of Health (Dr. Sushila Nayar): (a) The sanitary conditions in Delhi are not satisfactory but there has not been any marked deterioration recently.

(b) The following measures undertaken by the New Delhi Municipal Committee are expected to improve the sanitary conditions of New Delhi:

- (i) Launching of sanitation drives with the help of the members of the Local Health Committees to improve the sanitary conditions of the locality.
- (ii) Removal of squatters and hawkers from various unauthorised sites.
- (iii) Removal of unauthorised dairies from Karbla, Pilangi, Vinay Nagar, etc.

The Chief Commissioner is thinking of introducing regular inspections by the senior officials of the New Delhi Municipal Committee to check the sanitary conditions and other civic matters.

Nursing Colleges

551. Shri Ram Harkh Yadav: Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government propose to open well equipped nursing colleges in all the States of India;

(b) if so, how many such colleges and in which States have been opened so far and with what success; and

(c) whether any definite scheme is being planned in this direction for the remaining States in India?

The Minister of Health (Dr. Sushila Nayar): (a), (b) and (c). At present there are the following 8 Colleges for the Basic Course in Nursing leading to B.Sc. Degree and two Colleges for a Post-Basic Course leading to a B.Sc. Degree in Nursing Education and Administration:

Basic Course:

1. College of Nursing, New Delhi.
2. School of Nursing, Vellore.
3. College of Nursing, Hyderabad.
4. College of Nursing, Indore.
5. College of Nursing, J.J. Group of Hospitals, Bombay.
6. College of Nursing, Jaipur.
7. College of Nursing of S.N.D.T. University, Bombay.
8. Armed Forces College of Nursing, Poona.

Post-Basic Course:

9. College of Nursing, Chandigarh.
 10. College of Nursing, Trivandrum.
- The training programme in these Colleges is functioning satisfactorily.

The establishment of a nursing college in each of the States of Gujarat and West Bengal is under consideration of the respective State Governments.

Cholera in Bihar

**552 { Shri Ram Harkh Yadav:
Shri Yamuna Prasad Maadasi:**

Will the Minister of Health be pleased to state:

(a) whether it is a fact that cholera has broken out as an epidemic in Bihar State for the last couple of months;

(b) if so, whether there have been as many as 612 cases of seizures and about 200 cases of deaths as a result thereof; and

(c) the measures adopted by Government to mitigate the effect of the epidemic?

The Minister of Health (Dr. Sushila Nayar): (a) Yes.

(b) During September and October, 1964, the number of cholera cases reported by the State Government is 1030 out of which 371 proved fatal.

(c) The following measures have been taken by the State Government in this regard:

- (i) The Epidemic Diseases Act, 1897 has been invoked and compulsory inoculation has been introduced thereunder;
- (ii) 61,54,695 anti-cholera inoculations were performed during the period from July, 1964 to October, 1964 (part).
- (iii) All drinking wells have been disinfected.

12 hrs.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

(i) DISLOCATION OF INDIAN AIRLINES SERVICES

Shri Harish Chandra Mathur (Jalore): I call the attention of the Minister of Civil Aviation to the following matter of urgent public importance, and I request that he may make a statement thereon:

Dislocation of Indian Airlines services.

The Minister of Civil Aviation (Shri Kanungo): On the 9th September, 1964, with your permission, Sir, I had made a statement in the House in the course of which I had explained the circumstances in which the services of the Indian Airlines Corporation were disrupted from 22-8-1964 because of the reduced availability of Pilots for flying its fleet as a result of the enforcement by the Indian Commercial Pilots Association, of their own flight and duty time limitations. I had indicated then that Government themselves found that the unsatisfactory state of services since 22nd August, 1964 was creating an increasing state of uncertainty and hardship to the hundreds of passengers who were the innocent victims of the deadlock between the Corporation and the Pilots and that Government had, therefore, asked the Corporation to work out a schedule of operations which could be maintained with definiteness and certainty so long as the

dispute lasted. I had expressed the hope that it would be possible for the Corporation to resume normal operations again. I am glad to say that although the Caravelle services and a number of other services were cancelled with effect from 9th September, 1964, as a result of the further efforts made by the Secretary, Ministry of Civil Aviation, to bring about a settlement between the management of I. A. C. and their pilots, the latter agreed to give up their unilateral observance of flight and duty time limitations and to work in accordance with the regulations in force prior to 22nd August, 1964. Accordingly, the Corporation resumed normal operations with effect from 13th September, 1964. I may add here that efforts made so far to reach a settlement with the pilots on the question of flight and duty time limitations have not yet resulted in a formal agreement though understandings have been reached. In any case, the matter is before the National Industrial Tribunal, presided over by Shri G. D Khosla and it is hoped that soon an agreement would be reached and placed before the Tribunal.

2. On the 24th and 25th October, 1964 a number of services emanating from Bombay had to be cancelled or operated with considerable delay due to a large number of Pilots reporting sick all of a sudden and even the stand-byes not being available.

Some Hon. Members: We can't hear the Minister.

Mr. Speaker: Order, order. Even my voice does not reach hon. Members and they continue talking in spite of my requests again and again.

Some Hon. Members: We cannot hear him.

Mr. Speaker: That is my difficulty also. The House should always remain delightful to the eye and pleasant to the ear. It becomes rather difficult to follow the proceedings.

Shri Kanungo: The circumstances in which the Pilots had absented

themselves by reporting sick and the action, if any, that can be taken against them is under investigation by the Corporation. I might add that the rule of the Corporation is that an absence on sickness upto 48 hours is not required to be supported by a medical certificate.

3. In the first week of November, 1964, some services were disrupted as a result of the Pilots resorting to what has been described by them as "work to rule". I am glad to report, however, that normalcy has since been restored in this regard also on the intervention of the Chairman of the Corporation.

4. Apart from these interruptions, occasions do arise when, due to defective working of certain essential equipment such as radar, wireless equipment, engine snags etc., aircraft is delayed and there is consequential operation of flights behind schedule. Some times the time required to deal with them by the engineering establishment is quite considerable in which event flights have to be cancelled; otherwise delays depend on the time required. These are, however, unavoidable in mechanical operations of this kind and are not peculiar to Indian Airlines Corporation.

5. I deeply regret the inconvenience caused to passengers by these delays and have asked the Corporation to look into these more closely. The delays due to snags and mechanical failure are being scrutinised periodically and wherever possible action is taken to ensure that they are minimised. The House would be interested to know that in any one month the delays vary between less than 1 to 5 per cent of the operation of different types of aircraft. The engineering system and procedures are going to be shortly reviewed and I hope that as a result these would be reduced. As regards delays which have been occasioned by the action of the pilots in reporting sick and in adopting work-to-rule methods, I

have told the Corporation to ensure that delays of this kind which involve hardship and inconvenience to large bodies of passengers are taken serious notice of. There are other ways of ventilating grievances than methods, which result in such hardship and inconvenience and I hope the Corporation will succeed in instilling in their employees an attitude of service to passengers at all costs and inducing them not to resort to methods which constitute a disservice. I am very glad to report that as a result of the talks between the present Chairman and the Executive Committee of the ICPA the latter have passed a resolution regretting the inconvenience and hardship caused to the passengers and enjoining upon their members the avoidance of any inconvenience and hardship to passengers whilst ventilating their grievances or asserting their rights. I hope that as a result of this development instances of the nature which we experienced recently will not recur.

Shri Harish Chandra Mathur: Even after the assurance which was given to the effect that the services would improve, is it not a fact that there have been recurring troubles, technical troubles even with our new Caravelles and young pilots reporting sick? May I also know whether Government have taken any action against anybody even to this date in respect of all that has happened? And what is their assessment of the situation during the last month?

Shri Kanungo: As I have said in the statement, mechanical snags are inevitable, but as regards the indiscipline of the staff, I think for the last three weeks, it has been set right.

Shri Harish Chandra Mathur: My question was different. Is it Government's assessment and conclusion that the mechanical defects were genuine or they were otherwise?

Shri Kanungo: No, mechanical defects were genuine.

12.00 hrs.

RE: HUNGER STRIKES IN THE LOBBIES OF THE HOUSE

Mr. Speaker: I have received a letter from Shri A. K. Gopalan, an hon. Member of this House, intimating to me his intention to go on a hunger strike in the Lobbies of this House.

The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha): In the Lobbies?

Mr. Speaker: Yes, in the Lobbies of the House. Of course, his grievance is, and he feels that very intensely, that the food situation in Kerala has not improved and there is a great deal of suffering. I have asked the hon. Minister to make a statement, and probably he would make a statement soon today. But I have just to observe...

Shri S. N. Banerjee (Kanpur): That will be in reply to our calling attention notice?

Mr. Speaker: Whatever that might be; that was on the basis of the letter that I had received from Shri A. K. Gopalan.

But I must make this observation that the Lobbies or any part of this Parliament are not intended for any such demonstrations, strike or fasts. Earlier also, I had not allowed it at any time, and this time also I cannot permit that.

When the House rises for the day, for security reasons, we hand over the building to the police. Therefore, it will not be possible for any Member to undertake any fast in the Lobbies. If he has any such intentions, then he can do so anywhere else, but not in the Lobbies. The statement would be made by the hon. Minister, and I shall call upon him just now in the order of business.

Shri A. K. Gopalan (Kesergod): Will you please allow me to make a personal explanation?

I have been here in this House for the last 13 years and have taken no such action as a hunger strike in the Lobby or inside the House, all these years. It may be, as you have said, that a hunger strike or some such thing inside the Lobby is not permitted. But I want you to consider this, that I also know the consequences and am ready to suffer whatever the consequences.

I want to make a request to you and to other Members of Parliament also. The reason which has forced me to take such a course of action is this. Earlier, I had written several letters during last month and this month; I had sent telegrams to the Prime Minister and also to the Food Minister; in addition to which, I wrote them letters. On the 16th of this month, the opening day of this session of Parliament, I sent telegrams to the Members of the Opposition and also others stating that the situation in Kerala was very very serious and that people were dying.

An adjournment motion has been discussed in this House as you had been good enough to give some time for that. The constitutional remedy in Parliament is for an adjournment motion to be allowed and discussed. Since that discussion, seven days have passed and even then the situation has not improved. Even some responsible papers have said that the MPs from Kerala have not represented the matter in Parliament, and it is because of that the situation is what it is today and therefore they and the Government are responsible for all these things.

I, as a representative of the people, have tried all possible constitutional methods, and when in spite of that I see that the people in my State are dying, there is no other course open to me except this.

I want to make it clear that in doing so, there is no question of insult to Parliament, because I am also a Member of this House—I have been

for so many years. I only make this request. Kerala is under President's rule and hence directly under this Parliament. Therefore, some Members of Parliament should go to Kerala to inquire into the state of affairs and see for themselves whether the situation there has improved or not. If even that is not done, I have no other alternative. You may take any action against me. I am ready for that.

I am only sorry to say that things have come to this pass, in spite of the agitation there by all sections of people—even Congressmen are taking part in this agitation. It is not a question of me alone; the Congress President there has said...

Mr. Speaker: I cannot allow all that.

Shri A. K. Gopalan: So many Congressmen have taken part in this agitation. It is a people's movement.

So I would request you to excuse me if in these circumstances I say that what I have decided is after careful consideration. If any remedy is sought against it, I do not mind it.

Mr. Speaker: I have nothing more to say.

Shri Nath Pai (Rajapur): We have something to say.

Mr. Speaker: No.

Shri Nath Pai: Can this be a dialogue only between you and the Member?

Mr. Speaker: Yes. I have to say that no fast can be allowed inside the House.

Shri S. M. Banerjee: We had given notice of a calling attention motion.

Mr. Speaker: So far as the situation is concerned, I am asking the Minister to make a statement and then if I allow some questions, that would be a different thing altogether.

Shri Nath Pai: I want a clarification about the letter you have received about the hunger strike.

Mr. Speaker: No.

Shri Nambiar (Tiruchirapalli): What about the call attention notice?

Mr. Speaker: I will see. When the statement is made, I may allow one question each to those Members.

Shri Nambiar: This House has been informed of the situation in Kerala. Three or four days have passed since notice was given. All these issues are before the House.

Mr. Speaker: I know. I am asking the Minister also to make a statement. To those who have given notice of the call attention motion, I may allow one question each. I would do that.

Shri Hem Barua (Gauhati): What about the very helpful suggestions he has made—that a team of Parliament Members should visit the State?

Mr. Speaker: That is not the point in issue at the moment. That is a different thing altogether. It happened earlier in 1959 also. Shri Shibbenlal Saksena tried to do the same thing as has been contemplated by Mr. Gopalan just at present.

Shri S. M. Banerjee: He was allowed.

Mr. Speaker: No, no. He was not allowed.

Shri S. M. Banerjee: You were Deputy-Speaker at that time, and it was your intervention which saved his life.

Mr. Speaker: My intervention would always be available for any Member who makes up his mind to proceed in that manner, but I cannot allow it.

Shri Ranga (Chittoor): I only wish to support your general stand. I do

[Shri Ranga]

not like to treat it as a threat; rather, the offer to go on a hunger strike is such an unprecedented thing that we will have to give some thought to it before we say anything at all. But one point arises, and I do not want it to go without being attended to, lest it should be thought that Parliament has been oblivious of its responsibilities.

One suggestion that the hon. Member has made is, not as a kind of condition precedent or anything like that, that a group of Members of Parliament should be taken by the Government to that State to ascertain for themselves the true facts, and then come back and report. It seems worthy of consideration. Let the Government consider it.

Shri H. N. Mukerjee (Calcutta Central) You will recall that when the Assam disturbances took place a few years ago, there was a group of Members of Parliament belonging to different parties, to whom Government gave every facility to go. I think my friend Shri A. P. Jain was the leader of that group. It does happen that a visit of Members of Parliament to a distressed area might cause some alleviation of the situation. So, irrespective of what the report of the Deputy Food Minister is going to be, which I am sure is going to give rise to some questions and counter-questions, the idea of Mr. Gopalan might be worked upon with your support, in which case perhaps all the unpleasant consequences of whatever steps he might be contemplating might be avoided. So, I suggest that you also give your mind to this matter and take the Leader of the House into confidence, and perhaps you can then give us some assurance.

Shri Nath Pai: While sharing Mr. Gopalan's anxiety and anguish about what is happening in his home State, one need not necessarily agree about the method he had adopted for ventilating the deep anguish in his State.

But I would like to suggest that this matter need not be just confined only to procedure, in which, of course, we are absolutely in your hands, but the wider aspect of it needs a little sympathetic consideration from Government.

Without attributing any motives, we are all aware how serious the food situation in that State is. We have a special responsibility there, i.e., Kerala is today under President's rule, and Parliament bears a direct responsibility. I do not think Mr. Gopalan is doing it as a hobby, I think he is being compelled to do that by circumstances, not by Government as such—I would not do that, that is a different matter.....

Mr. Speaker: Does he propose that I should allow it to be done in the House?

Shri Nath Pai: I think you can avoid it.

Shri S. M. Banerjee: By appointing a committee.

Mr. Speaker: Can I appoint a committee.

Shri S. M. Banerjee: You can do it.

Mr. Speaker: Members can go themselves, or if the Government also agrees, certainly I have no objection.

Shri S. M. Banerjee: One word from the Chair will help.

Shri Nath Pai: My own views regarding the utility of a fast as a weapon, that too in the Lobby, I think I have sufficiently made clear. I was then saying that we should go beyond so that we will be in a position to try to persuade Mr. Gopalan, and see, as Prof. Mukerjee suggested, that we do not land ourselves in conditions which will not be very pleasant and not particularly edifying to the dignity of the House. For that we want your

guidance, and also in persuading the Government to see that they do not tell us repeatedly that all that can be done has been done in Kerala. We do not think it has been done.

The reports and telegrams that some of us continue to get cause anxiety, and we would like to know, therefore, from Government that something more positive is being done, that something concrete is being done, what is the current quota that the people there are getting, whether this 3 oz. is all that is being given.

Shri Hem Barua: May I seek a clarification? You said he cannot go on fast in the Lobby because the buildings are handed over to the police people, but during the period of the sitting of this Parliament, he can go on fast.

Mr. Speaker: Then the answer can come that when the House is sitting, the Speaker is the policeman.

Shri Hem Barua: If I go on fast in the Lobby during the sitting of this Parliament, I think you do not have anything to object to.

Mr. Speaker: If he goes out and does not take his food, why should I object? Papers to be laid.

12.20 hrs.

PAPERS LAID ON THE TABLE

LETTERS EXCHANGED BETWEEN THE WEST GERMAN AND THE INDIAN GOVERNMENTS

The Minister of Finance (Shri T. T. Krishnamachari): I beg to lay on the Table a copy each of the letters exchanged between the Government of India and the Government of West Germany on the 15th October, 1964 regarding protection of German Capital invested in Indian industries. [Placed in Library. See No. LT-3456/64].

NOTIFICATION UNDER BENGAL FINANCE (SALES TAX) ACT, ETC.

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): I beg to lay on the Table:—

- (1) a copy of Notification No. F. 4(33)/62-Finance (E) published in Delhi Gazette dated the 17th September, 1964, under sub-section (4) of section 26 of the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union Territory of Delhi.

[Placed in Library. See No. LT-3457/64].

- (2) a copy each of the following Notifications making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944:—

- (i) G.S.R. 1425 dated the 3rd October, 1964.
- (ii) G.S.R. 1467 dated the 10th October, 1964.
- (iii) G.S.R. 1468 dated the 10th October, 1964.
- (iv) G.S.R. 1524 dated the 24th October, 1964.
- (v) G.S.R. 1525 dated the 24th October, 1964.
- (vi) G.S.R. 1526 dated the 24th October, 1964.
- (vii) G.S.R. 1573 dated the 31st October, 1964.
- (viii) G.S.R. 1574 dated the 31st October, 1964.
- (ix) G.S.R. 1575 dated the 31st October, 1964.

[Placed in Library. See No. LT-3458/64].

- (3) a copy of Notification No. G.S.R. 1469 dated the 10th

[Shri Rameshwar Sahu]

October, 1964, containing Corrigendum to Notification No. G.S.R. 1113 dated the 8th August, 1964, under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-3459/64].

(4) a copy each of the following Notifications under section 159 of the Customs Act, 1962:—

- (i) G.S.R. 1465 dated the 10th October, 1964.
- (ii) G.S.R. 1466 dated the 10th October, 1964.
- (iii) G.S.R. 1470 dated the 10th October, 1964.
- (iv) G.S.R. 1491 dated the 17th October, 1964.
- (v) G.S.R. 1492 dated the 17th October, 1964.
- (vi) G.S.R. 1493 dated the 17th October, 1964.
- (vii) G.S.R. 1527 dated the 24th October, 1964.
- (viii) G.S.R. 1528 dated the 24th October, 1964, publishing the Manufacture in Customs Bond (General) Amendment Rules, 1964.
- (ix) G.S.R. 1529 dated the 24th October, 1964.
- (x) G.S.R. 1530 dated the 24th October, 1964.
- (xi) G.S.R. 1570 dated the 31st October, 1964.
- (xii) G.S.R. 1571 dated the 31st October, 1964.
- (xiii) G.S.R. 1572 dated the 31st October, 1964.

[Placed in Library. See No. LT-3460/64].

(5) a copy of the Expenditure-Tax (Second Amendment) Rules, 1964; published in Notification No. G.S.R. 1471 dated the 10th October, 1964, under sub-section (3) of section 41 of the Expenditure Tax Act, 1957.

[Placed in Library. See No. LT-3461/64].

(6) a copy of the Gift tax (Second Amendment) Rules, 1964, published in Notification No. G.S.R. 1472 dated the 10th October, 1964, under sub-section (4) of section 46 of the Gift Tax Act, 1958.

[Placed in Library. See No. LT-3462/64].

(7) a copy of the Wealth-tax (Amendment) Rules, 1964, published in Notification No. G.S.R. 1473 dated the 10th October, 1964, under sub-section (4) of section 46 of the Wealth Tax Act, 1957.

[Placed in Library. See No. LT-3463/64].

(8) a copy of the Income-tax (Fourth Amendment) Rules, 1964, published in Notification No. S.O. 3660 dated the 13th October, 1964, under section 296 of the Income Tax Act, 1961.

[Placed in Library. See No. LT-3464/64].

(9) a copy of the Central Sales Tax (Registration and Turn-over) Amendment Rules, 1964, published in Notification No. G.S.R. 1584 dated the 28th October, 1964, under sub-section (2) of section 13 of the Central Sales Tax Act, 1956.

[Placed in Library. See No. LT-3465/64].

12.22 hrs.

**PETITION RE: CLASSIFICATION
OF AGRI-COMMUNITY AS A
BACKWARD COMMUNITY**

Shri M. L. Jadhav (Malegaon): Sir, I beg to present a petition signed by Shri Sonubhau Dagadu Baswant and others regarding classification of Agri-community as a backward community.

12.22½ hrs.

**STATEMENT RE: DEFENCE
MINISTER'S VISIT TO U.K.**

The Minister of Defence (Shri Y. B. Chavan): Sir, I beg to lay on the Table a statement on my visit to the United Kingdom. [Placed in Library. See No. LT-3466/64].

Mr. Speaker: It may be circulated to Members.

Shri Hem Barua: May I ask a clarification from the hon. Defence Minister?

Mr. Speaker: When it reaches him, he may look into it and then seek clarifications. The Food Minister.

12.22½ hrs.

**STATEMENT RE: FOOD POSITION
IN KERALA**

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. B. Chavan): The stock position in Kerala is satisfactory.... (Interruptions). There are adequate stocks already available in the State to meet the rationing commitments. One steamer with 10,000 tons of rice is already unloading at Kozhikode. Another steamer carrying 3,000 tons is expected in the first week of December. In addition, 10,000 tons of rice from the Punjab and Madhya Pradesh will be reaching Kerala before the end of this month. Two ships carrying rice from Pakistan totalling 7,500 tons are due in the first half of Dec-

ember. Another two steamers carrying 17,000 tons from Thailand are also expected in the first half of December. The programme of despatching at least one special a day of 1,000 tons from Andhra is continuing. In all a programme of despatches of rice to Kerala during December of the order of 99,000 tons as against the monthly commitment of 65,000 tons has been laid on. No difficulty is likely to be experienced in meeting the rationing commitments in that State.

Shri Hem Barua (Gauhati): What is the stock position now? He has spoken about the future stock position, first week of December. What is the stock position today in Kerala?

Mr. Speaker: I have three names with me—Mr. Banerjee, Vasudevan Nair and Kumaran.

Shri S. M. Banerjee (Kanpur): After hearing from the hon. Deputy Minister it appears that only a small quantity has reached Kerala and something is on way. I want to know what is the rationing or quota? Is it a fact that today an adult is getting a quantity which is not more than 350 individual grains of rice and if so whether a parliamentary enquiry committee will be appointed to go into the entire question?

Shri D. B. Chavan: So far as the present stock position is concerned, I have already mentioned in the statement that it is satisfactory.... (Interruptions).

Mr. Speaker: Let him answer first.

Shri D. B. Chavan: I said that it is satisfactory. (Interruption).

Mr. Speaker: They want a concrete answer. (Interruption). Order, order.

Shri Hem Barua: He simply says it is satisfactory.

Shri Alvares (Panjim): Is it satisfactory to the Kerala people?

Mr. Speaker: The Minister might sit down. Let me hear all those voices that are raised.—Unless he is allowed to give the answer, how can we proceed?

Shri Hem Barua: I think you yourself are not satisfied with the answer.

Mr. Speaker: Therefore, I should get up?

Shri Hem Barua: No, Sir.

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): It is true that the position in Kerala was difficult some time back, and since then, Government have taken necessary steps to supply as much rice as possible. I have been watching the figures of arrivals in Kerala. Between the 11th and 16th, about 19,000 to 20,000 tons of rice arrived there. Between the 17th and 24th of this month, another 21,000 tons has reached Kerala. These are the arrivals: I am referring only to the figures which are there. At the present moment, whatever stock is available is enough to meet the commitments of our modified or informal rationing. Besides that, as has just now been mentioned by the Deputy Minister, 10,000 tons of rice are being unloaded at Kozhikode; it does not take much time to do that. We have made arrangements that there should be regular despatches made from Andhra and Madras to Kerala. In these circumstances, the Government, feel that there will be no special difficulty in the State, and we will be able to meet the needs and requirements of the people.

Shri S. M. Banerjee: My question has not been answered at all either by the Deputy Minister or, unfortunately, by our respected Prime Minister. My question was not only about the arrivals: my question was, what is the quantum of ration which is being given and whether it is a fact that it is only 350 grains that are being given. That is the question.

Mr. Speaker: He has already said that it is modified rationing. (*Interruption*).

Shri A. K. Gopalan (Kesergod): At the rate of six ounces of rice and six ounces of wheat, for one day 4,000 tons are necessary. The statement made by the Deputy Minister and the Prime Minister is that so much is coming or has come between 11th and 18th,—10,000 tons and so on. Whatever has come, 4,000 tons are necessary per day. If you see the situation you will find that there will be nothing there. By the 1st week of December you are expecting something. That means for the next 10 days they will be starving. How long will they take? I want to know what is the stock with the Government today. They have promised that they will be giving six ounces, but in the villages, where the population is about 120 lakhs, they are given just three hundred and sixty grains each. Even that, they are not getting regularly. We have calculated that at the rate of 2,000 tons of rice and 2,000 tons of wheat, 4,000 tons are necessary for a day. But whatever is coming, they are not getting anything there. There is nothing there. You are expecting something in December. Is that a satisfactory state of affairs?

The Minister of Finance (Shri T. T. Krishnamachari): I would like to make the position clear. I think my hon. friend opposite is basing his calculation on certain averages. We have also done so. The position today is, when we say that the stocks have arrived, we do not want to mention the particular number of days or weeks for which the stock will be adequate, because we feel the stock is adequate, and I think the hon. Members will take our word for it.

Shri Ranga (Chittoor): How can we? He simply says that the hon. Members have got to take it. We do not take it. We cannot.

Shri T. T. Krishnamachari: Shri Ranga does not take anything; I agree. He need not take. (*Interruption*).

The point is, if I say it is there up to a particular day, I raise a scare. As I said, we would be able to meet all the commitments according to the informal rationing.

There is a differentiation in the quantity of ration between cities and the rural areas. The cities are given 6 ounces of rice and 6 ounces of wheat. In rural areas, certainly there is an expectation, based on facts, that there are certain quantities available and that is why we are not taking the full commitment of what the people need in the rural areas. Therefore, at the present moment, 4 ounces of wheat and 3½ ounces of rice are given to them. It is expected to raise the 3½ ounces of rice to 4 ounces very soon—on the 29th. Later on, the wheat quota will be raised to 6 ounces. We do hope that within a measurable distance of time, maybe within a couple of months, we will be able to raise the quantity in the rural areas to 12 ounces—6 ounces of rice and 6 ounces of wheat. This is the position. None of us here—neither my chief, nor myself nor the Food Minister—says that what is provided is adequate for every type of person.

Shri Koya (Kozhikode): It is not adequate even for a cat.

Shri T. T. Krishnamachari: It appears that the hon. Member has more experience of cats than human beings.

Shri Koya: You do not have both.

Shri T. T. Krishnamachari: The position is that so far as the rural areas are concerned,—it is an assumption based on facts—there is something available there. After all Kerala is not a place which does not produce any foodgrains. It does; there is no question of mopping up all that they have there.

Shri A. K. Gopalan: When lorries are taken, when people find out that it is black market stuff and when they

go to the tehsildar, they are severely beaten up. Nobody is allowed to point this out.

Mr. Speaker: Mr. Gopalan will restrain himself.

Shri T. T. Krishnamachari: We are moving from the realm of facts to the realm of sentiments. I do not deny that probably Mr. Gopalan has an instance. I may assure him that if those instances are brought to our notice, naturally due action will be taken. But the informal ration is based on certain assumptions which have been borne out by facts. That is the real position. We can give this assurance confidently that this rationing arrangement will not break down and step by step the quantities would be increased.

Shri A. K. Gopalan: Three times I have written to the Governor pointing out how when these things were brought from the rice mill and when the people went to the tehsildar, the owner went to the police and they were severely beaten up. It is not that I have not pointed out these things.

Shri Vasudevan Nair (Ambalapuzha): I want to be exactly in the realm of facts. The Minister was speaking about December. We are now on 26th November. Even according to the commitments made by the Government, they say that there should be 65,000 tons of rice, for supplying 4—3½ ounces of rice. The House should know that in many places, you can get the ration of a person in a match box. Even out of those 65,000 tons, I want to know exactly from the Minister how many thousands of tons were sent to Kerala in November. I do not ask about December. This is 26th November. Out of the 65,000 tons, how much was sent to Kerala till now and what is the stock at present?

Shri T. T. Krishnamachari: The figures were given by the Prime Minister and supplemented by the Deputy Minister. All the figures are there.

Shri Ranga: The Deputy Minister has given some figures; you keep a record. The Prime Minister has given some figures; you keep a record. Then add them up. Sir, this is the irresponsible way in which the Finance Minister gives the answer. It is their duty to tell us how much of the 65,000 tons was sent to Kerala in November. This is the total quantity that has been made available and therefore, the country can be reassured. That is the sort of answer we should get. Instead of that, we get this irresponsible and flippant answer.

Mr. Speaker: If the Deputy Minister has given the figures in the prepared answer, is it necessary that every other Minister who comes after him should repeat those figures?

Shri Ranga: Let them give the figures now, Sir; we will add them up.

Shri M. K. Kumaran (Chirayinkil): Now that the Prime Minister has intervened and said something about this issue, I want to know what the Central Government is going to do towards toning up the administration in Kerala. There were serious allegations from responsible persons like the Chief Minister of Madras that the present situation in Kerala has been brought about because of the total inefficiency of the administration there. I want to know what the Central Government is going to do to tone up the administration there and to see that the administration will be efficient to meet the situation that is continuing to be very serious even now?

Shri Lal Bahadur Shastri: As I said, I can very well understand the concern of the hon. Members on this matter but, as I told the House earlier, the despatches are regular and are in substantial quantities. I had given the figures, but I shall again give them. I think some hon. Member said that the figures given were or are for the month of December—that is, so many tons will go there or arrive there in December. It is not so. The figures I

had given are for the month of November. I had said that from the 11th to 16th about 15,850 tons or round about 16,000 tons had arrived there. I had further said that in another week, from the 17th to 24th November, 21,000 tons had gone there. The total may be round about 37,000 tons or 36,850 tons.

Shri Vasudevan Nair: Against a commitment of 65,000 tons a month at the rate of 3½ ounces.

Shri Lal Bahadur Shastri: It is not for a full month. You are to count only from the 11th to the 24th. Is that one full month? It is not a full month. I am giving the House the latest figures, the figures for the last few days, from the 11th to the 24th. Besides that, as the Deputy Minister has said, a special train carrying 1000 tons is reaching Kerala every day from Andhra only. Over and above this, he has further said, 10,000 tons are being unloaded in Kozhikode. Madras also—I have got the figures—has to send their supplies to make their own contribution.

Shri Nambiar: Madras does not make any supplies. Madras is also a deficit State. The people there are already suffering.

Shri Lal Bahadur Shastri: No, Sir. Please do not say that. Madras is not as surplus as Andhra is, but it has always been a surplus State. But part of the rice used to go from Andhra to Madras; similarly, from Madras to Kerala. For the last hundreds of years this has been going on. There is nothing new about it. Therefore, I say that adequate steps are being taken and have been taken, and we will like to keep a strict watch over this matter.

In regard to the administration, Governor Giri was here and I have had a discussion with him last night. He has assured me that whatever is received there will be properly distributed and properly utilised. He has every hope that the administration will do the job.

Some Hon. Members rose—

12.40 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: Let us take up the next business.

Shri Nath Pai (Rajapur): What is the Prime Minister's advice to Mr. Gopalan who has threatened to go on a fast from today?

Mr. Speaker: Order, order.

The changes that have been proposed in the present Bill refer to two or three sections of the Act and the penalties that were in the existing Act have been enhanced. In some cases the discretion of the magistrate has been proposed to be taken away and certain punishments have been made compulsory if a case of adulteration is proved.

12.39 hrs.

PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL—
Contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri P. S. Naskar on the 25th November, 1964, namely:—

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, as reported by the Joint Committee, be taken into consideration."

Shri Himatsingka may continue his speech.

There are certain other improvements made in the Act in the shape of clauses 7 and 10 whereby provision has been made that manufacturers and distributors will give warranty in writing to the vendors who will go and take food articles for sale. That is a salient provision which will protect the small dealers who take their supplies from the wholesalers. That is very necessary because they are not the persons who have anything to do with adulteration, if there is adulteration in the food sold by them.

I feel that the existing law on prevention of adulteration of food was quite sufficient. The present improvements or changes that have been suggested have made the penalties severe. Mere change of law will not be sufficient to bring about any improvement unless the law is properly enforced. The difficulty arises when the law is not properly applied. What is the present position? Whenever there is any complaint, it is the inspector who takes the samples and starts prosecutions. What is necessary is that the law should be made absolutely clear and it should be well-defined. There should not be any loophole, either for the prosecution or the defence and the persons concerned should know what is adulteration and what is expected or required of them to be given to the customers.

Shri M. R. Masani (Rajkot): Mr. Speaker, Sir, I wonder if you will be good enough to fix the time for the consideration stage and tell us how much time will remain for the clause-by-clause consideration.

Mr. Speaker: We have 3 hours 30 minutes. We will have 1 hour 30 minutes for the clause-by-clause consideration and two hours for the general consideration.

Shri Himatsingka (Godda): Mr. Speaker, Sir yesterday I was saying that the existing law provides for all the contingencies regarding prevention of food adulteration.

I feel that in the existing law the rules that have been framed for some of the articles are rather defective and need consideration at the hands

[Shri Himatsingka]

of the Health Ministry. I have no doubt that the hon. Health Minister, who is very anxious to see that pure food is made available to the people, will see to it that the defects that are pointed out in the rules are removed. I will presently draw her attention to some of the rules that have been framed under the existing law so that the defects may be removed and innocent people are not put to any unnecessary hardship or difficulty.

There is a good deal of difference between adulteration and sub-standard goods. Adulteration arises when something injurious or which is not required is mixed up with an article of food intended to be taken by a customer. In the case of a sub-standard article there is no adulteration and yet under the present definition of "adulteration" it comes within the mischief of the Act. I will cite one or two small examples so that the House can realise the difficulties involved in enforcing this law.

Let us take the definition of ghee in rule 11(14) of the rules framed under the Act which you will find at page 43. Therefore different requirements have been laid down for ghee in different States. For instance, in Andhra Pradesh the refractometer reading required is 40-43 and the minimum Reichert value is 24. In another State it is 28. What happens if Andhra Pradesh ghee is taken to Delhi where the requirement is 28? It comes within the mischief of the Act and it becomes "adulterated". Certainly, it could not have been intended that what is pure in a particular State should become adulterated simply because it is taken to another State.

Then, take table butter, in the case of which also the requirements are different. It must not contain less than 80 per cent milk fat whereas in the case of *desi* butter it may be much less. Suppose the fat content is only 79 instead of 80 and the water content is 21. It is certainly sub-standard but it cannot be called adulterated.

Therefore, a distinction must be made between adulterated and sub-standard articles so that unnecessary complications may not arise. It is absolutely necessary because people will not be able to follow this distinction when they are prosecuted for such sub-standard ghee or butter.

Then, the provisions that have been made in the rules should be made public. The vendors who purchase things from manufacturers should be told to take certificates from the manufacturers so that they may be protected or may not be harassed for selling things which they have got from other sources. I feel that the check should be exercised at the source where a thing is manufactured, from where things are being supplied to different dealers or vendors. If proper check is exercised at source, there may be no occasion for innocent persons being prosecuted or harassed. For instance, take ghee. It comes from a certain place and it is sold in another place by a vendor. A vendor or a person who has purchased that ghee from a source does not know what the contents are. If steps are taken to exercise check at the source of manufacture and some kind of certificate or mark is put, I think that will give protection to the dealers and will also give a sort of guarantee of purity of the goods.

Then, instead of trying to rope in all kinds of things, I would suggest that the Health Ministry should apply its mind to a number of articles which are commonly adulterated like edible oil, medicines, milk, ghee and so on. If attention is concentrated on a few items like these which are commonly adulterated and which are not available in pure form, I think the task of the inspectors will be very much easy and the law can be effectively enforced.

Then, as some hon. Member was saying, now the law is such that if a quintal of wheat contains a kilogram

of gram it can be regarded as adulterated wheat. Certainly, it could never have been the intention that if a quintal of wheat contains a kilogram of gram it should be regarded or treated as adulterated.

Therefore, while the rules are framed, or instructions are given, or steps are taken to stop adulteration, I hope these things will be taken note of. Steps should be taken to see that the energies of inspectors are not dissipated in small articles like spices and so on.

When spices and other things are sold in whole form, in the form in which they come, there cannot be any question of adulteration. But if we apply our energy in those small matters, I feel, important things escape. Therefore it is when the Act is enforced that we should be very careful. Instructions should be given that in the case of important things which affect the health of the community proper steps are taken and it is seen that proper things are available.

I feel that one task of the inspector should also be to advise people about shops where guaranteed things can be had. Unfortunately, in our country you may be getting pure things but you are not sure whether that is so or not. Therefore if a number of shops are opened in different places and if arrangements are made to certify those things as correct at the district level or even at a lower level, I think, that will help in making suitable arrangements for making these things available.

Mr. Deputy-Speaker: We should close this debate at 2.40. What time does the hon. Minister want for a reply?

The Minister of Health (Dr. Sushila Nayar): About half an hour.

bers not to take more than 10 minutes each so that as many hon. Members as possible can be accommodated.

Shri Mohan Swarup (Pilibhit): I am sorry, I will not be able to cover it in ten minutes.

Dr. Sushila Nayar: I shall take 20 minutes.

Mr. Deputy-Speaker: Then, she will be called at 2.20.

श्री मोहन स्वरूप : उपाध्यक्ष महोदय, जहां तक खाने-पीने की चीजों में मिलावट का प्रश्न है, एडल्ट्रेशन का प्रश्न है, वह बहुत भयानक स्थिति में है। एडल्ट्रेशन का कारण क्या है, यह जानने का प्रयत्न नहीं किया गया है। इस के अलावा एडल्ट्रेशन को दूर करने के लिए जो सक्रिय कदम उठाये जाने चाहिए वे, वे नहीं उठाये जा सके हैं। इस एमेंडिंग बिल से यह आशा थी कि इस दिशा में कुछ सुधार हो सकेगा और कुछ सक्रिय कदम उठाये जायेंगे, लेकिन मुझे यह कहते हुए खेद है कि वे सब आशायें धूमिल हो गई हैं।

एडल्ट्रेशन का एक कारण यह है कि लोगों की खरीदने की शक्ति कम हो गई है, उन की पर-कैपिटा इनकम कम हो गई है, इसलिए वे सब-स्टैंडर्ड और खराब चीजें खरीद कर ही संतोष कर लेते हैं।

फूड एडल्ट्रेशन को रोकने और इस बिल के इम्प्लीमेंटेशन के लिए जो मशीनरी बनाई गई है, वह ठीक तरह से काम नहीं कर रही है। इस बिल की क्लॉज 9 के तहत मिनिमम और मैक्सिमम सजा का जो तरीका रखा गया है, वह मुनासिब नहीं है। किसी भी पीनल कोड में सिर्फ मैक्सिमम सजा रखी जाती है। इस तरह से मिनिमम सजा रख कर कोर्ट के हाथ बांध देना बुद्धिमत्त की बात नहीं है।

Mr. Deputy-Speaker: Then, she will be called at 2.10. I request hon. Mem-

[श्री मोहन स्वरूप]

जहां तक फूड इंस्पेक्शन की एग्जायंटमेंट का ताल्लुक है, इस बिल में प्रोवाइड किया गया है कि सेंट्रल गवर्नमेंट या स्टेट गवर्नमेंट्स कोई भी उन की एग्जायंटमेंट कर सकते हैं। मैं चाहता हूं कि सिर्फ सेंट्रल गवर्नमेंट के हाथ में यह सारा काम होना चाहिए और स्टेट गवर्नमेंट्स के हाथ में यह काम नहीं दिया जाना चाहिए।

ट्राइफ़ालिग मेटर्ज, छोटे-मोटे ज़ुमों, के बारे में सज़ा का कोई तरीका नहीं रखा गया है। इस बिल में एक अच्छाई यह है कि वेडर्ज को यह अधिकार दिया गया है कि वे अपने सेम्पल को टेस्ट कराने के लिए दे सकते हैं। इस बिल में यही एक अच्छी बात है। इस बिल से और जो आशाएँ थीं, वे पूरी नहीं हो सकी हैं।

एडल्ट्रेशन का प्रश्न सब से ज्यादा दूध और मक्खन के विषय में आता है। सेंट्रल कमेटी फ़ार फूड स्टैंडर्ड्स के द्वारा जो स्टैंडर्ड कायम किये किये हैं, वे आरबिटरेरी और गलत हैं। आरबिटरेरी सेक्रेटरी, देशी मक्खन व्यापारी संघ, बम्बई, ने श्री बाई० के० सुब्रह्मण्यम्, सेक्रेटरी, कंट्रोल कमेटी फ़ार फूड स्टैंडर्ड्स, को इस बारे में एक लेटर लिखा, जिस के जवाब में श्री सुब्रह्मण्यम् ने यह लिखा :—

"I am to refer to your registered letter No. Nil dated the 28th July, 1961, addressed to Lt.-Col. V. Srinivasan, Director General, on the subject referred to above and to say that the Directorate of Marketing and Inspection, Nagpur, is conducting an all-India Ghee survey and it is expected that this survey will be completed sometime by the end of next year. In the circumstances explained, it may not be possible for the Central Committee for Food Standards which is likely to meet in the near future to scrutinize the

data so far collected by the Directorate of Marketing."

इस का मतलब यह है कि 11 अगस्त, 1961 तक, जब कि यह लेटर लिखा गया था, ये रूलज़ नहीं बने हुए थे।

इस के अलावा श्री चंद्रमौली, एग््रीकल्चरल मार्केटिंग एडवाइजर, गवर्नमेंट आफ़ इंडिया, ने भी एक ऐसा ही लेटर लिखा, जिस में उन्होंने बताया कि हम डेटा इकट्ठा कर रहे हैं पूरे देश से और उन के आधार पर हम स्टैंडर्ड्स बना सकेंगे। लेकिन खेद है कि आज तक स्टैंडर्ड्स नहीं बन सके हैं।

मैं ने यहां बोलने से पहले इस सम्बन्ध में पेपर्स मांगे थे कि स्टैंडर्ड्स को किस तरह से निर्धारित किया गया है, वे डेटा कौन से हैं, जिन के आधार पर स्टैंडर्ड्स निर्धारित किये गये हैं, आदि, लेकिन मिनिस्ट्री से मुझे वे पेपर्स नहीं दिये गये।

श्री नरेन्द्र सिंह बहीड़ (आनन्द)
कहा गया है कि वे पेपर्स कान्फ़िडेंशल हैं।

श्री मोहन स्वरूप : मैंने लाइब्रेरी से कुछ सूचना मांगी थी, जिस में से थोड़ी सी मुझे मिल सकी है। मैं समझता हूं कि इस सिलसिले में कोई पेपर कान्फ़िडेंशल नहीं है। पार्लियामेंट के मेम्बरों के लिए कोई भी चीज़ कान्फ़िडेंशल नहीं समझी जानी चाहिए। लेकिन वे पेपर्स मुझे नहीं दिये गये और मुझे उत्तर दिया गया :—

"I am directed to inform you that the minutes of the fifth to the ninth meetings of the Central Committee for Food Standards have been sent to the Library, Parliament House."

मैं ने सेक्रेटरी, ज्वायंट सेक्रेटरी वगैरह सब को कहा और बहुत कोशिश की, लेकिन मुझे पेपर्स नहीं दिए गए।

इसी तरह ट्रेड्ज को भी कोई डेटा सप्लाइ नहीं किये गये हैं। मैं साफ़ तौर कह सकता हूँ कि कोई डेटा इकट्ठे नहीं किये गये हैं। मैंने एविडेंस के रिकार्ड में पढ़ा है कि गवर्नमेंट की तरफ़ से कहा गया कि हम ने हंड्रेडज़ आफ़ फ़ाउन्ड्रेडज़ डेटा इकट्ठा करने के बाद ये स्टैंडर्ड्स निर्धारित किये हैं। लेकिन मिनिस्टर साहब के पास कोई डेटा नहीं है, जो कि वे दिखा सकें। ख़्वाहम-ख़्वाह झूठलाया जाता है और ग़लत बयानी की जाती है। मैं निश्चित रूप से कह सकता हूँ कि कोई डेटा नहीं है और इसलिए जो स्टैंडर्ड्स बने हैं, वे ठीक नहीं हैं।

इसलिए मैं चाहता हूँ कि इन स्टैंडर्ड्स में सुधार किया जाये और इस के लिए एक कमेटी बनाई जाये, जिस में वास्तविक एक्सपर्ट्स रखे जायें। मंत्रालय की ओर से जो लोग रखे गये हैं, वे सो-काल्ड एक्सपर्ट्स हैं। जहाँ तक घी और मक्खन का सवाल है, इस देश में एक्सपर्ट्स की कमी नहीं है। ज़रूरत इस बात की है कि एक हाई-नैवल कमेटी बनाई जाये, जिस के द्वारा साइंटिफ़िक डेटा इकट्ठे किये जायें और उन के आधार पर नये स्टैंडर्ड्स बनाए जायें।

वर्तमान स्टैंडर्ड्स के आधार पर लोगों का विक्टिमाइजेशन हो रहा है। एडल्ट्रेशन को दूर करने के लिए अधिक से अधिक सक्रिय कदम उठाए जायें, अधिक से अधिक सज़ा दी जाये, लेकिन उस के साथ ही साथ मैं चाहता हूँ कि ख़्वाहम-ख़्वाह लोगों को दिक्क न किया जाये। आज जो मशीनरी है, उस में लोगों से रिश्वत ली जाती है और वास्तविक एडल्ट्रेंट्स को छोड़ दिया जाता है। और सज़ा कौन भुगतते हैं? जो रिश्वत नहीं दे सकते हैं, जो ग़रीब हैं,

जो रिश्वत देना नहीं चाहते हैं, वे सज़ावार होते हैं और उन को विक्टिमाइज किया जाता है और जेलों में ठूसा जाता है।

मैं चाहता हूँ कि सही स्टैंडर्ड्स बनें और विक्टिमाइजेशन को रोका जाये। तभी हम इस दिशा में कुछ कर सकते हैं, अन्यथा हमारे सारे प्रयत्न असफल होंगे।

घी और दूध के टैस्टिंग के लिए बहुत से तरीके अपनाये जाते हैं जैसे :

- (1) Acid value (F.F.A.).
- (2) Butyro Refracture index.
- (3) Baudouin Test
- (4) Reichert value (R.M. Value).
- (5) Moisture test
- (6) Phytostyryl Acelite test.

13 hrs.

इस में रीचर्ट वैल्यू (आर० एम० वैल्यू) को आधार माना गया है। मैं इस सम्बन्ध में यह निवेदन करना चाहता हूँ कि रीचर्ट वैल्यू का आधार जो है यह सिम्पली प्रिजम्प्टिव है, उस को कतई भी सही नहीं माना जा सकता है। इस का कारण यह है कि रीचर्ट वैल्यू घटती बढ़ती रहती है। जैसे जैसे जानवर का दूध घटता जाता है वैसे वैसे रीचर्ट वैल्यू में फर्क आता जाता है। है। इस के साथ साथ घी जब रख दिया जाता है तो भी रीचर्ट वैल्यू में फर्क आ जाता है। स्टोरेज जब घी को किया जाता है तो भी इस में फर्क आ जाता है हालांकि घी प्योर होता है और उस की वैल्यू कम हो जाती है। तब यह कहा जाता है कि यह एडल्ट्रेंट्स है। इस के साथ साथ घी में लेयर्स होते हैं। ऊपर का लेयर, बीच का लेयर और नीचे का लेयर। ऊपर के लेयर में दाने होते हैं, वह बेहतर होता है। नीचे

[श्री मोहन स्वरूप]

का भी उतना अच्छा नहीं होता है, वह खराब होता है। अगर नीचे के भी का सैम्पल लिया जायगा तो इस का मतलब यह है कि वह एडल्ट्रेटिड है क्योंकि वह बैसा नहीं हो सकता है जिस तरह का ऊपर का भी हो सकता है। रीचर्ट वैल्यू का जो टेबल दिया हुआ है, मेरे पास समय नहीं है कि मैं उस को पढ़ कर आप के सामने रख सकूँ। वह भी म्यूकल्लिफ़ स्टेट्स के लिए म्यूकल्लिफ़ है, गुजरात में कुछ है, उत्तर प्रदेश में कुछ और है और बिहार में कुछ और। मैं चाहता हूँ कि या तो क्लाइमेटिक कंडिशन को ध्यान में रखते हुए यह यूनिफार्म हो या फिर जैसा अभी मैंने अर्ज किया है सही स्टैंडर्ड्स निर्धारित किये जायें। अन्यथा जो चीज़ घटती बढ़ती रहती है उस के कोई माने नहीं रह जाते हैं। रीचर्ट वैल्यू के अलावा और कोई टैस्ट हो जैसा अभी मैंने निवेदन किया है कि फाइब-टैस्ट्रल एकोलाइट टैस्ट ज्यादा माना जाता है और कहा जाता है कि यह कनकल्यूसिव टैस्ट है।

टैस्टिंग भी कई जगहों पर होना चाहिये। अब दूसरी जगह पर भी टैस्टिंग का इंतजाम है। एक जगह पर जब कोई चीज़ टैस्ट हो जाती है तो उसके बाद जब उसको सेंट्रल फूड लैबोरेटरी कलकत्ता में भेजा जाता है तो अक्सर ऐसा होता है कि वह डिटो कर देती है। जब कोई केस कचहरी में जाता है और कचहरी उसको सेंट्रल लैबोरेटरी कलकत्ता में भेज देती है तो सेंट्रल लैबोरेटरी का दिमाग पहले ही विशियेटिड हो चुका होता है और जैसे पहले टैस्ट किया गया होता है, उसको वह वैसे ही डिटो कर देती है। मैं चाहता हूँ कि यह जो सेंट्रल लैबोरेटरी है यह स्वतंत्र हो। इसी तरह से यहां कई और भी इंस्टीट्यूशंस हैं जहां पर लोगों को

टैस्टिंग की सुविधायें प्रदान की जा सकती हैं। मिसाल के तौर पर अलीपुर टैस्ट हाउस कलकत्ता है, हाफकिन इंस्टीट्यूट्स बम्बई की है, श्रीराम इंस्टीट्यूट है। इस तरह से आप और भी कई इंस्टीट्यूट्स बना सकते हैं जहां पर फाइनल टैस्ट हो सकता है। आज जो टैस्टिंग का तरीका है, यह मुनासिब नहीं है। इसकी आज जो सुविधायें हैं, वे बहुत कम हैं।

फूड इंस्पेक्टर्स द्वारा जो धांधली की जाती है, उसका भी अन्त होना चाहिये। आजकल बहुत धांधलेबाजी चलती है। आजकल फूड इंस्पेक्टर्स जाते हैं चीजों को पकड़ते हैं लेकिन बाकायदा कोई गवाहों का इंतजाम नहीं करते हैं। उन के साथ जो चपड़ासी होते हैं, उन को ही गवाह कर लिया जाता है। जब सैम्पल कलैक्ट किये जायें तो ऐसे विटनेसिस रखे जाने चाहियें जोकि रिलायबल हों। विटनेसिस शुड भी रिलायबल। बाकायदा कोई पंचनामा होना चाहिये। अगर पियंज को ही गवाह के तौर पर पेश किया जायेगा तो वे इंडिपेंडेंट एवीडेंस नहीं दे सकेंगे। इसलिए गवाहान जो हों वे अच्छे हों, मुनासिब हों, रिलायबल हों।

अन्त में मैं यही कहना चाहता हूँ कि सारी चीज़ को देखने के लिए एक हाई पावर्ड कमेटी बिठाई जाय जोकि ठीक तौर पर इस सारे कार्य को कर सके, सही तौर से निरीक्षण कर के कुछ आधार बना कर आप को दे सके। आजकल तो होता यह है :

पकड़े जाते हैं फरिश्तों के लिखे पर नाहक आदमी कोई हमारा दमे तहरीर भी था।

आदमी तो कोई वहां होता नहीं है। उन्हीं के सब आदमी होते हैं और आद-

मियों को पकड़ कर भेज दिया जाता है । इस तरह से जो विक्टिमाइजेशन होता है, यह बन्द होना चाहिये । इस तरह के विक्टिमाइजेशन को बन्द करने के लिए सक्रिय कदम उठाये जाने चाहियें और जो दिक्कतें पैदा आती हैं, उन का कोई हल सोचा जाना चाहिये । स्टैंडर्ड्स सही रूप से बनाये जाने चाहियें ।

मुझे खेद है कि समय अधिक न होने की वजह से मैं और इस सिलसिले में कहने में असमर्थ हूँ ।

Shri Harish Chandra Mathur (Jalore): Mr. Deputy-Speaker, Sir, this evil of adulteration is so widespread and it touches us all so much that this indignation against adulterators is only natural. And my feeling is that in making this enactment it is more of indignation which has been reflected rather than a mature thinking.

The first salient feature which I notice in this enactment is that the Central Government wants to take an active part in checking adulteration. We are quite aware that we have the Concurrent List where the States as well as the Centre could also legislate. It is not the question of a uniform legislation. Now under this enactment, the power and the jurisdiction has been taken to run a sort of parallel administration both at the Centre as well as in the States. It appears to me that this is due to our lack of confidence in the State administration. It is true but at the same time I should say as much that the States as well as the Centre have not given any commendable account of their performance. In this context, I should like to know from the hon. Minister what actually her scheme of things is and what is the sort of administrative set-up which she visualises or whether she is only satisfied and happy with having this enabling enactment, and, if they are going to have a parallel administration set-up, what is going to be their coordination

and all that. All that may better be clarified.

Sir, as I pointed out earlier, it is more of indignation than reason that is reflected in the provisions of this enactment. It is just a wishful thinking. If wishes were horses, beggars would ride them. If it was only the passing of an enactment, making stringent provisions and that that would help the matters, I think, this country would have been one of the best-ruled countries in the entire world. There would be no other country where legislations of the nature that have been passed here have been passed in all fields and spheres of life.

I remember there was a lot of noise about the yellow press and so many things were said about it. We authorised the Government to prosecute those people who publish defamatory items against those in authority, whether officials or non-officials including the Ministers. I asked only the other day to find out that there has not been one single prosecution to this day. It is not that this yellow press is not thriving; it is more than what it was when the enactment was passed by this House. Therefore, it exposes this Parliament almost to a ridicule and we almost have a nauseating feeling that these enactments are brought before us and after certain time we find that nothing whatsoever has happened.

Nobody has any compassion for adulterators. But my real apprehension is that these provisions which we are enacting are likely to drive out all honest people out of the trade and business. That is my apprehension. I venture to submit that my apprehension is based not on wishful thinking. We all wish that something really is done. The real limitation is not the lack of provisions and the enactment; the real difficulty, unfortunately, is incompetence at the top and highly inefficient administrative machinery right to the field level.

If we had an efficient administrative machinery, I am sure that things would not have been half so bad as

[Shri Harish Chandra Mathur:]

they are today. Still, I would not grudge any powers to the hon. Minister provided she can give us an assurance that this evil of adulteration will disappear in a short time. We are placing in her hands an instrument which to my knowledge is almost dangerous. After all, it is not the hon. Minister here who is going to see the implementation of it at the field level which is what matters. After all, why are the people indignant? They are indignant at the way the Act is being implemented. In return for giving these powers, is this House not entitled to ask the hon. Minister 'Here is the enactment as you want it. Here are the provisions for deterrent punishments; here are the sweeping powers given to you and to your administrative staff. Will you give us an undertaking that within one year if you do not eradicate this evil or even make a significant improvement in the position, then you will be prepared to take the consequences? The consequences would be those for failure at the top, and they are something very serious. If the hon. Minister could give us that assurance, it will give us some comfort and satisfaction that something will be achieved in spite of the fact that certain people will be victimised as a result of an enactment of this nature which we consider to be dangerous. But I do not know whether the hon. Minister will be prepared to give up this assurance in consideration for the powers which we are placing in her hands.

I wish her god-speed, and I wish her all success, and I assure her of all co-operation, but I think that it would have been much better if we had devoted our attention to something really fruitful by making provision in respect of those items which are the necessities of life. Let there be an adequate supply of these necessities of life. If there is an adequate supply of the necessities of life, where we do not want adulteration made to us in good condition, then that would be some achievement. But that is not so easy.

I am glad to find that the hon. Prime Minister is reorienting his policies towards making consumer goods available more and more, and that is a wise and a sane thing. It is scarcity which finds a hundred and one ways to pollute the general atmosphere and to pollute the materials. But meanwhile I feel that the hon. Minister will be well advised to tackle this problem at the source, that is, at the manufacturers' level. Let these things be checked at the manufacturers' level or at the processing level, and let these items be put into sealed packets or tinned and Agmarked. In that way, I hope that something constructive and positive will be done. I wish that periodical reports may be given on this matter.

In conclusion, I would just like to refer to the difficulties which have been pointed out regarding the present rules, regarding the standards and so on. I know of certain cases, and I can give you any number of cases where even poisonous substances are used for adulterating the food items. Take, for instance, *haldi*. *Haldi* is adulterated with one of the most poisonous items. But I know that the standard of that particular item varies so much from place to place that honest people have been prosecuted because they sold sub-standard stuff over which they had absolutely no control.

Therefore, I hope that the hon. Minister will show a responsive mood to the various suggestions which have been made regarding the standards, the rules and the other provisions and see that these are harmonised and judicially administered.

श्री काशी राम गुप्त (अलवर) :

उपाध्यक्ष महोदय, कल जब मैं डा० सिंह के भाषण को सुन रहा था जबकि वह ऐटमिक एनर्जी से होने वाले नुक्सान के बारे में बोल रहे थे, तो मुझे लगा कि जब सरकारें ही गलत काम करें तो उस

की जिम्मेदारी किस पर पड़े । और भारतवर्ष में यही हो रहा है । उदाहरण के तौर पर जब से वेजिटेबल घी बनने लगा है तब से गांवों में घी की मिलावट बहुत बड़ी मात्रा में प्रारम्भ हो गई है । वर्षों से यह कोशिश हम कर रहे हैं, कितने ही कांग्रेस के अधिवेशनों में भी यह चर्चा आई, कि इस वनस्पति घी को किस तरह से बन्द किया जाये या उस की मिलावट को किस प्रकार से रोका जाये । सुझाव आया कि इस में ऐसा रंग दे दिया जाये जिस से लोगों को नुकसान न हो । लेकिन वह आज तक कामयाब नहीं हो सका । इस का क्या कारण हो सकता है, यह सरकार जाने । दूसरी बात यह हो सकती थी कि ऐसे लोगों का गांवों में जाना रोका जाये जिनका काम गांवों के लोगों के चरित्र को ही गिराता है । सब से बड़ी मुश्किल यह होती है कि इस घी के मामले में, और अद्वय तो मन्खन के मामले में भी होने लगा है, यह पकड़ा ही नहीं जा सकता कि किस ने मिलावट की ।

13.16 hrs.

[DR. SAROJINI MAHISHI in the Chair]

गांवों में किसी ने तो इस को ले कर पशुओं को ही खिला दिया और उस से घी निकाल लिया, या उस से आगे चल कर यह होता है कि गांव के छोटे व्यापारी जो मिलावट करते हैं उन्होंने मिला दिया और वही शहर में आ कर मिलेगा, लेकिन पकड़ा वह जायेगा जिस के हाथों वह बेचा जा रहा है । आप कितने ही इन्स्पेक्टर लगाइये, कुछ भी कीजिये, लेकिन गांवों में चीजें पहुंच चुकी हैं उन को रोक पाना आप के लिए नामुमकिन हो गया है । अभी अभी श्री माथुर जो कह रहे थे वह भी एक पते की बात

थी । आप कितना ही काम कर लीजिये लेकिन अगर उस का असर यह हो जाये कि हम उस को लेने में कामयाब हो जायें तब तो ठीक है, नहीं, तो कोई लाभ नहीं है । मेरा यह निवेदन है कि हमारा यह अभ्यास हो गया है कि जिस प्रकार से अंग्रेजों के जमाने में कानून बनते थे उसी प्रकार से कानून बना कर हम अपने कर्तव्य की इतिश्री मान लेते हैं, लेकिन खाली कानून बना देने से काम नहीं चल सकता है । जितने भी प्रजातन्त्र देश हैं, अथवा उन से सम्बन्धित जो देश हैं वहां पर ऐसे कार्यों के लिये पहले वे जनमत बनाने हैं, कानून बनाने के पहले वे उसका प्रचार करते हैं और कानून बनने के बाद भी उस का तेजी से प्रचार करते हैं, लेकिन हमारे यहां क्या दशा है । यह कानून बन कर जायेंगे तो पुलिस के थानेदारों से आगे पहुचेंगे नहीं । पहुचेंगे तो अंग्रेजी में पहुचेंगे, प्रादेशिक भाषाओं में या हिन्दी में नहीं पहुचेंगे । आम जनता तो प्रादेशिक भाषाओं को जानती है या हिन्दी को जानती है । अगर उन के पास कानून नहीं पहुंच सका तो किस को पता लगेगा कि कहां खराबी हो रही है । हम यहां कानून बना रहे हैं और गांवों के लोगों को पता भी नहीं कि यहां क्या हो रहा है । इस का नतीजा यह होता है कि हजारों की तादाद में वह अनजान लोग पकड़े जाते हैं जो इस को जानते भी नहीं हैं । इन्स्पेक्टर लोग जो हैं उन का रवैया सब को मालूम है । मुझे ताज्जुब होता है कि सरकार के पास इतनी बड़ी सी० आई० डी० है लेकिन उस को यह जानकारी भी नहीं मिलती है कि इन्स्पेक्टरों का बाकायदा पैसा बंधा रहता है बाजार में । इस लिये नहीं कि वह मिलावट करने वाले लोग हैं, बल्कि बहुत से ऐसे लोग हैं जो आज इज्जत बचाने के लिये पैसा देते हैं ।

वह जो पेचीदा कानून बनाया जा रहा है इस सम्बन्ध में चाहिये तो यह भी कि पहले

[श्री काशीराम गुप्त]

नियम और उपनियम तैयार होते। लेकिन यहाँ तो उल्टी गाड़ी चलाई जा रही है। गाड़ी को आगे और थोड़े को पीछे कर दिया गया है। पहले नियमों, उपनियमों के बारे में चर्चा की जानी चाहिये थी। हिन्दुस्तान के लोगों के सामने इस की चर्चा नहीं हुई। बहुत से लोगों ने बयान दिये हैं। पहले उन चीजों पर अच्छी तरह से हाजस में चर्चा करते उस के बाद कानून बनाते तब सामय ज्यादा ठीक होता। अभी कुछ और संशोधन यहां रखे गये हैं। मेरे ख्याल में उन को लागू न किया जाये जब तक कि नियमों और उपनियमों के बारे में संशोधन न कर लिया जाये, अन्यथा इस से देश का बड़ा भारी अनहित होने की सम्भावना है। मैं निवेदन करूँ कि जितने लोगों ने बयान दिये हैं उन में हर एक ने यह कहा कि यह पता नहीं कि गलती कहां से होती है। जब हम यह पता नहीं लगा सकते कि गलती कहां से होती है थोड़े से आदमियों के बीच में तो जहां पर हजाराओं की तादाद में आदमी व्यापार में लगे हुए हैं वहां कहां तक हम इस कानून पर अमल कर सकेंगे यह बहुत गहरा प्रश्न है। इस लिये इस बिल के अन्दर जो सजायें रखी गई हैं उन से कोई असहमत नहीं हो सकता कोई नहीं कह सकता कि ऐसा न हो। वह बहुत जरूरी है लेकिन स्टैंडर्ड चीज में जहां तक मिलावट का सवाल है, उसके बारे में छान बीन करना भी बहुत जरूरी है। और दूसरा यह है कि इस मिलावट को रोकने के कारगर उपाय तभी हो सकेंगे जब आप इस कानून का जनता में फिल्म आदि के द्वारा प्रचार करेंगे। और प्राथमिकी तौर से हम इस बीमारी को तब हटा सकेंगे जब कि उपभोक्ताओं के जनदार संस्थान बनावें। उपभोक्ता असमजस में पड़ जाता है कि कहां से चीज ले। जैसा कि अभी श्री मोहन स्वरूप जी ने कहा, जो लोग चीज खरीदना चाहते हैं और उनको वह नहीं मिलती तो जहां उसको मिलती है वहां से लेने के लिए यजबूर हो जाते हैं। ऐसी स्थिति

में अगर सरकार यह समझ ले कि हम ने कानून बना दिया और आगे कुछ नहीं करना है, तो मैं समझता हूँ कि यह कानून बनाना जनता के लिए नुकसानदेह होगा और इससे जनता का हित नहीं होगा।

मेरा निवेदन है कि इस कानून को सफल बनाने के लिए हमको अनेक परिवर्तन करने होंगे। मंत्री महोदय को अपने मंत्रालय में एक अन्वेषण विभाग खोलना होगा जो इस को मिटाने के कारगर उपाय खोजे और हर वर्ष वह अपनी रिपोर्ट दे, और यह रिपोर्ट इस सदन के सामने भी रखी जाए ताकि सदन को भी पता चले कि इस कानून के बनने के बाद यह किस प्रकार चल रहा है। अगर सरकार समझ लेती है कि हमने कानून बना दिया है और इस में 6 महीने से ले कर 6 साल तक की सजा रख दी है यह काफी है, तो इस का परिणाम यह होगा कि जो चालाक लोग हैं वे इस सजा के डर से मिलावट बन्द नहीं करेंगे लेकिन सजा से बचने की कोशिश करेंगे, उनकी सारी शक्ति सजा से बचने के उपाय में लग जाएगी। और जैसा कि मोरे साहब ने कहा कि इस कानून का परिणाम यह होगा कि पहले पुलिस का घर भरेगा और फिर बकीलों का घर भरेगा जो कि सुप्रीम कोर्ट तक मुकदमे ले जाएंगे। मेरा निवेदन है कि यह बहुत गहरी बात है।

हम सब चाहते हैं कि इस बीमारी को समाप्त किया जाए और उसकी समाप्ति के लिए मैं दो तीन सुझाव आपके सामने रखना चाहता हूँ। एक तो यह सुझाव है कि उप-भोक्ताओं को चीजें मिलने के लिए जो मौजूदा तौर तरीके हैं उनमें बड़ा भारी हेरफेर किया जाए और इस काम को अकेला यह मंत्रालय नहीं कर सकेगा, अन्य मंत्रालयों को भी सहयोग देना होगा।

मंत्री महोदय ने लोगों से कहा है कि वे अपने संगठन बना लें, जैसे कि हलवाई लोगों से कहा कि तुम अपना कंज्यूमर्स की हैसियत से संगठन बना लो। पर उन लोगों ने अपनी दिक्कतें बतलायीं। तो इस प्रकार कह देने से तुम अपना संगठन बना लो काम नहीं चल सकता। यह सरकार की जिम्मेदारी है कि उपभोक्ताओं को उचित चीज मिले। इस बिल को पास करने के बाद सरकार की यह नैतिक जिम्मेदारी हो जाती है कि वह देखे कि इस कानून के अन्तर्गत ठीक से काम हो। सरकार को यह निर्णय करना होगा कि इस काम में सरकार की कितनी जिम्मेवारी है, जनता की कितनी जिम्मेवारी है, पार्लियामेंट की कितनी जिम्मेवारी है और मेम्बरो को व्यक्तिगत रूप से कितनी जिम्मेवारी है।

एक साहब बतला रहे थे कि दिल्ली में प्योर घी नहीं मिलता तो हम ने प्रश्न किया कि जो दिल्ली मिल्क स्कीम का घी हम को मिलता है वह तो ठीक है या नहीं। हमको बताया गया कि सरकारी संस्थाओं में भी मिलावट हो जाती है। तो यह बहुत गहरी बात है, हमें इसे रोकने के लिए पूरा प्रयत्न करना पड़ेगा। अगर कोई इंस्पेक्टर उस सरकारी संस्था को जा कर पकड़ता है तो उसमें भी कोई रहस्य होता है। कभी इंस्पेक्टर इस लिए पकड़ता है कि वह उस संस्था से नाराज होता है और अगर ऐसा नहीं होता तो संस्था के लोग उसको चकमा देते रहते हैं और उसे परेशान करने की कोशिश करते हैं। मेरा खयाल है कि जनता को और मंत्रालयों को मिल कर प्रयत्न करना होगा तब यह बीमारी दूर हो सकती है। नैतिक स्तर ऊंचा करने से यह बीमारी दूर हो सकती है। इसके लिए अनेक उपाय करने पड़ेंगे। केवल उपदेश देने से या अपीलें करने से काम नहीं होगा।

अन्त में मैं खेती की पैदावार के मामले में कहना चाहता हूं कि इसमें इस बात का पता

लगाना बहुत मुश्किल है कि मिलावट किस ने की है। एक चीज राजस्थान से बंगाल में जाती है और बंगाल में पकड़ी जाती है। उसकी जिम्मेदारी किस पर आनी चाहिए? इसका नतीजा यह होता है कि कभी करोड़ों रुपये का माल जलाया जाता है। तीन चार बरस की बात है कि राजस्थान और उत्तर प्रदेश से बंगाल में सरसों गयी और वहां उसको सब स्टैंडर्ड बताया गया और उस लाखों रुपये की सरसों को इस कारण जला दिया गया। इसमें व्यक्तियों का तो नुक्सान जो हुआ सो हुआ, लेकिन देश के इतने खाद्य पदार्थ का भी नुक्सान हो गया। मैं समझता हूं कि इस बारे में कुछ नहीं सोचा गया है कि किस प्रकार इस बीमारी को रोका जाए।

अगर उत्पादक को ऐसा करने से रोकना है तो मंडी में जहां वह चीज आती है उसकी चैकिंग होनी चाहिए और उस मंडी से सरटिफिकेट मिलने पर ही उसको आगे भेजा जाना चाहिए। लेकिन इस बात को अव्यावहारिक माना गया है। मेरा खयाल है कि जहां से जो चीज चलती है वहीं उसमें मिलावट रोकने की कोशिश होनी चाहिए। अगर खेती की पैदावार है तो मंडी से बाहर जाने के पहले उसकी जांच होनी चाहिए और अगर कारखाने का माल है तो कारखाने से बाहर जाने के पहले उसकी जांच कर ली जानी चाहिए। अन्यथा इस चीज को नहीं रोका जा सकेगा।

जहां तक रेस्टोरेंट्स का सवाल है कहा जाता है मालिकों की तरफ से कि साहब हम तो ठीक चीज बनाते हैं लेकिन अगर नीकर मड़बड़ कर दे तो क्या हो। ये सब बातें बताती हैं कि इस बीमारी की जड़ बहुत गहरी है। मेरा खयाल है कि जब तक आप इस बीमारी को रोकने के लिए अपने यहां बराबर अन्वेषण नहीं कराते रहेंगे तब तक केवल कानून से यह बीमारी नहीं हटेगी।

[श्री काशीराम गुप्त]

सिलेक्ट कपेटी ने बहुत परिश्रम करके इस बिल को अच्छा बनाया है और इसमें उचित सजा का समावेश किया है, यह ठीक है, लेकिन इसमें सफाई तभी मिल सकेगी जब सरकार की ओर से कारगर उपाय किए जाएं।

Shri N. C. Chatterjee (Burdwan): Madam Chairman, there is a general unanimity in the House that food adulteration is going on on such a widespread and extensive scale that it is a national menace to our nation's health and it is not only corrupting the traders and the business people but it is creating a debilitated race which is a danger to India.

I am sorry that observations have come from two senior Members, whom I respect, particularly the observations which fell from Shri S. S. More and Shri Mathur, casting aspersions on the Members of the Joint Committee. This is very unfair. I must strongly protest against the suggestion that the members of the Joint Committee submitted to the dictation of the Minister and she ruled the Committee proceedings and dominated it and we very faint-heartedly submitted to her dictates. That is not true.

Madam Chairman, you were the Chairman of the Joint Committee. You know there was no interference. There is no one on this side of the House who is more critical of the Government and Ministers. It is thoroughly unfair to suggest that the Minister either interfered or we submitted to her dictation. You know perfectly well I am not used to submit to anybody's dictation, not even of the Prime Minister, far less of any other Minister. On the other hand, you know perfectly well that we put forward different points of view, and I must admit that the hon. Minister had the wisdom and the grace to accept some of our suggestions and they have been incorporated in this Bill. Therefore, it is not fair to suggest that she was

actuated by a dominating or domineering spirit. There was no question of domination.

Shri Kashi Ram Gupta: Perhaps Shri More was referring to the Congress Members.

Shri N. C. Chatterjee: I do not know. I won't have any commentaries on his speech.

As you know, when we got details with a list of common adulterants in various articles of food, we got a shock. The House will be surprised to know that in non-alcoholic beverages, non-permitted coal tar dyes are being used on an extensive scale throughout India. Not only are dirt and filth very commonly used, but mineral acids are being used. What do you think, of this? As regards *hing* which is called *asfoetida*, and also some other kind of *hing*, we find excessive sand and grit are being used as adulterants; foreign resins are used; coal tar dyes are also being used.

Then look at spices. I have made inquiries, not only from people who saw me, representing the spice dealers in the Calcutta market, but also from other markets and they have confirmed that this chart which has been prepared by the authorities is true.

In spices, the general adulterants are: excessive sand and grit, coal tar dyes, foreign starches, foreign seeds; excessive lead or lead chromate and coal tar dyes in *haldi*; artificial cumin seeds made of earth and mud as well as foreign seeds in cumin seeds; excessive stalky and woody matter; starchy matter in coriander, and many other things.

This is true that they have come to know that these are the things which are going on unchecked, and that a section of the traders has behaved miserably, and they are actuated by greed to make money at any cost. The fact is that this is the most organised industry in India, namely the adulteration business, and it is going on on an extensive scale. As a matter of

fact, some of the factories for preparing adulterants are doing better than factories manufacturing some other commodities, and they are making better profits.

The hon. Minister knows, and you are also aware, that there are three factors, and we are not oblivious of them. The first factor which comes in our way is that the real culprits are in the big *mandis*, and at the manufacturing centres, who send these consignments to distant places, and there is no provision for periodical inspection and complete detection at the manufacturing level. Certainly that is very important.

Many small traders came to me, they must have gone to the Minister and must have come to you and other Members of Parliament, and they were saying that we are only manufacturing an engine of torture and oppression which will simply mean that the rate of corruption will go up. The food inspectors who are now making Rs. 500 will be making Rs. 1,000 or more, and they will be more prosperous. It will not mean *sadachar*, but really an accession or increase in the rate of graft.

An Hon. Member: *Sadachar*.

Shri N. C. Chatterjee: Something has got to be done. Shri Mathur said that the Minister has done nothing, and therefore this Bill is disappointing in that way. What can we do? What can the Minister do under this wonderful Constitution of yours? You are a lawyer, and you know that we have got the Concurrent List, and it is one of the items in the Concurrent list. Unless this Parliament in its wisdom makes it a Central subject, how can any Minister or Select Committee completely centralise or nationalise this thing, namely prevention of adulteration of foodstuffs and other articles. It is very easy to criticise. We thought about it, we knew it, and certainly it is the Minister's duty, and I will be the first man to stand up in this Parliament and condemn her if

she does not do anything to detect and prevent adulteration at the manufacturing level. But that you cannot do by legislation. It is a question of administration, and I am quite sure that the Minister is alive to the primary need of checking it at the originating source.

The second thing is that the food inspectors are notorious for graft and corruption, and there is evidence of organised graft; blackmarketeers and other people are in league with them, and make periodic contributions to them. I believe that Swamiji, with whom I do not generally agree, knows that it is not a spiritual fact, but a mundane fact that we all know that there is regular collusion between food inspectors in big cities and traders. Therefore, the small trader will be caught, but the real culprit will not be caught.

This is a matter of our national character. This is a very serious problem, and it is only enlightened public conscience which can eradicate it. No Minister can check it completely. Of course, she can do quite a lot in that direction. The first thing is to change the mechanism, to improve the mechanism of inspection and detection, and that is very important.

The third thing is this. I know that my hon. friend Shri Kashi Ram Gupta has promised me some briefs later on, after this Act comes into operation, but I know as a member of the Supreme Court Bar—I have been here from 1950 after I retired from the High Court Bench—that in some cases the Supreme Court Judges have been very unwilling to impose deterrent punishments because the analysis and the testing was done two or three months later. That is unpardonable because by that time the goods deteriorate, and naturally the analyst's test is under a shadow. That should be completely altered.

I do not know what is to be done. I think the Central Government must

[Shri N. C. Chatterjee]

be given the power and the resources to have first class, well-equipped laboratories throughout India at all important cities, and they should be run under the direct control and supervision of the Health Ministry. If you leave the food inspectors to the tender mercies of the corrupt and inefficient machinery of the Delhi and other corporations, nothing will happen, and it will mean only that we are supplying a handle for greater oppression and torture.

With regard to deterrent punishment, as you know I am responsible for this particular clause which has been put in, and I take full responsibility for it. As a man who entered the profession in the year 1919 and has been in law throughout his life, and has been responsible for the administration of justice in one part of India, I tell you that if you put in the highest deterrent punishment, you make the judiciary allergic to record a conviction and inflict punishment.

During the Bengal famine when millions of people were dying, Pandit Jawaharlal Nehru was in detention. After 1,000 days in prison he came out, and the first thing that he said was: "My heart bleeds not because millions have died of hunger and starvation, but because not one blackmarketeer or profiteer was hung on the nearest lamp-post or flogged." Therefore, we thought of flogging. I remember Shri Morarji Desai saying that he was averse to flogging because that is a barbarous thing; he would rather prefer hanging, but would it do any good? Do you not realise that Judges and Magistrates are human beings? If you put in that kind of clause, they would become immediately averse to it. I am perfectly prepared to accept, and the Minister will certainly consider it, the suggestion that there should be confiscation of stocks or of property, that will be something better. But what we have put down is giving the magistrate or the Judge some discretion; he can tone down or

mould the punishment, having regard to the degree of delinquency involved in the crime. Therefore, it is much better to leave it to the judiciary, have faith in them, and I am quite sure that that will be good to both the traders and the accused. I am in favour of taking sterner action like confiscation, but I certainly admit that nothing can be done by mere legislation. Improvement must be made in the mechanism of inspection, in the mechanism of detection, there should be a complete overhaul of the machinery for the purpose of bringing the guilty to justice in courts of law.

Shri A. S. Alva (Mangalore): Sir, I support the Bill, and in so doing I wish to point out two clauses which were added for the sake of the better working of the Act.

The anxiety of the Members of the Select Committee who have appended Notes of Dissent will go to show that they are keenly alive to the very serious proportions to which food is adulterated in this country. As a matter of fact, Shri Kamath even demanded death sentence for the adulterants. His argument is that people are prepared even to poison food, but that will be met by the ordinary penal code. If a man deliberately poisons food and sells it, not necessarily to any particular individual, he will come under the ordinary penal code for murder. In respect of certain offences, certain minimum sentences had been prescribed. It is absolutely necessary that people should be careful at least in respect of food preparations. That is why I generally welcome the provisions in this Bill prescribing minimum punishment in respect of certain offences.

In this connection, I beg to draw the attention of the Minister to some provisions so that they might be fully implemented. Many cases failed in High Courts because some sanitary inspectors who were by name designated

as food inspectors has been transferred to some other town or municipality and his successor was not designated like that by name. When the inspectors are appointed, it may be either by name or it may be by virtue of the office. It should be definite so that it is not left in doubt to the courts as to whether a person is actually authorised to take samples of food at all. If there is no definiteness but only vagueness, then naturally the cases fail.

Secondly, food inspectors should be generally taken from people who are above reproach. There have been lots of complaints against some of them and even courts disbelieve their evidence. So, these people must have some standing; they must inspire confidence in the public; they must be assured that nothing wrong or underhand will be done by them. Two witnesses were prescribed in the old Act at the time of taking food sample. The food inspectors take what are called stock witnesses wherever they go. Very often the same witnesses figure in many cases and the courts are reluctant to convict the offenders on the testimony of such witnesses. Often too, they turn hostile and towards the end they say: "we do not know what has happened. We came towards the end when the sample had been taken." Cases fail also on that account. Now, it has been stated that one witness is necessary and that he must sign the records. It is necessary that one person of the locality is taken as a witness.

The public analyst should be a person with experience and qualifications. We know instances where these articles were got analysed by a public analyst of a particular locality: he gave one report; that report was challenged; the matter was sent to Calcutta and a different report was obtained, which contradicted the first report. Therefore, it is very necessary that the analyst should be chosen very carefully and posted in different places so that samples could be sent for analysis immediately, without any

delay. After two or three months delay, as Mr. Chatterjee pointed out, there will be deterioration in the condition of the samples.

The provision of a warranty clause is a very good provision. If a person refuses to give the name of the dealer or manufacturer it is also made an offence.

I have a few words to say about the original clause 8, i.e. section 19(2). The Select Committee seemed to think that the question of exercising reasonable diligence to ascertain that the article of food is not adulterated or misbranded by the vendor is not necessary because of the warranty. It may lead to some difficulty. There may be manufacturers who can have their nominees as vendors and they will be selling these things through their nominees. The vendor will be fully aware that the manufacturer is not giving the stuff which he purports to sell. In such cases it is necessary that the vendor also should not go scotfree. The Select Committee have recast that particular clause as they wanted that an innocent vendor should not be punished. If the prosecution is able to prove that he is in league with, the manufacturer or if he was fully aware of that,—the burden may be cast on the prosecution to prove that the vender knew at that time that he was doing these things—he should also be made liable. Innocent persons should not be troubled. At the same time there should be some check to see that persons do not pass off articles of food which are really not so but adulterated.

Mr. Chairman: The hon. Member should try to conclude now.

Shri A. S. Alva: I generally welcome the amendments that had been made to the parent Act. If a further clause is added as I suggested to clause 10, which is section 19(2), it will put the position right as the original clause 8 which contained these provisions had been recast deleting what I have just mentioned. The clause only says: "with a written warranty in the

[Shri A. S. Alva]

prescribed form". If that is done, it is presumed that he has committed no offence. But I submit that if a provision is added to the effect that if the prosecution is able to prove that he is in league with or is aware of the adulterated nature of the foodstuff, he should also come within the purview of the law.

I give my full support to the Bill. It is very timely, and I am sure it will be fully implemented both in the States and at the Centre. There is nothing wrong in respect of the co-ordination which was referred to. These are the people who commit crime; the Centre may detect offences in its own way and the States may do it in their own way, especially when there is a procedure as to how it should be done.

Shrimati Savitri Nigam (Banda): Mr. Chairman, I welcome this measure wholeheartedly not only on my own behalf but on behalf of the thousands of millions of housewives in India who spend three-fourths of their lives in doing hard labour for the good health and longevity of their sons and daughters. But in return they get nothing but shock, misery, death and disease. Certainly, this measure has given a ray of hope to those housewives.

My views regarding capital punishment are very well known. The conditions are so deplorable that if anybody is to be awarded capital punishment, it should be to nobody else but these people, these anti-social, inhuman traders, who commit the crime against society. They must be hanged. In my opinion, nothing can be a more calculated murder than the adulteration of foodstuffs with poisonous seeds and other poisonous stuff. So, no punishment is too severe for these criminal people who commit crime repeatedly and in broad daylight. A poor murderer commits murder on the spur of the moment but these people do it in a calculated way.

I would like to put a question to the hon. Minister very humbly, because she is making very sincere efforts to put an end to this menace. Has she got hopes that this amended legislation is going to solve the problem? I would like to submit that the stricter the measure is, the more effective and more cunning are the methods that are being adopted by the anti-social people who evade the law. Even when these people are awarded the punishment, after undergoing and completing the punishment and paying the fine, they again start indulging in the same crime, and they thus make a sort of normal living through these methods.

I would suggest that punishment alone is not enough. Besides providing a severe punishment, these people should be deprived of civic rights, and the property which they earn so sinfully must be confiscated and they should be deprived of the civic rights including the franchise, and be disqualified from holding any office.

Here, I would like to narrate my own experience. One day I invited a few of my daughter's friends. When a magistrate entered my house—because one of my relations is a magistrate here and he was also invited—one of the invitees asked, "Is he a magistrate?". Then she was told, "Yes." Then she said that "he has awarded three months' imprisonment to my father for food adulteration." And then I asked her, "You were telling me that your father is a member of the Corporation." She said, "Yes, but after completing the punishment he got elected." That is why I say that unless these offenders are deprived of their rights to franchise and be disqualified from holding public office, they will not improve.

Then, in my opinion, duplication of the authority causes difficulty on the part of the executive authority. The food inspectors who are going to be appointed should be appointed by the

Centre, instead of by both the Centre and the States. Many hon. Members had mentioned about different standards which are laid down by different State Government. Again, the same kind of foodstuff is given in a different standard by different States. This also causes great difficulty. There are three agencies now—the Indian Standards Institution, the Agmark organisation and this Bill, would like to suggest that there should be only one institution to take decisions about standards. It is good that a representative of the Indian Standards Institution is going to be taken, but that is not enough.

I would also like to emphasize that this Bill alone cannot solve the problem. It is most important to create a sort of incorruptible machinery to execute the law. On page 2 of this Bill it has been mentioned:

“Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a food inspector.”

But I would like to know what would happen when these food inspectors collaborate with the traders which collaboration they are now having? No illicit trade or adulteration of foodstuffs can go on so shamelessly as it is going on now unless with the connivance of the food inspector or the collaboration of the food inspector. So, I would like to emphasize on the creation of a different machinery. I would like to suggest such a machinery, which will not only be incorruptible but will be the a round-the-clock self-generating machinery and which will not also involve any expenditure at all. This machinery which I am suggesting has already been tried at Simla. It has worked so well that I do not think I can doubt that it will not work anywhere else. The scheme is this: a couple of housewives got together and reported to the authorities that the prices are soaring and something should be done. They also

suggested that there should be voluntary negotiation with the trader and the administrator. That happened. The prices were fixed. But the question arose as to how to implement the prices, because we know that in spite of the decision taken by the administrators to fix and declare the prices, again corruption would prevail. So, we made a request to the authorities that either they should grant long leave to those inspectors or they should ask them only to work in the offices. We generated our own machinery to check up whether the prices were enforced properly or not. In every market, a committee of the housewives was appointed, and one control office was established in the office of the Director of Food Supplies. Two housewives used to sit there all the time. The housewives were given the number of the control room. Whenever they happened to see that anybody was selling foodstuffs at a price greater than the declared price, they immediately telephoned to the control room, and immediately, within 20 minutes, the Flying Squad would come along with the housewives and would arrest the trader then and there. The result was that the traders could not ‘purchase’ the house-wives who were informing the control room or who were bringing their doom. The traders who of course used to ‘purchase’ those inspectors who were expected to keep a watch on them. The result was that 20 people were arrested in one month but after that, the prices of foodstuffs remained the same as were decided and declared by the administration. Thus, every trader became so much afraid not only of the inspectors but of every housewife or every man or women who came to purchase foodstuff from him. Thus, a self-generating machinery was created, with the result that on the one hand, no innocent person was punished and all those people who were doing honest business were safeguarded and on the other hand, all those people who were going to be tempted to sell their foodstuffs at increased prices

[Shrimati Savitri Nigam]

were also discouraged to a very great extent. Instead of appointing these food inspectors, if the hon. Health Minister can take the help and co-operation of the National Housewives' Association and its members, I am sure the aims and objects of this amending Bill will be fulfilled.

14.00 hrs.

I want to say a word about these public laboratories and analysts. I have got a very sad experience in this regard. When I was a member of the Housing Committee, I was asked to visit the departments and canteens which are catering to the needs of Parliament Members. I took some samples. Half the portion of each sample was sent to the Government laboratory and the other half I sent to one of my friends who has got his own laboratory. To my surprise the results which came from the two laboratories were quite different. Out of 10 samples, 6 samples were defective, according to the private laboratory tests. But according to the Government laboratory, all these samples were all right.

Let us follow the example of Japan. They have given sufficient grants to voluntary associations like the housewives' association to run their own laboratories. With half an hour of a sample being sent to the laboratory, the results are announced. The test is done by incorruptible people. The social workers and housewives who do the tests have nothing to do with the trade and they do not know whose sample they test. That is why they always give the correct results. If this sort of arrangement is made by the Health Ministry here also, I am sure all the aims, and objectives of this amending Bill will be fulfilled and the hon. Health Minister as well as the Deputy Minister will be doing a most valuable service to the people.

With these words, I welcome this Bill and I wish them all success in implementing it.

Shri Muthiah (Tirunelveli): Mr. Chairman, I rise to support the Bill. The object of this Bill to amend the Prevention of Food Adulteration Act of 1954 is to check the growing evil of adulteration of food articles and to provide for more deterrent punishment. The Bill contains a number of useful and essential amendments to the parent Act. It provides for severe deterrent punishment for the offenders and gives protection to the innocent vendors. Adulteration of food is most prevalent today in all parts of the country. It is a heinous crime against society. The people who adulterate food are the greatest sinners against God and man. They care only for their own profit and self-interest. They never care for the health of the people. Adulteration of food is most criminal today in view of the severe food shortage through which the country is passing and Government has a special responsibility now to give to the people clean and unadulterated food.

Adulteration takes place in different articles of food like milk, ghee, gingelly oil, black-gram, rice, etc. In spite of the provision of deterrent punishment, we find sellers of milk adding much water. We also find ghee adulterated with the addition of some edible fat. It is difficult nowadays to get pure ghee. Gingelly oil is mixed with groundnut oil. Black gram is adulterated with the addition of small particles of black clay marked with white dots. This was done by some merchants in our part of the country. A case was instituted but unfortunately it had to be withdrawn because of pressure. All these criminal acts deserve the severest punishment.

I want to say something about the sale of aerated waters like soda. In these cases, adulteration takes place, if any, at the source, i.e. at the place of manufacture. Licensed manufacturers manufacture them and sell them to the petty retail merchants. These petty retail merchants sell them along with betel, betel nuts,

feedies and cigarettes. I submit that these petty retail merchants should not be harassed under this Act. But we find that they are brought within the purview of this Act and they are harassed by the food inspectors or sanitary inspectors of the municipal bodies. They are also compelled now to pay licence fees for carrying on such trade, i.e. selling soda and other aerated waters. Recently, in September, 1964, the Tamilnad Betel, Betelnut, Beedi, Cigarette Retail Merchants' Association has sent a memorandum to the Central Health Minister, a copy of which has been sent to me. The office-bearers of the Association met me and we had long talks. Their grievance is that they are brought under the purview of this Act and harassed by the sanitary inspectors of municipal bodies. They are appealing that they should be exempted from the payment of licence fees. I appeal to the Central Health Minister to issue instructions to the State Governments and municipalities, so that these petty traders may be exempted from payment of licence fees, because even if there is any adulteration, it is not their fault. It is the fault of the manufacturers.

In the district of Tirunelveli, there are a large number of producers of gingelly oil who are poor and who do it as a cottage industry. It is a thriving cottage industry. They produce gingelly oil in their own homes with the help of indigenous oil presses. They sent a memorandum to the Central Health Minister as early as 1962. I met the Health Minister in 1962 and she said that she would consider the matter. I do not know what action has been taken. These poor people, produce gingelly oil and because of competition from the mills, they are not able to sell it immediately and so they store it for some time. The tests at the Guindy Institute have revealed that if gingelly oil is stored for some time the fat content increases above the 3 per cent, which is the prescribed limit. So, these poor producers are harassed by the sanitary inspectors for no fault of theirs. Their case

should be sympathetically considered by our Health Minister.

The Select Committee has made a number of useful recommendations such as the appointment of public analysts along with food inspectors and the right of the vendor, besides the food inspector, to place his seal on the food samples when they are taken for analysis. I plead that along with public analysts, at every district level there should be a food analysis laboratory. This would protect the interests of innocent vendors.

With regard to the provisions of the Bill, there are very useful amendments to the parent Act, particularly amendment of section 14. That is a commendable amendment. It says:

"No manufacturer or distributor or dealer of any article of food shall sell such article to any vendor unless he also gives a warranty in writing in the prescribed form about the nature and quality of such article to the vendor."

Shri Narendra Singh Mahida: On a point of order, Madam. In the first session of the third Lok Sabha, it was ruled by the Speaker that normally Members should not approach the Chair. I have repeatedly brought this to the notice of the Chair. I submit that it should be observed.

Mr. Chairman: I think it will be observed by all hon. Members.

Shri Muthiah: Then I come to amendment of section 9 of the Act. This amendment is necessary. It reads like this:

"(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

(a) that he purchased the article of food, . . . from a duly licensed manufacturer, distributor or dealer;

* * * with a written warranty in the prescribed form; and

[Shri Muthiah]

(b) that the article of food while in his possession was properly stored and that he sold it in the same state as he purchased it."

This amendment is desirable because it protects the interests of innocent vendors.

Finally, I come to the provision of Parliament's power to review the rules which says:

"Every rule made by the Central Government under this Act shall be laid before each House of Parliament * * * and if both Houses agree to modify it or annul it, it shall be so modified or annulled."

This is also a necessary provision.

श्री शीव नारायण (बांसी) : माननीय चेयरमैन महोदया, मिलावट हमारे देश के लिए एक बड़ा अभिशाप है। मेरी रैदाइश फारिन कंट्री की है। वहां यह हाल है कि जो चीज आप चाहते हैं वही आप को दी जाएगी चाहे उसका दाम जो भी लें। लेकिन हमारे देश का मारल इतना नीचा उतर आया है कि जो चीज आप चाहते हैं उसका नाम ले कर दूसरी चीज दी जाती है, और मैं कहता हूं कि इस के लिए जिम्मेवार सफेद पोश लोग हैं। आप अमरीका में चले जाइए, इंगलैंड में चले जाइए, रूस में चले जाइए, जो चीज आप डिमांड करेंगे वही आपको दी जाएगी चाहे दाम जो भी चार्ज कर लिया जाए। लेकिन हमारे मुल्क में आलम यह है कि अगर किसी दुकान पर आप मलाई मांगते हैं तो उसमें-व्वाटिंग पेपर मिला कर आप को दे दिया जाता है। इस तरह का एक केस लखनऊ में चौधरी की दुकान का चल चुका है। मलाई में व्वाटिंग मिला हुआ खाने का नतीजा यह होता है कि जो आदमी पचास साल जिन्दा रहने वाला है वह तीस बरस में ही मर जाएगा। यह तो मरडर से भी बड़ा अपराध है। जो आदमी मरडर करता है वह तो एक आदमी

को मारने के कारण ही दफा 302 का मुजरिम हो जाता है, लेकिन जो इस तरह की मिलावट करता है वह तो हजारों आदमियों को मार रहा है।

मैं आपके सामने मामूली मामूली चीजों की मिसाल देना चाहता हूं कि उनमें किस प्रकार मिलावट की जा रही है। काली मिरच में जो कि बाजार में बिकती है चूहे की लेंडी और पपीते के बीज मिलाए जाते हैं। यह कितना बड़ा अपराध है। धनियां में नाना प्रकार की चीजें मिलायी जाती हैं। सरसों के तेल में यह करते हैं कि सरसों के साथ भड़भाड़ के बीज मिलाकर पेर देते हैं, और ये बीज जहरीले होते हैं। इतना बड़ा जुर्म कौन करता है? इसको ये सफेद पोश लोग करते हैं, जो बीस परसेंट इस मुल्क के एज्यूकेटेड लोग हैं वे इस जुर्म को कराते हैं। वे इसके लिये जिम्मेदार हैं। लोग शिकायत करते हैं कि शुद्ध घी नहीं मिलता, शुद्ध तेल आदि नहीं मिलता। मैं पूछता हूं कि इसके लिए कौन जिम्मेदार हैं? सारी सोसाइटी, गवर्नमेंट और हम सब इस के लिए जिम्मेवार हैं। यह इस देश के लिए बड़ी बदनामी की बात है।

सरकार ने यह कानून तो बड़ा दुन्दर बनाया है, लेकिन मैं चाहूंगा कि इस पर अमल भी पूरे तरीके से हो। हम अक्सर देखते हैं कि कानूनों पर अमल ठीक तरह से नहीं होता, जो अफसर हैं वे भी मिलावट की चीजें खा रहे हैं। हमारी एक बहिन ने अभी बतलाया कि हम जो चीज बाजार से लाती हैं उसमें मिलावट होती है और वही बच्चों को खिला दी जाती है। जिन माताओं को ज्ञान नहीं होता उनको ये चीजें दे दी जाती हैं। मैं कहता हूं कि मंत्री महोदया जो कि इस विभाग की इनचार्ज हैं वे स्वयं डाक्टर हैं और स्त्री भी हैं, वह अपनी जिम्मेवारी अच्छी तरह समझती हैं। यह खुशी की बात है कि यह काम उनके हाथों से हो रहा है। मैं चाहूंगा कि जितनी दिलचस्पी वे इस कानून को पास

कराने में ले रही हैं, उतनी ही दिलचस्पी इस पर अमल कराने में भी लें।

कुछ जुर्म टैकनीकल तरीके के भी होते हैं उनमें सजा उसी अनुसार दी जानी चाहिए। मैं यह नहीं कहता कि फांसी दे दी जाए लेकिन ऐसा प्रयत्न किया जाए कि इस कानून क असर हो। यह देखा जाए कि अफसर कानून पर ठीक से अमल करें। मैं आपको एक उदाहरण देना चाहता हूं। मैं खलीलाबाद से बस में आ रहा था। रास्ते में एक स्टेशन पर एक पेंसिजर उतरा और दो सूड़ीज नीचे खड़ी थीं, कंडक्टर ने ड्राइवर से कहा कि उनको बिठा लेने दो लेकिन उसने नहीं बिठाया। इस पर मैंने कम्पलेंट बुक मांगी तो उसने कहा कि नहीं है। तब मैं ने दो पेंसिजर्स की दस्तखत कराकर शिकायत की। आज यह चैकिंग नहीं होता कि अफसर ठीक काम करते हैं या नहीं। अगर पुलिस स्टेशन पर जा कर रिपोर्ट लिखायी जाए तो शिकायत करने वाले को परेशान किया जाता है। तो मैं सरकार से कहना चाहूंगा कि आप अपना एड-मिनिस्ट्रेशन दुरुस्त करें तो काम हों सकेगा। आज हो यह रहा है कि बड़े लोग घपला करते हैं और छोटे लोग पकड़े जाते हैं। जो बड़ा माल मारता है उसको कोई नहीं पकड़ता, वह बच जाता है।

मैं कहूंगा कि जो आपने इसमें फ्लॉगिंग रखा है.....

डा० सुशीला नायर : नहीं रखा है।

श्री शिव नारायण : मैं नहीं कहता कि फ्लॉगिंग रखा जाए। लेकिन आज हालत यह है कि किसी को कानून का भय नहीं है। इसका कारण है कि धर्म का लोप हो रहा है। आज हमको समाज में धर्म के प्रचार की आवश्यकता है। आज लोगों को ईश्वर का डर नहीं रहा है। माननीय मंत्री महोदय डाक्टर हैं, डाक्टर भी दूसरा भगवान होता है। आज देश में लोगों में ईश्वर के प्रति

श्रद्धा और भय की भावना पैदा करने की जरूरत है।

14.17 hrs.

[SHRI SONAVANE in the Chair]

फुड में मिलावट क्यों होती है ? इसका कारण यह है कि गल्ला बहुत महंगा हो गया है। अगर इनकी प्राइसेज डाउन कर दी जाएं तो मिलावट का खतरा कम हो सकता है यह मेरा सुझाव है। दवाओं तक में मिलावट हो रही है। अस्पतालों में पानी का इंजेक्शन दे दिया जाता है, ऐसा हमको बताया गया है। शुद्ध शहद नहीं मिलता। सोडा, कोका कोला, लेमन आदि जो चीजें बनायी जाती हैं इनमें बहुत गड़बड़ रहती है इससे बीमारियां फैल रही हैं। आप अच्छे लोगों को अफसर रखें। जो लड़के यूनीवरसिटियों में पास होते हैं उन में से अच्छे लड़कों को अफसर बनावें और पुरानी मैशिनरी को दूर करें तो काम अच्छा होगा : यहां आज सवरे सवाल के सिलसिले में कहा गया था कि पुराने इंजिनियरों को हटा कर नए इंजीनियर रखे जायें तो काम अच्छा होगा।

तो मैं कहता हूं कि इस बिल पर सही तरीके से अमल किया जाए। आशा है कि डा० सुशीला नायर के हाथों देश की यह शिकायत दूर होगी। और धी में जो मिलावट होती है उसको रोकने के लिए मेरा सुझाव है कि बैजीटबिल धी को पक्के रंग से रंग दिया जाए। ऐसा करके सरकार जनता की भलाई कर सकती है। आज जनता की सरकार है, जनता ने उसको बनाया है। कानून बनने के बाद उस पर ठीक से अमल होना चाहिए ताकि देश में सुख हो और लोगों का स्वास्थ्य अच्छा हो। आज हमें बल की जरूरत है। इस प्रकार हम देश के लोगों को स्वस्थ बना सकते हैं। लेकिन इस मिलावट के लिए जिम्मेवार कौन है। इसके लिए ये ही लोग, ये सफेद पोश लोग, जो कियहां हस रहे हैं, जिम्मेवार है। कोई बरी नहीं है।

[श्री शिव नारायण]

मैं गवर्नमेंट से कहूंगा कि केवल इंस्पेक्टर की रिपोर्ट पर ही नहीं चलना चाहिए। अगर कोई कंज्यूमर शिकायत करे तो उसकी रिपोर्ट पर भी ध्यान दिया जाना चाहिए। लेकिन आज सुनवायी नहीं होती। पुलिस में जाकर रिपोर्ट लिखायी जाए तो रिपोर्ट कराने वाले को ही तंग किया जाता है। मैं चाहता हूं कि गवर्नमेंट इस मामले में स्ट्रिक्ट हो। आज हालत बहुत गम्भीर है। एक रुपए का सेर गल्ला बिक रहा है, चाहे चावल हो तो एक रुपए सेर, चाहे गेहूं हो तो एक रुपया सेर, या मक्का हो तो एक रुपया सेर। सब चीज 22 पैसे की हो रही है। सब का एक दाम है। इस प्रकार का घपला हो रहा है। मैं चाहता हूं कि गवर्नमेंट सही माने में स्ट्रिक्ट होकर इस कानून पर अमल कराए। केवल कानून बना लेने से फायदा नहीं हो सकता। उस पर पूरी तरह अमल होना चाहिए।

इन शब्दों के साथ मैं इसका समर्थन करता हूं।

Dr. M. S. Aney (Nagpur): I think the hon. Minister of Health has done a great service by bringing in this measure for the consideration of the House. In my opinion, adulteration is one of the worst antisocial activities that can be imagined. They secretly mix some injurious stuff with a pure article and thousands and millions of people are affected by their mischievous and nefarious activity. There has been a law before, no doubt, but it has been found that the law as it stands requires to be made stronger and more effective. From that point of view an amending Bill has been brought here and I am glad for it. Though it may not contain everything that everybody wants, it has certainly made certain very salutary changes which have to be noted.

For example, in my opinion, the provision for the appointment of a public analyst is a very important

one, because unless there is quite effective scientific arrangement to analyse suspected articles, no law for the prevention of adulteration could be effectively administered at all. So, that is a very important provision that is made there.

So also, imposing a liability on the manufacturer to give a warranty to the vendor about the quality of the goods is another improvement in the right direction. It will enable the inspectors to detect the offenders.

Thirdly, a vendor is required to disclose the name and the address of the person from whom he has purchased it. All these new liabilities which have been created are in my opinion of great use in effectively administering this law and helping the cause of diminishing the vice of adulteration, as far as possible.

But I find there is one great difficulty about this law. Unless there is an effective system of licensing factories, manufacturing industry as well as shops, it would be difficult for the Government really to administer it properly. Nobody should be permitted to open a shop anywhere without a licence. If anybody is permitted to open a shop anywhere without licence it is very difficult to find out from where he has obtained his goods. So, there should be licensing and there should be a system for knowing from every shopkeeper the source from which he has got an article. Then alone will we be able to find out the real culprit. The retail shopkeepers are generally purchasers from big wholesalers. They have no source of knowing whether the article that has been supplied to them by the wholesaler is a pure one or adulterated one. So, if an article sold by a shopkeeper is found to be an adulterated one, it should be possible to know who are the wholesalers that have supplied it. The wholesalers should have the responsibility to disclose the name of

the person or firm from whom they have got these things.

If this law is properly administered, it can be of great use. I believe that no anti-social law could be successfully administered unless there is real co-operation from the people in that direction. That is one of the pre-requisites for successful implementation of the measure.

Then, one of the reasons for adulteration is, as somebody put it, excessively high prices for food articles. There is a tendency on the part of shopkeepers to get the largest number of consumers. One of the temptations he can offer is to sell at a cheaper price what is sold elsewhere at a higher price. Since he cannot do it in the case of pure genuine stuff, he adulterates his articles with some other articles which are cheaper. As this unhealthy and unsocial tendency is slowly spreading, simultaneously, an attempt should be made to bring the prices to a reasonable level. If all these things go on simultaneously and in a spirit of co-operation, the new Bill which the hon. Health Minister has brought forward for bringing down or eliminating this evil of adulteration may have a fair chance of success. I wish her success in that direction. I congratulate her for having brought forward this Bill.

Mr. Chairman: Shri P. C. Borooah will have five minutes.

Shri P. C. Borooah (Sibsagar): I congratulate the Health Minister for bringing forward this Bill at a time when the country is facing extreme scarcity of food. That is why it is all the more necessary that this Bill should be passed into law soon so that whatever food is available in the country is received by the consumers in a pure form.

As the time at my disposal is very limited, I do not want to dilate on the present position or the defects in the existing Act. Leaving aside all that, if the implementation of the law is not given its due importance, the passing of any legislation or providing of any type of severe or harsh punishment will be of no avail. They will remain dead letter enactments in the archives of the Law Ministry. What is wanted is strengthening the machinery for the implementation of this law. There should be enough of inspectors so that the whole country could be brought within the purview of this law simultaneously. For this purpose, I would suggest that the Block Development Officers should be delegated with the powers of the inspector under the Act. There should be special officers in all towns with a population of 10,000 or more. Then, there should be one chemical laboratory at the headquarters of each district. I need not repeat the arguments in favour of this, because they are well known. So, no further justification is needed for strengthening the machinery.

While eradicating this evil of adulteration, we should see that the smooth and regular trading in the country is not disturbed. In this regard I have to mention one thing. In section 2 the word "adulteration" is defined. In the general connotation of the term adulteration, it is said as admixture of foreign materials. Another definition is given according to which articles falling below the prescribed standard in purity, also are taken as adulterated. The standard of purity can be determined only by chemical analysis. There is one apprehension in the minds of a certain section of the people in this regard. During the second world war and afterwards when there was a spurt in the demand for articles and black-marketing and adulteration were going on in every trade, the tea industry was free from all these practices and it was enjoying a fair name.

[Chri P. C. Borooah]

So far as tea is concerned, there is an apprehension in the mind of the tea traders, there is an apprehension in this industry. 800 million lbs. of tea is being manufactured in this country today, out of which 600 million lbs. of tea is exported. In regard to the tea that is exported you should consider that it is competing with the standard of purity in other countries like U. K. and U.S.A. This has been there for the last eighty or hundred years.

So far as the 200 million lbs. of tea which is sold in India is concerned, that is also being sold in two auction markets, one in Calcutta and the other in Cochin.

There are some registered brokers who are charged with the responsibility of sampling and also pricing, all by visual examination. They do not go for any chemical examination, and that is working very satisfactorily. And this body of brokers is constituted by the Government. It is going on for the last so many years.

Now the apprehension is that a tea which may be passed by the brokers may be found to be sub-standard according to the provisions of this Bill. It is not injurious to health. Suppose this is the case. Then it will go for chemical examination. It won't be possible to send the entire tea for chemical examination, because about 9 million lbs. are sold every week in the open market. If you subject it to chemical analysis, then there will be dislocation in the overseas trade. Not only will the work of the industry be dislocated but our export earning, our foreign exchange earning will also be disturbed.

For this reason I want that this Bill should provide that the report of the brokers, which system is working so satisfactorily, should be considered sufficient, or it should be classed at par with the report of the registered analyst. If that is not done there will be dislocation in the tea trade. That is why I have to mention this

point to the House and I request the hon. Minister in her reply to throw some light over this matter and see that this industry is not thrown out of gear.

Dr. Sushila Nayar: Sir, I am grateful to the House for the welcome that it has given to the proposed amendments which we have brought forward as a result of the repeated concern expressed by hon. Members about the prevalence of adulteration of food-stuffs.

There are no two opinions that this evil is something horrible. I find myself in agreement with those hon. Members who have expressed the view that the murderer murders one person whereas the adulterator murders several persons. I am therefore somewhat surprised to find that some hon. Members have not liked the moderate increase of punishments which has been proposed in this Bill. On the one hand we have the extremists who are asking for public flogging and capital punishment for the offence of adulteration, and on the other we find those who have expressed the view—very few, one or two only, but all the same there are those who have expressed the view—that the provisions of the Act as they are are quite enough and there is no need to make the punishments more deterrent.

This shows that the hon. the Joint Committee has been wise in taking the middle course and the punishments that have been proposed are suitable and should be given a trial.

Then, it has been stated that the rules need revision and the rules should have been first amended before the law is amended. That is a very strange proposition, because, after all, the rules must follow the law and they cannot precede the law.

14.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

So, whatever revision will be necessary will certainly be done, and the

revised rules, according to the provisions of the law will be placed on the Table of the House, so that any hon. Member who wishes to study them and make suggestions will be at liberty to do so. In fact, we would welcome any suggestions that hon. Members may like to make at that stage.

Then, Sir, it was stated with regard to the rules and standards that the standards are arbitrary. I wish to submit that the standards are not arbitrary. The standards are laid down after making analyses of hundreds of samples, or a large number of samples, in a particular area, and it is the common denominator which is taken note of. Further, Sir, may I submit for the information of hon. Members that the standards lay down the lowest denominator. Suppose the amount of fat in milk varies from 12 per cent to 7 per cent in a particular area. The standards will say, the minimum of 7 per cent fat is necessary. The law does not say that it should be the average of 7 and 12. But if it goes below 7 per cent, then only the man will come into trouble. The honest man has nothing to fear from these standards; it is the dishonest man who wants to adulterate and dilute . . .

Shri Mohan Swarup: I want a clarification.

Mr. Deputy-Speaker: He must hear the hon. Minister. He has had his say.

Dr. Sushila Nayar: For him dilution from 12 per cent to 7 per cent would be all right. It may be said that the law allows the dishonest man to dilute the milk, or whatever it is, so that the value comes down to 7 per cent although the natural value may be higher. Now, it is very difficult to do anything else except to lay down the minimum standard, the minimum requirements, and that is what the law has done.

1591(Ai)LSD-6.

A good deal was stated regarding different values of R M and certain other values of ghee in different parts of India and the harassment that may be caused to the traders as a result of that. The truth of the matter is that as a result of the surveys conducted by the Directorate of Marketing and Inspection the standards for the ghee were revised in September 1961, and the standards were again revised in October 1964 for Gujarat and Madras. Now, what happens is that the food of the animals being different in different parts of India, certain values vary. And in order to prevent harassment these values have been fixed for those particular areas. The question was asked: What happens when the ghee is taken and sold in another State, will this honest trailer be harassed? No, that does not happen. Under Rule 44B of the Prevention of Food Adulteration Rules, ghee having a lower value can be sold in areas where normally ghee has higher values under the Agmark seal.

Shri Mohan Swarup: But it should be treated as sub-standard and not adulterated.

Mr. Deputy-Speaker: Order, order. He cannot go on when the Minister is speaking.

Dr. Sushila Nayar: This is being done for ghee . . .

Shri Mohan Swarup: I want a clarification. Why do you want to deny me that right?

Mr. Deputy-Speaker: Order, order.

Dr. Sushila Nayar: For instance, ghee produced in Guntur (Andhra Pradesh) is sold in Calcutta under this Agmark seal. Those people who wish to sell ghee outside their own State must have a certain status, a certain capacity. Then only are they able to have inter-State trade and they can resort to this device. So that, there should be no trouble or difficulty of any kind.

[Dr. Sushila Nayar]

Then, it was stated: why should there be a different standard between table butter and desi butter? It is obvious that the mechanism of production of table butter is such that a good deal of moisture etc. can be removed, whereas desi butter has more of moisture and a little bit of the butter milk, or milk depending on whether it is made from curds or from milk; a greater proportion of this basic material remains in the butter when it is made in the home and it is desi butter. Therefore it has been considered necessary to have two standards for these two types of butter. It is entirely to prevent harassment to the honest man who is in the trade and, at the same time, to safeguard the interests of the consumer.

It was stated by some hon. Members that we should have a high-power committee for laying down the food standards. May I submit that there is a very high power committee for laying down food standards; it consists of experts from the States as well as the Centre. There is no reason for anyone to consider that we can find better experts from outside or from elsewhere than these experts who have no axe to grind of any kind and who lay down these standards, as I have said, after following a specific procedure.

Further in this amending Bill, the hon. Members will find that we have included a member from the Indian Standards Institute. Two Agriculture Ministry people, so that the marketing organisation etc. are also included, and the Commerce and Industry Ministry people are also included, so that all those who can have an interest in proper standards are included. As such there is no reason for anyone to have any fears regarding the standards not being correct.

Shri Mohan Swarup: But where are the data for the standards?

Dr. Sushila Nayar: May I request the hon. Member to have patience? I heard him patiently, but he does not

want to hear the opposite points of view. What can I do, if his speech was entirely based on wrong information and his facts cannot stand scrutiny? I am giving him a reply and if he does not like it, I cannot help it.

Shri Mohan Swarup: You are master of each and everything.

Dr. Sushila Nayar: Then, this committee has not laid down the standards once for all. We are taking the standards on the prevailing conditions provided those conditions are observed honestly. We are trying to improve conditions so that the standards can progressively increase and become better and better. For instance, so much of grit and sand is allowed in certain spices; so much of rotten grain is allowed in foodgrains and so on and so forth. What is allowed is more than enough to protect the normal processes under the present conditions that prevail in the country. But if somebody wants to pass off all the rotten stuff, certainly that man will have to be afraid of the provisions of this law. If somebody wants to put a lot of stone and grit in foodstuffs, that man will have to be afraid of the provisions of this Act, not otherwise.

Then, it was stated that we should not go by the Central Food Laboratory but by the results of the Shri Ram Laboratory or the Haffkine Laboratory. May I inform the hon. Member that the Haffkine Institute is under State Government and the Central Food Laboratory is under the Central Government? That is the only difference. How and why the results of Shri Ram Laboratory are to be relied upon more than the results of the Central Food Laboratory passes my understanding.

Shri Mohan Swarup: I was saying that there should be an independent institute.

Dr. Sushila Nayar: The Shri Ram Laboratory is a private laboratory

whereas the Central Food Laboratory is not and as such, I am afraid, its verdict has got to be taken as independent, impartial and the final verdict where analysis reports are concerned.

Shri N. C. Chatterjee mentioned that sometimes the Supreme Court does not take a serious view of adulteration because the analysis may have been made two to three months later and deterioration takes place in this interval. May I submit that the experts have found out certain preservatives so that deterioration is not allowed to take place when analysis takes place some time later. I am not saying that we should not have more expeditious analysis. As a matter of fact, in the Central Food Laboratory during the last year we saw to it that food samples sent to them were analysed as expeditiously as possible and to the best of my knowledge they were all finished within two to three weeks; certainly, they did not go beyond a month. Some of these samples cannot undergo any deterioration. Only certain kinds of articles need more rapid analysis and attempts are made to take care of these and the fears that have been expressed.

I agree that perhaps the information machinery of the Government has not been as adequate so that people do not seem to know how standards are fixed, how the law is implemented, what the various steps are and how analysis is carried out. I take this suggestion that we should take more care to inform the public as to the implications, the procedures and the methods by which the law is being implemented.

It was stated that we should concentrate on things like butter and milk and not bother about spices. The truth of the matter is that it is not butter and milk alone that are adulterated; there are many other things too that are also adulterated and spices, which one hon. Member wanted us not to bother about, are one of those things which are adul-

terated in the worst manner possible. For instance, turmeric, which is in every day use in every household in India, is painted with lead chromate which is a poison. How can we say that unless the spices are ground, they are not adulterated? It is the bulbs of turmeric that are painted in this manner to make them look more attractive and, therefore, perhaps to sell at a little better price.

Similarly, one hon. Member mentioned as to what horrible things are put in masalas, pepper and so on. So, it is very necessary that we keep a check on all articles as far as is possible. I am in entire agreement that we should try to check as much as possible at the source. The Central machinery that is proposed is meant to concentrate more on those articles which go into the inter-State markets and also in certain other ways to help and supplement the State machinery.

I was really surprised at the suggestions of Shri Harish Chandra Mathur because he wanted the Minister to give an assurance that adulteration will disappear within a year if these laws are passed. We have had capital punishment for murder from times immemorial and yet murder has not disappeared. All that we can do is to do our level best to keep these evils in check and, I hope, in that process the hon. Member, Shri Harish Chandra Mathur, and others like him will come forward and give the maximum cooperation instead of being satisfied with making a speech and not even being present to hear a reply.

It was stated by Shri Mohan Swarup that the Centre should take the entire responsibility for the implementation of the law and Shri N. C. Chatterjee gave the reply as to how it was not practical or possible that the Government of India should take the entire responsibility of implementing this law all over India.

Shri Mohan Swarup: We can amend the Constitution.

Dr. Sushila Nayar: What we propose to do is to appoint an adequate number of food inspectors where there is special need for strengthening the machinery and also to have control inspectors to take samples of articles of food entering the inter-State trade. These food inspectors will also inspect and take samples from manufacturing units. In addition, we propose to have five zonal organisations so that they can help and supplement State Governments' efforts to the best extent necessary and possible. The Central coordination and guidance will also be there. I am in entire agreement that the laboratories need to be improved and the laboratories need to be above board so that their analysis can be relied upon. It has been said that it is better that they should not be under the municipalities particularly when the analysis reports are to be made the basis of these prosecutions. I wish to say that there are some corporations who have excellent laboratories and the results of their laboratories are very reliable. If there is any doubt, it is always possible to go to an appellate laboratory. What we are thinking of doing is to have more than one appellate laboratory so that the regional distribution of appellate samples can be ensured for more expeditious and speedy disposal of these samples.

It was then stated that the tests should be done in two places and not in one place. That is very difficult and unrealistic because if these two tests do not agree or agree, what will happen then?

Shri Mohan Swarup: They should agree.

Dr. Sushila Nayar: What is necessary is that we should have good equipment and well-trained analysts. If anyone has any doubt regarding the result of an analysis in any place, they can go to an appellate laboratory. There has to be an end to this process. You cannot go on endlessly. That is why the law lays down that once you have gone to the central appellate authority, its find-

ings are the final thing and no more analysis is considered necessary after that.

The hon. Member, Mr. Mohan Swarup, wanted that there should be five reliable witnesses for every sample. Now, the problem we are facing is that we do not find even two reliable witnesses when the inspectors go to take samples. That is why an amendment has been proposed that one or more witnesses should be there so that at least one should be there. Nobody would be happier than the Government and the authorities concerned if we can have several respectable people of the locality to come and be the witnesses. But generally the people who indulge in this adulteration etc. are of such a nature that respectable people of the locality do not wish to get mixed up with them and they generally keep away. The implementation of the law is very necessary. May I, in all humility, submit that for effective implementation, the machinery of the Government and the people must co-operate. The hon. Members, the State legislators and the Municipal Commissioners have a certain responsibility. When I was the Health Minister of Delhi State, we made an experiment wherein we told the people that anybody could come at a particular place at any time and say that the inspector should go with him for a raid and he need not even tell the inspector where they would be going and the inspector would go with them and the samples will be taken in their presence. This had a very salutary effect. If there is co-operation of this type of a thing, I am sure the implementation of this measure can improve very considerably.

It was stated by Shri H. C. Mathur that the proposal for Central machinery smacks of lack of confidence in the State and he paid some choicest compliments of incompetence at the top and inefficiency at the States level. Now, that is a very strange kind of statement for a responsible Member to make. The Centre has had no hand in the implementation

of the law. The Centre has come for the first time to take powers to appoint some inspectors. How can he blame the Centre for any incompetence in respect of any deficiencies that there might have been with regard to the implementation of the Prevention of Food Adulteration Act? Similarly, he cannot accuse the States of inefficiency because so far the implementation of this law has been primarily with the municipalities and the corporations. As such, I wish that the hon. Members of the status and standing of Shri H. C. Mathur would study the law before they make statements. He should see that his statements are not without foundation and I hope he will do that in future.

It was said by the same hon. Member and repeated by certain others that something more fruitful on which we should concentrate upon is that the Government should supply unadulterated pure food. I wish to say in all humility that we are not living in a totalitarian regime where the production and the supply of every kind of foodstuff is in the hands of the Government. In any case, the Health Ministry's job is to see that what is supplied is checked up at regular intervals and to see that it is of the right purity and quality. I entirely endorse the suggestion that maximum checking should be at the stage of manufacture when foodstuffs are processed and at the stage of source or mandies, etc. and I am quite sure that the machinery, when it is made a little more capable of breaking through the municipal boundaries will be able to attend to these things better.

Then, an hon. Member was very vehement that vanspati was used for adulteration and that it should be stopped and that public opinion should precede legislation. Now, so far as the manufacture of vanaspati is concerned, I do not think that can rather be taken up under the Prevention of Food Adulteration Act. The hon. Member will have to move a resolution or whatever he likes and

ask the Food Minister to answer him on that score. But so far as the public opinion is concerned, I am quite sure that we have brought this legislation in answer to public opinion, in answer to the views expressed by the hon. Members on the floor of this House and I hope that they will not stop their interest after passing this legislation but will continue their interest in the same manner and see that there is better implementation of the law.

It was a strange kind of argument, on the one hand, to say that the consumers must be strengthened and, on the other hand, that the villagers who do not know the law will be harassed by this legislation. If the villagers do not know the law and they are not adulterating the foodstuffs, they have nothing to fear from. But if some of the city fellows have gone and corrupted the villagers and taught them the art of adulteration, then both will have to take the consequences. So far as the consumers' organisations are concerned, it is not the Government who can strengthen the consumers' organisation but it is the consumers themselves. I am glad to say that the consumers' organisations are growing up and they are taking more and more active interest in this whole business.

It was then stated that to check adulteration we should raise the moral values and that we should bring down the prices. The moral values again cannot be built up through legislation. The moral values have to be inculcated in the home and after the home, perhaps, in the schools and colleges and further by the personal example of everybody who is in public life. I do not wish to say anything more than this with regard to the question of moral values. Similarly with regard to the higher prices etc., we have had enough discussions and there will be other occasions also to discuss that question. So, shall not go into the question of prices etc. in connection with this legislation.

[Dr. Sushila Nayar]

15 hrs.

Then, it was stated that some food-stuffs or 'some oilseeds were burnt in Calcutta some two years ago. If the stuff was considered by the law courts to be so adulterated that it was harmful, they had no other alternative but to destroy that foodstuff. I am sorry that any article of our national wealth should have to be destroyed. But human life is more valuable than property. I wish we could reply upon the trade to this extent that the trade would say 'All right; the oil from these seeds will be used for making soap or some lubricants etc.', but I am sorry to say that that is not so. So, we cannot rely that they will use it for soap or lubricants etc. That is why the courts have to resort to this extreme measure of destroying the food stuff which they consider to be harmful. When traders go to the extent of mixing coal tar dyes with foodstuffs and lead chromate and that kind of thing, what can we expect from them. We can expect nothing from such dishonest men, and, therefore, the court has to order destruction of the stuff in that case.

It was stated by Shri A. S. Alva that the vendor might be in collusion with the manufacturer of adulterated food and therefore, the warranty clause should not free the vendor. The point is that if the manufacturer has manufactured adulterated stuff, he is the first culprit and he should be punished. If anybody can rope in the vendor, the court is free to take such action against the vendor also as it considers fit but I think that it is necessary to protect the honest vendor who has purchased an article in good faith from the market, and if he has not tampered with it in any way and if he can prove that it is in the same state in which he had purchased it there is no reason why this vendor should have to suffer for the fault of somebody else.

It was stated by more than one hon. Member that we should have capital punishment, and we should

have confiscation of property in order to punish these adulterators and to frighten them, Shri N. C. Chatterjee had answered it when he said that if we made the punishment extreme, the judiciary might be very reluctant to inflict such punishment, and therefore, capital punishment was not necessary. So far as confiscation is concerned, a sweeping confiscation of all property may not be possible. But if the hon. Member had brought forward an amendment to the effect that the means of manufacture of adulterated stuff or its distributor or its storage etc. should be confiscated, proposed something which could fall within the purview of the law, I would have been inclined to accept that amendment. I do not know whether it is possible for us to do so at this stage.

Then, Shri. P. C. Borooah wanted us to take the brokers' testimony as equivalent to the Government analysts' testimony. I am sorry that we cannot do that. It is very necessary that we export good tea for preserving our trade and preserving the good name of our country. So far as the distribution within the country is concerned, the less said the better will it be. We all know what type of adulterated and inferior tea is being sold in the market. So, a little more checking rather than less checking of tea as proposed by Shri Borooah is necessary for this purpose.

With these words, I would request the House to please take into consideration the Bill as it has emerged from the Joint Committee.

श्री मोहन स्वरूप : मैं यह पूछना चाहता था मंत्रीजी महोदया से कि जब डेटा उनके पास मौजूद है तो मुझे और ट्रेडर्स को देने से क्यों एतराज किया गया, क्यों नहीं सप्लाई किया गया ?

डा० सुशीला नायर : मुझे मालूम नहीं कि आप कौन सा डेटा मांग रहे हैं। मुझे पता नहीं कि कौन सा डेटा इन्होंने मांगा और वह नहीं दिया गया। अगर आप बाद में

पूछेंगे तो मैं बता सकूंगी। लेकिन जो फुड स्टैंडर्ड्स कमेटी बैठ कर तै करती है उसको कांट्रोवर्सी का मामला बनाना ठीक नहीं है।

श्री मोहन स्वरूप : मंत्री महोदय ने जब ज्वाइंट सिलेक्ट कमेटी की कार्रवाई चल रही थी तो यह आश्वासन दिया था कि एक एक्सपर्ट कमेटी बनायी जाएगी जो सारे काम का निरीक्षण करेगी और अपना फाईंडिंग देगी। उस कमेटी को बनाने के सिलसिले में माननीया मंत्रालयी जी ने कोई जिक्र नहीं किया अपने जवाब में। मैं जानना चाहता हूँ कि उस बारे में क्या किया गया है ?

डा० सुशीला नायर : एक्सपर्ट कमेटी बैठी है, वह स्टैट्यूटरी है, उस पर किसी तरह का प्रेशर नहीं डाला जा सकता। वह फुड स्टैंडर्ड्स कमेटी है, और वह अपना काम कर रही है।

Shri Narendra Singh Mahida: I would like to seek two clarifications. While speaking on the motion for reference of this Bill to the Joint Committee, Shri N. C. Chatterjee had asked what would happen in regard to technical offences; and he had objected to imprisonment for offences even of a technical nature involving some technical violation. Dr. Sushila Nayar had then said that for the other offences there was no minimum punishment, and the punishment might be only a fine of Rs. 5 or Rs. 10, but only for serious offences, minimum punishment had been prescribed. My only desire is that for trivial offences, the traders may not have to be sent to prison. But I am afraid that there is no provision in this Bill whereby we can let go these traders in the case of lesser offences.

Mr. Deputy-Speaker: The hon. Member has made another speech. He has not put any question.

Shri M. R. Masani: Let the hon. Minister answer it.

Mr. Deputy Speaker: The hon. Let the hon. Member has made some suggestion.

Dr. Sushila Nayar: I would like to reply to this point. Perhaps, the hon. Member has not studied the Report of the Joint Committee carefully enough. I would draw his attention to clause 9 of the Bill, to which a proviso is there. In that proviso, there is reference to two sub-clauses, namely sub-clause (1) of section 2 (i) and sub-clause (k) of section 2 (ix). Sub-clause (1) relates to this kind of thing, a little natural decrease of the contents, a little more or less sugar in jams etc., and sub-clause (k) is with regard to the labelling offences. For both these, no minimum punishments have been prescribed. I do not mean to say that the courts will only impose a fine of Rs. 5 or 10. The court may decide to give whatever punishment it likes. Some of these offences may be of more serious nature, and the court may like to give them higher punishment, but in the Bill as it is before the House, we have not laid down that they must be sent to prison for a minimum period nor have we laid down any minimum fine.

श्री काशीराम गुप्त : मेरा प्रश्न यह है कि क्या इस कानून का अनुवाद हिन्दी और अन्य प्रान्तीय भाषाओं में कराया गया है या नहीं और क्या इसका प्रचार फिल्म आदि के द्वारा किया जाएगा ? इसका प्रचार निहायत जरूरी है।

डा० सुशीला नायर : माननीय सदस्य कहते हैं वह सही है। इस कानून का अनुवाद हिन्दी में तो होगा ही, लेकिन अन्य प्रान्तीय भाषाओं के बारे में मैं नहीं कह सकती। मैंने उसका इस वक्त ज्ञान नहीं है। इसके

[डा० सुशिला नायर]

प्रचार के बारे में और क्या साहित्य तैयार होना चाहिए यह हम अपने हैलथ एजुकेशन ब्यूरो वालों से पूछेंगे और जो जरूरी होगा करवायेंगे।

Shri S. S. More (Poona): I had suggested that there should be a Government laboratory in every district, so that the distributors can go to the laboratory and get the articles properly examined, so that eventually they will be saved from the rigours of clause 9.

Dr. Sushila Nayar: It may not be possible for Government to have a laboratory in every district. Big trade can organise their own testing arrangements, as for instance, the big trade in the drug trade are doing. Then, there are certain local laboratories available like the Agmarking laboratories, the municipal laboratories and so on.

Shri S. S. More: But their credential value is nil.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 6— (Amendment of Sec. 10)

Shri Bade (Khargone): I beg to move:

Page 3, lines 20 to 22,—

for "Call one or more persons to be present at the time when

such action is taken and take his or their signatures", substitute—"call two independent persons of the locality to be present at the time when such action is taken and obtain their signatures on the Panchanama or the memo or the sealed bottles or tins in which the samples are kept" (20).

Shri D. D. Mantri: (Bhir): I beg to move:

Page 3, line 21,—after "persons" insert—"other than the subordinates of food inspector". (21).

Shri Hem Raj (Kangra): I beg to move:

Page 3,—after line 22, insert—

'(iv) in sub-section (7), the following proviso shall be inserted, namely:—

"Provided that while taking the sample under clause (a) of sub-section (1) or seizing any article under sub-section (4) of this section or taking any action under sub-sections (1) to (4) of section 11, the food inspector shall put his seal on the samples and get the seal of the vendor also affixed on it.". (2).

Mr. Deputy-Speaker: These amendments together with the clause are before the House.

श्री बड़े : उपाध्यक्ष महोदय, मैं ने क्लॉज नम्बर 6 पर 20 नम्बर का अमेंडमेंट दिया है। यह अमेंडमेंट मैंने इस वास्ते दिया है कि क्रिमिनल प्रोसीज्योर कोड में और एक्साइज एक्ट दोनों में दो विटनैसेज का प्राविजन है तो यह आवश्यक और वांछनीय है कि इसमें भी बजाय एक के दो विटनैसेज का प्राविजन किया जाये।

मंत्रिणी महोदया ने कहा है कि इन मामलों में हमें गवाह मिलते नहीं हैं तो मैं

कहता हूँ कि जहाँ चोरियाँ होती हैं, डकैतियाँ होती हैं और कत्ल के मामले होते हैं तो वहाँ सरकार को कैसे दो गवाह मिल जाया करते हैं ? इसलिए अफसरान की इस मामले में शॉर्ट सर्किटिंग की पालिसी कुछ मुनासिब नहीं जंचती है और इस तरह से तो वे एक ही व्यक्ति को बला लिया करेंगे । . . आम तौर पर जिस एक आदमी को ये अफसरान ले जाया करते हैं वह कौन होते हैं ? वे उन अफसरान के असर में रहते हैं और दूसरे इसका भी हमेशा डर लगा रहता है कि कहीं वह अपना एक गवाह दुकानदार के असर में न आ जाय और उसे होस्टाइल न डिक्लेयर करना पड़ जाय । और उस हालत में सरकार का मुकदमा कोर्ट में हार जाता है । इन सब चीजों को मद्दे नज़र रखते हुए ही मैंने अपने संशोधन में यह सुझाया है कि फुड इंस्पेक्टर उस लोकैलिटी के दो इंडिपेंडेंट पर्सन्स को उस समय बुला कर मौजूद रखे जब कि वह सैम्पुल भर रहा हो और उनके दस्तखत पंचनामे या मेमो आदि पर ले ले । इसमें शासन का यह फायदा है कि अगर एक विटनेस होस्टाइल भी हो जाय तो दूसरा गवाह उस के पास रहता है ।

मैं चाहता हूँ कि यह खाद्यान्न में मिलावट की भयंकर बीमारी जल्द से जल्द बिल्कुल खत्म हो और खतावार साबित होने पर उन्हें सख्त सजायें भी दी जायें लेकिन यह नहीं चाहता कि मूल तत्व जो हो उसे ही खत्म कर दिया जाय । मिसाल के लिए मैं आपको बतलाऊँ कि अगर एक हिन्दू और मुसलमान में लड़ाई हो गई और हिन्दू ने मुसलमान की दाढ़ी पकड़ी और मुसलमान ने हिन्दू की चोटी पकड़ ली और दोनों ने लड़ने के बाद विचार किया कि आखिर इसके लिए क्या करना चाहिए तो वह यह फैसला कर लें कि मूल तत्व जो दाढ़ी और चोटी है उसे ही हम लोग खत्म कर दें । यह कोई वाजिब हल मेरी समझ में नहीं होगा । इस तरह से फुड एडल्ट्रेशन

में जो मूल तत्व है उसे ही खत्म कर डाला जाय और इस लिए मैंने चाहा है कि दो इंडिपेंडेंट विटनेसेज की इसमें व्यवस्था होनी चाहिए । In India witness go to tell lie in the court ऐसी हालत के रहते अगर कहीं एक विटनेस होस्टाइल हो गयी तो सरकार का सारा केस ही खत्म हो जायेगा । एक्साइज एक्ट तक में भी इसीलिए दो गवाह प्रोवाइड किये गये हैं कि अगर एक विटनेस बिगड़ भी जाय, व्यापारी के असर में चला जाय तो दूसरा विटनेस सरकार के केस को सपोर्ट करने के लिए मौजूद रहता है । कौन नहीं जानता कि हमारे देश में वे व्यापारी जो कि मिलावट के अपराधी हैं वे पकड़े जाने पर हमारे उस विटनेस को पैसे के जोर से अपने असर में करने की कोशिश नहीं करेंगे इसलिए यह और भी जरूरी हो जाता है कि एक नहीं बल्कि दो गवाहों की व्यवस्था इस बिल में रखी जाय ।

यही नई दिल्ली का 11 अगस्त 1964 का केस था । उसमें विटनेसेज होस्टाइल हो गई और कोर्ट को लाचार होकर एक्ज्यूड को बैनीफिट ऑफ़ डाउट देना पड़ा और छोड़ देना पड़ा । कोर्ट ने यह जजमेंट दिया :-

"As there is no sufficient evidence before me, to hold that the accused sold adulterated matter, I give him the benefit of doubt and acquit him".

इस नई दिल्ली केस में दोनों विटनेसेज के होस्टाइल हो जाने से शासन का केस फेल हो गया । इसमें दोनों का हित है । एक तो दो गवाहों के रहने से इन्फ़ोसंट को बग़बर न्याय मिलेगा और दूसरे शासन के लिये भी यह ठीक रहेगा क्योंकि अगर एक विटनेस होस्टाइल भी हो जायेगा तो दूसरा विटनेस उसे सपोर्ट करेगा और विटनेस के अभाव में उसका केस फेल नहीं होगा । इस हेतु मैंने यह दो गवाह रखने के लिए अपना एमंडमेंट

[श्री बड़े]

दिया है और मैं चाहता हूँ कि मंत्री महोदया उसे स्वीकार करें।

श्री द्वारका दास मंत्री : उपाध्यक्ष महोदय, मंत्री महोदया ने अभी कहा था कि हमें शहादत देने के लिये गवाह नहीं मिलते हैं इसलिये यह हो सकता है कि अपने डिपार्टमेंट में से ही एक आदमी को शहादत के लिए गवाह बना लिया जाय करे। इसलिए मैं अपने अमेंडमेंट के द्वारा जहाँ सम्बन्धित क्लॉज में पर्सनस लिखा हुआ है उस के बाद यह जुड़वाना चाहता हूँ कि वे फुड इंस्पेक्टर के मातहत किसी तरह से न हों। वे इंडिपेंडेंट विटनेसेज हों। डिपार्टमेंट के लोगों को इस में शहादत के तौर पर न लिया जाय बस मैं यही चीज अपने अमेंडमेंट के जरिये चाहता हूँ।

श्री हेमराज : उपाध्यक्ष महोदय, 1954 का जो एक्ट है उसके सैक्शन 10 में पावर्स आफ फुड इंस्पेक्टर्स दी गई हैं

Mr. Deputy-Speaker: We are on clause 6.

Shri Hem Raj: It refers to section 10 of the principal Act. Section 11 refers to the procedure to be followed by the food inspector.

मैंने जो अपना अमेंडमेंट मूव किया है उसकी मंशा यह है। भ्रष्टाचार जो इसमें चलता है वह खत्म हो और मंत्री महोदया भी इस बात को तसलीम करती हैं कि हमारे देश के फुड इंस्पेक्टर्स कोई दूध के घोये नहीं हैं और उनमें भी करप्ट लोग पाये जा सकते हैं। यह हर कोई जानता है कि उनको तनख्वाह तो मिलती है केवल 300 रुपये लेकिन उनका जो रहन सहन है वह एक आई० ए० एस० अफसर जैसा है जाहिर है कि वे भ्रष्ट तरीकों का अवलम्बन लेते हैं और रिश्वत खाते हैं। दरअसल हमारे फुड इंस्पेक्टर्स का जो मोरेल प्लेन है वह किसी से छिपा हुआ नहीं है।

यह आम नौलज की बात है कि उनका बड़े बड़े व्यापारियों के यहां से माहाना बंधा हुआ रहता है और परिणामस्वरूप वे व्यापारी घड़ल्ले से मिलावट का कारोबार जारी रखते हैं। इसके विपरीत जो पैटी शोपकीपर्स हैं, छोटे रिटेलर्स हैं वे चूँकि उनका मुंह पैसे के जोर से बन्द नहीं कर पाते हैं इसलिए जब उन पर केसेज पकड़ने के लिए जोर पड़ता है तो इन्हीं दो चार को वे पकड़ लिया करते हैं। दरअसल जो भ्रष्टाचार और मिलावट के मुख्य रूप से अपराधी होते हैं, बड़े बड़े व्यापारी और मैन्युफेक्चरर्स वह चूँकि उन इंस्पेक्टर्स की जेबें गरम रखते हैं इसलिए वे बचे रहते हैं। इसी चीज को मद्दे नज़र रखते हुए मैंने चाहा है कि जब फुड इंस्पेक्टर्स दुकानदार के वहां सैम्पुल भरने जाते हैं तो जहां इंस्पेक्टर अपनी सील उन सैम्पुल पर लगाये वहां उस सम्बन्धित दुकानदार की भी सील उन नमूनों पर लगवा ले। ऐसा होने से वह दुकानदार आगे चल कर इस बात की शिकायत नहीं कर सकेगा कि इंस्पेक्टर ने उसकी जगह किसी और का सैम्पुल भर कर भेज दिया है और यह कि उसे बेकसूर इंस्पेक्टर ने फंसाया है। इस किस्म की बहुत सारी चीजें आती हैं, और इसी कारण मैंने अपना यह अमेंडमेंट रखा है।

जो ओरिजनल क्लॉज 5 था उसमें कमेटी ने कुछ ड्राफ्टिंग चेंजेस किये हैं लेकिन उन्होंने यह सिफारिश की है :—

“Clause 6 (Original Clause 5). —The Committee have made certain drafting changes in the clause. They, however, recommend that, besides the Food Inspector, the vendor should also have a right to place his seal on the food samples, if he so desires, when they have taken for analysis, by suitably amending the rules.”

मैं अपने इस अमेंडमेंट से सिर्फ इतना ही चाह रहा हूँ कि बिल को इस तरह मुनासिब

तौर से अमेंड किया जाय ताकि फूड इन्स्पेक्टर के अलावा, बँडर को भी फूड सैम्पुल पर अपनी सील लगाने का हक हासिल हो जाय । मेरे दिल में यह बात चल रही थी कि कल को किसी किस्म की कोई हेराफेरी न हो और कल को कोई भी यह न कह सके कि सैम्पल्स को बदल दिया गया है । मेरा अमेंडमेंट एक इसके लिये फूलप्रूफ डिवाइस है और मैं समझता हूँ कि मन्त्रिणी महोदया को मेरे इस संशोधन को मंजूर करने में कोई हिचकिचाहट नहीं होनी चाहिए ।

Dr. Sushila Nayar: With regard to the first amendment requiring two independent persons of the locality to be present at the time, I have already explained that many cases in the past have failed because the two independent people of the locality were not willing to come and be present when the samples were taken. Therefore, it is not possible to accept the amendment.

Further, what does it matter who the witness is. After all, the sample is taken in such a manner that it is really fool-proof. There are three parts of that sample. One is left with the shopkeeper himself, one is kept with the local authorities, and one is sent for analysis. Therefore, the truth of the matter is that if that sample is properly sealed, whether it is taken in the presence of "A", "B" or "C", it would not really matter.

A suggestion was made in the Joint Committee that the signature of the man might be taken to say that this is his sample, and we might do away with witnesses altogether, but it was considered that at least one should remain. So, I request the House to accept the clause as it has emerged from the Joint Committee.

So far as Shri Hem Raj's suggestion is concerned, there is already a provision for making rules, and one of these is specifying the manner in which containers for samples of food taken by inspectors shall be

sealed up or fastened up. Under those rules, if two seals are necessary, there should be no difficulty in providing for that. There is no need to make any changes in the law itself.

Shri Bade: Only one witness is very risky. Suppose he becomes hostile.

Mr. Deputy-Speaker: You have spoken, and she has replied. You cannot go on with another speech now.

I put Amendments Nos. 2 and 20 to the House.

Amendments No. 2 and 20 were put and negatived.

Mr. Deputy-Speaker: What about Amendment No. 21?

Shri D. D. Mantri: The Minister has not replied to my amendment.

Mr. Deputy-Speaker: She has replied to all of them together. Do you press your amendment?

Shri D. D. Mantri: I withdraw.

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

Hon. Members: Yes.

The Amendment No. 21 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Substitution of new sections for section 14.)

Shri Kashi Ram Gupta: I beg to move:

Page 3,—

after line 31, insert—

'Explanation II.—In this section, in sub-section (1) of section 16,

[Shri Kashi Ram Gupta]

in clause (a) (i) of sub-section (2) of section 19 and in section 20A, the expression "manufacturer" shall include a producer of any article of food'. (16).

My amendment is very simple, and it is on technical and legal grounds that I have put in this amendment, because, in my opinion, the word "manufacturer" has only a specific meaning, while some things like atta are produced by mills. A legal difficulty may arise and at any time it may be challenged in a court of law. So, I request the hon. Minister to accept my amendment that "manufacturer" shall include a producer of any article of food.

Dr. Sushila Nayar: I cannot accept this amendment, because that has been kept after very careful thinking, and therefore, the word as it is may please stay.

Mr. Deputy-Speaker: I put amendment No. 16 to the House.

Amendment No. 16 was put and negatived.

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.

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— (Amendment of section 16)

Shri Hem Raj: I beg to move:

Page 5, line 4,—

for "and" substitute "or" (3).

Shri Yashpal Singh (Kairana): I beg to move:

(i) Page 4, line 31,—

for "six years" substitute—

"imprisonment for life". (7).

(ii) Page 5, lines 18 and 19,—

for "a term of six years" substitute— "life" (11).

Shrimati Renuka Ray (Malda): I beg to move:

(i) Page 4, line 32,—

add at the end—

"or with confiscation of part of his property". (17).

(ii) Page 5, lines 18 to 20,—

for "imprisonment for a term of six years and with fine which shall not be less than one thousand rupees", substitute—

"confiscation of property or life imprisonment or if necessary with the death penalty". (18).

Shri Yashpal Singh: I beg to move: Page 5,—

for lines 25 to 31, substitute—

"(1D) If any person convicted of an offence under this Act commits a like offence afterwards, then, without prejudice to the provisions of sub-section (2), the court before which the second or subsequent conviction takes place, may order—

(i) the cancellation of the licence, if any, granted to him under this Act and thereupon such licence shall, notwithstanding anything contained in this Act, or in the rules made thereunder, stand cancelled; and

(ii) the publication of the name, together with his photograph,

in the local newspapers or periodicals of the State where the offence is committed.”. (12).

Shri Bade: I beg to move:

Page 5, lines 3 and 4,—

for “imprisonment for a term of less than six months and of”,

substitute—“imprisonment for six months or”. (25).

Shri D. D. Mantri: I beg to move:

(i) Page 4, lines 30 and 31,—

omit “shall not be less than six months but which”. (22).

(ii) Page 4, line 31,—

for “and” substitute “or”. (23).

(iii) Page 5, lines 3 to 5,—

for “sentence of imprisonment for a term of less than six months and of fine of less than one thousand rupees”,
substitute—

“fine which may extend to one thousand rupees”. (24).

(iv) Page 5, lines 9 and 10,—

omit “shall not be less than six months but which” (26).

(v) Page 5, line 15,—

after “to be” insert—

“deliberately” (27).

Shri M. B. Masani: Amendment No. 10 is the same as Amendment No. 3, and seeks to substitute the word “or” for the word “and” at page 5, line 4, clause 9.

I wish the Minister would listen to this carefully because, in her reply to Shri Mahida a few minutes ago, I am afraid she showed that she has not appreciated the position under the Bill as reported by the Joint Committee. I do not think she meant to mislead the House, but I think she is not clear about the facts, and I would like to try to put her wise.

Clause 9 draws a distinction between two categories of offences in regard to adulteration. There is sub-clause (a)(i) of Clause 9(1), which refers to adulteration or misbranding or sale which is prohibited by the Food (Health) authority in the interest of public health. That is a major offence, a substantive offence. Sub-clause (ii) says:

“other than an article of food referred to in sub-clause (i), in contravention of any of the provisions of this Act or of any rule made thereunder;”

This is a technical offence, for which the clause itself provides a lower punishment.

The hon. Minister seems to be under a misapprehension that this lower punishment permits the court to award either a sentence of imprisonment or a fine because, when she answered Shri Mahida a few minutes ago, she said that for certain offences it would be possible for the court to award a fine. It was not the intention to send anyone to jail for the technical offences. She referred to sub-section 2(1) of clause 1, that is on page 2 of the old Act, the Prevention of Food Adulteration Act, which says:

“if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities which are in excess of the prescribed limits of variability.”

Then she referred to section 2(ix)(g) which says:

“if it is not labelled in accordance with the requirements of this Act or rules made thereunder”.

The House see that what we are discussing is not adulteration; we are discussing technical breaches of rules regarding packaging and the content and composition of various articles or the mixture that goes into it. We are not discussing adulteration; we are not discussing the serious crime with which we are concerned in the origi-

[Shri M. R. Masani]

nal Act. What we are concerned with here is the ancillary offences, breaches of the rules made to ensure that there is no adulteration. The hon. Minister quite rightly thinks that there should be no compulsion to send a person to jail for it. I entirely agree with her. Unfortunately she is not right in believing that this is what the Bill prescribes. The Bill unfortunately does not do anything of the kind. I shall read the proviso in the Bill;

"Provided that if the offence is under sub-clause (i) of clause (a) and is with respect to an article of food which is adulterated under sub-clause (1) of clause (i) of section 2 or misbranded under sub-clause (k) of clause (ix) of that section; or (ii) if the offence is under sub-clause (ii) of clause (a), the court may for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months and of fine of less than one thousand rupees."

In other words, the court is bound to give some imprisonment and some fine. The Minister then was not right in saying that for these technical offences she has herself mentioned in (k) and (b) it would be possible for a bare fine to suffice. Therefore, this clause needs to be amended if her own intention has to be carried out.

Let me give the genesis of the history of this discussion. When witnesses were being heard in the Joint Committee, a certain witness, Mr. M. H. Vyas—I am quoting from pages 16-17 of the evidence—he pointed out what I am putting out now. Dr. Sushila Nayar corrected him and said:

"I find it very difficult to believe that a court will give this six months punishment if the inspector just says that he found a receptacle opened."

At this, Mr. Trivedi pointed out to the witness:

"You are taking exception to the provision there which says: 'in contravention of any provision of this Act or of any rule made thereunder' Is that your objection?"

The witness said: "Yes".

Shri Chatterjee pointed out to the Minister that they were objecting to imprisonment for all offences, even though it may be a technical violation and Mr. Vyas said: "That is our point."

Dr. Sushila Nayar said:

"For the other offences, there is no minimum punishment. The punishment may be only a fine of Rs. 5 or Rs. 10. Only for serious offences, minimum punishment is prescribed."

That is not true. The minimum punishment is there for all offences, however trivial. In reply to this, Mr. Vyas quite rightly pointed out: "In the proposed amendment, there is nothing like that; the Court may say that its hands are tied." Then, Dr. Sushila Nayar said: "We will bear this in mind."

Unfortunately, it seems that in the later proceedings of the Joint Committee, this very valid point made was not borne in mind. The report of the Joint Committee says on this point the following:

"However, in the case of technical offences...the Committee feel that a discretion should be given to the court to award a lesser sentence of imprisonment and fine than the minimum sentence of imprisonment of six months and of fine of one thousand rupees."

We see that the discretion given to the court is one to lessen the sentence of imprisonment and lessen the fine

but not to do either the one or the other. Therefore, Mr. Mahida was quite right in pointing out that the intention that the Minister expressed in the course of hearing evidence has not been carried out; she seems to be labouring under the impression that it has. Therefore, let us be clear about what we are passing today. Let us not pass a law under the impression.—all of us including the Minister that we are doing something else. When the Report was signed, two Members I am glad to say, took exception to this attitude. Mr. P. K. Deo, in his minute of dissent says:

“As we are anxious that deterrent punishment be provided to the culprit, we are equally anxious that let not legislation be an instrument of oppression and open flood gates of corruption.”

Shri U. M. Trivedi, another Member of the House who was in the Select Committee says as follows:

“The amendment regarding the first offender provided in clause 9 of imprisonment of not less than six months has been overdone according to me. It is well known that the reports of the so-called public analysts are not by public analysts themselves but by laboratory assistants of questionable experience and qualifications and as their report, subject to the report of the Central Food Laboratory is conclusive, there are thus chances of some members of the judiciary, who might be inexperienced, convicting some innocent and poor people petty traders villages—who may not be able to enjoy the luxury of robust and sound legal advice. When first offenders under the Criminal law of the land are given protection under the Probation of Offenders Act and under section 562 of the Criminal Procedure Code, therefore, imposing the sentence of compulsory imprisonment on the first offender under this Act, will set

at naught the present-day conception of administration of penal law. This amendment, in my opinion, is uncalled for.”

The position is very clear—that the intention the hon. Minister, I am glad to say, expressed in the Joint Committee to make sure that in purely technical offences some fine will suffice has not been carried out, and hence the amendment which my hon. friend opposite and I have moved today.

Now, Sir let us compare similar provisions in other laws. Take our own Drugs Act. Surely adulteration of drugs is by no means less reprehensible or less dangerous than the adulteration of food. It is just the other way about. Adulterated food won't kill anyone; are adulterated drug can be a deadly poison. Section 13 of the Drug Act says:

“Whoever contravenes any of the provisions of this Act or fails to comply with any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”

If for adulterating a drug, even today, the law of the land gives the option to the court to fine or convict a person, surely we need not go beyond the Drugs Act when dealing with the same crime in regard to food. In the United States there is a common Act for Food and drugs, unlike our country they have one Act which is called, the Food, Drugs and Cosmetics Act of 1938, as amended upto 1962. That Act has a very humane and sensible clause which I shall now read:

“Nothing in this Act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice or warning.”

[Shri M. R. Masani]

I am not going thus far. The US Act even objects to prosecution for a small first offence. It says a warning or notice would be enough. I am not going thus far. What I am saying is that we might bring our present Bill in line with the Drugs Act which says that for these small offences, technical offences, the court may either convict a person or fine or both and that is not what the latter does today . . . (Interruptions).

An hon. Member: The courts are given the discretion.

Shri M. R. Masani: That is what I said. Under the Drugs Act, the court is given the discretion to do both, one or the other. This Bill will not do that. All I am suggesting is that we hand this discretion back to the court as the Minister herself believe till half an hour ago was in fact the position.

If we do not do that, then we have very obvious objections. One is the harshness and the brutality of the law and the other is it puts in the hands of everyone concerned an instrument of blackmail. You go to a big store. The proprietor, an honest man, tries his best to comply with the law. You threaten him, for a little mistake in packaging or some small mistake which is not adulteration, and say, "I shall send you to jail." He is a man who is terrified of being sent to jail even for eight days. He shells out the money. You should not put normal, good citizens under such a pressure for technical offences.

And then the Minister herself conceded in reply to the an earlier discussion when Shri N. C. Chatterjee or somebody pointed out earlier that the courts of law will not convict if they find that the law that Parliament passes goes against their conscience. A decent magistrate a human magistrate, faced with the alternative of finding a person guilty of a technical offence and then sending him to prison or of acquitting him, even if he thinks

that a technical offence is committed,—I think he would be tempted, in spite of his oath of office, to say, "All right, let me then pretend that he is not guilty." This is what juries do in what are called *Crimes passionels*, a crimes of passion. When the death sentence has to be given for murder, —I have appeared before juries and I have got two or three people acquitted; I made an appeal to the sentiment of the jury. They would have sentenced a man to life imprisonment but when they were forced to give a death sentence, the jury said, "Not guilty; acquit him." That way, we shall defeat our very purpose.

Therefore, I appeal to the Minister, let her carry out her understanding of the Bill and let her accept this amendment, amendment No. 3, moved from her own Benches and by me, and have the word "or" in place of "and".

श्री यशपाल सिंह : मैं अपना अमेंडमेंट मूव करता हूँ, इसलिये कि माननीय मंत्री जी ने जो छः साल की अवधि रखी है वह कोई अवधि नहीं है। छः साल की सजा का क्या मतलब है। एक आदमी लाखों रुपया कमाता है तो छः साल के लिये वह जेल भी जा सकता है। छः साल के लिये उसे अच्छा खाना मिलता है, अच्छा मकान मिलता है, अच्छी चाय मिलती है। यह कोई सजा नहीं है। उसके हाथ कटवाये जाने चाहियें, और अगर आपके कांस्टिट्यूशन में हाथ कटवाने की इजाजत नहीं है तो कम से कम ज़िन्दगी भर की सजा होनी चाहिये। अगर मुल्क में आज भी हाथ कटवाये जाते हैं बदकार के। हमारे यहाँ सब से ज्यादा जरूरी यह है कि इस तरह के जो लोग हैं उनको ज़िन्दगी भर के लिये जेल भेजा जाये। मुझे और मंत्री जी दोनों को जेल में रहने का इत्तफाक हासिल हुआ है। जेल में चार वक्त खाना मिलता है, मेरे घर में दो वक्त खाना मिलता है, जेल में मच्छर नहीं हैं मेरे घर में मच्छर ही मच्छर भरे हैं,

मेरे घर पर अगर बारिश होती है तो ऐसा होता है कि घर भर टपकता है, लेकिन जेल में बारिश होती है तो पता भी नहीं चलता कि बारिश हुई भी है। इस-लिये छः साल की सजा बदकार के लिये क्या हुई। उसके हाथ कटवाये जाने चाहियें या जिन्दगी भर की सजा होनी चाहिये। इससे कम उसके लिये कोई सजा नहीं हो सकती। जो लोग चालाकी करते हैं उन के लिये कोई इन्तजाम नहीं किया गया है। यहां पर मेरे एक मिलने वाले हैं जिनकी दूध की दूकान है। वह कहते हैं कि जो पानी मिलाता है उसका बाप मरे, उसका बेटा मरे। मैंने पूछा कि तुम क्यों पानी मिलाते हो, तो उन्होंने कहा कि मैं पानी नहीं डालता, नौकर से डलवा देता हूं। जो इस तरह के काम करता है उसको सजा मिलनी चाहिये और जिन्दगी भर के लिये उसको कारावास में डाला जाये तभी जाकर इस चीज का इजाज हो सकता है। अगर इतनी कम सजा देते हैं तो उससे क्या होगा। करोड़ों रुपया कमाने के बाद वह छः साल जेल में भी रह लेंगे।

Shrimati Renuka Ray: I have moved an amendment:

Page 4, line 32, add at the end

"or with confiscation of part of his property".

and on page 5, line 18-20, for "imprisonment for a term of six years and with fine which shall not be less than one thousand rupees,"

I have suggested that "confiscation of property or life imprisonment or if necessary with death penalty." be substituted.

I would like to say, first of all, that by no means do I want that any technical offences by those who are honest but do not quite understand should come within the purview of

any deterrent punishment and for that reason, this provision regarding which hon. friend Shri M. R. Masani spoke is included there. He has pointed out that judges cannot but help bring in a sentence of imprisonment because both imprisonment and fine are mentioned. Of course, imprisonment could be even for a day and it is possible that the fine may be just Rs. 2. But that is another matter. If the offence is purely technical, I do not know if it can be dealt with by the rules and left out of the purview or kept within the purview of the Bill. If it is not possible and if the Minister wants to accept the word "or", in place of "and" I have no objection. But I do feel that it is most essential that where poisons are concerned, the punishment should be very severe. This is the one on which I am particularly keen: "Where adulteration with any poisoning or other ingradient under sub-section (h) of clause (i) of section 2" he shall be punishable with imprisonment for a term of six years and with fine of a thousand rupees. I do not think this is at all adequate. I think that those who indulge in such practices are murderers, and I see no reason why the law of the land should not be the same for a man who murders a person and the man, in order to make perhaps crores of rupees, murders a large number of people this way. I think Shri Masani who is so concerned with technical offences and says that they should be left out, will be equally concerned to see that those who are guilty of putting poisonous stuff into foodstuffs are punished if necessary. with confiscation of their property or, if necessary, with the death penalty or life imprisonment. I think that is essential.

The Minister has said that if you make the punishment too drastic, the courts may not like to administer it. I do not think that any humane judge, or a humane magistrate who sees that food is adulterated and poisoned and the children of the nation injured

[Shrimati Renuka Ray]

and get their lives endangered because adulterated food is administered to them and which is poisoned and in some cases where the poison brings about paralysis and so many other diseases, will fail to administer the law if proper deterrent has been provided for. I would, therefore, request the Minister even at this late hour, to provide for an effective deterrent in the Bill, where the offence is definitely one of poisoning the food-stuff in particular.

As regards the other amendment, "or with confiscation of part of his property", I should like to say a few words. As I said yesterday, when I was speaking on the Bill, we find that even in the case of profiteering in prices, those who put up the prices and are sent to the jails do not mind going to prison for a few months or even for a year or two sometimes if it means that they make crores of rupees. There are such people in our country. It may not be the people of whom Shri M. R. Masani is thinking, but there are such people in our country. I have suggested that if necessary it might be put into the other clause—that those who do not believe that food should be adulterated with poisons—and I do not think there can be any body who wants that except those particular offenders who ought to be put behind the bars in any case and prevented from such practices or be given death penalty so long as capital punishment remains. I think this should be accepted. I hope the hon. Minister will reconsider this even at this late hour. I do feel that this Bill, however important it is, will not be as effective as it should be, if the punishment is not meted out in the manner I have suggested.

श्री बड़े : उपाध्यक्ष महोदय, मेरा अमेन्डमेंट यह है :

"... imprisonment for a term of less than six months and of", substitute—

"imprisonment for six months or"

इस का कारण यह है कि बहुत से टेकनिकल आफेंसेज होते हैं जैसे कि सैनिटरी कंडिशनस ठीक नहीं हैं, सील ठीक नहीं है, इस तरह के टेकनिकल आफेंसेज दिये गये हैं। इस में एक परसेन्ट या डेसिमल प्वाइंट की कमी आफेंसेज में हो सकती है। इसलिए टेकनिकल आफेंसेज के वास्ते मैजिस्ट्रेट के डिस्क्रिशन पर चेक लगाना ठीक नहीं है। आज ऐसा वातावरण बनता चला जा रहा है बाहर के देशों में कि कैपिटल पनिशमेंट को खत्म करें। प्रिजन हाउसेज शुड बी टर्न्ड इनटु मेन्टल हॉस्पिटल्स, ऐसा वातावरण चल रहा है। इसके लिए हमारे यहां काफी पनिशमेंट देना चाहिए। मैं समझता हूं कि जहां करप्शन बहुत ज्यादा रेस्पेन्ट है, ऊपर मिनिस्टर से लगा कर नीचे तक गया है, जहां अफसर को घूस न देने से भी कोई आदमी फंस सकता है वहां कानून में दंड की व्यवस्था परिस्थितियों को देख कर ही करनी चाहिए। आज देश की परिस्थिति यह है कि नन्दा जी कहते हैं कि हम दो साल में करप्शन को दूर करना चाहते हैं। आज जो आप यह कानून लागू कर रहे हैं उस में साधारण जुर्म के लिए और टेकनिकल आफेंस के लिए समान सजा है। मंत्री महोदय ने अपने भाषण में कहा है कि मंडर के लिए फांसी की सजा है फिर भी वह बन्द नहीं होता है। तो ऐसी सूरत में क्या आप ज्यादा डर दिखा कर मिलावट रोकना चाहते हैं। मैं कहता हूं कि ऐसा कर के आप साधारण जुरिसप्रूडेंस और क्रिमिनालाजी के विरुद्ध जा रहे हैं। टेकनिकल आफेंस में भेद करना चाहिए...

उपाध्यक्ष महोदय : अब आप खत्म करें।

श्री बड़े : आप आर्डर आर्डर कह देते हैं तो जो मैं बोलना चाहता हूं वह भूल जाता हूं। मेरा इतना ही कहना है कि टेकनिकल आफेंस के बारे में आप को मैजिस्ट्रेट को यह डिस्क्रिशन देना चाहिए कि वह चाहे

तो सजा दे, चाहे जुरमाना करे या दोनों करे। उस के डिस्क्रिशन को बांधना नहीं चाहिए।

श्री द्वारका दास मंत्री : इसमें जो डंड रखा गया है वह सब प्रकार के आफेंसेज के लिए समान है, चाहे वह साधारण जुर्म हो या टेक्निकल हो या हैबिचूअल किस्म का हो। आप ने अदालतों के हाथ बांध दिए हैं। उस को कानून का इंटरप्रिटेशन करने का अधिकार नहीं रहा।

इसमें कुछ इम्पेडेंट परसन्स भी आ सकते हैं और उन को भी उतनी ही सजा हो जायगी। आप पूछ सकते हैं कि इम्पेडेंट परसन्स किस तरह इस में आ सकते हैं। मंत्री महोदया मुझ से सहमत नहीं हैं, लेकिन वस्तुस्थिति यह है कि उस को छिपाया नहीं जा सकता। आज भी हम देखते हैं महाराष्ट्र में गाय के दूध का एक स्टैंडर्ड है, गुजरात में दूसरा है। अगर आप हर देश में देखें तो यह स्टैंडर्ड अलग अलग पाया जायगा। अगर एक ही आदमी के पास दो गाएँ हों और एक को वह बिलोला देता है और दूसरी को न देता है तो उन के दूध में अन्तर होगा। इसी तरह से मक्खन की बात है। उस में भी देश के मक्खन में ज्यादा माइस्चर हो सकता है। जहाँ पर अच्छी मशीनरी लगी है...

Dr. Sushila Nayar: He is making a speech as if it is a general discussion. We are on a specific clause.

Mr. Deputy-Speaker: He has moved an amendment. He may please speak on his amendment.

श्री द्वारका दास मंत्री : अमेंडमेंट पर ही बोल रहा हूँ। अगर स्टैंडर्डाइजेशन के बारे में बोले मैं उस अमेंडमेंट के बारे में कैसे बोल सकता हूँ। जैसा आप का स्टैंडर्डाइजेशन होगा ऐसा ही यूँ तो अदालतें लेंगी।...

Mr. Deputy-Speaker: Your amendments are Nos. 22, 23, 24, 26 and 27.

They are not on standardisation. You want some change in the wording.

श्री द्वारका दास मंत्री : मैं अमेंडमेंट पर ही बोल रहा हूँ। सब चीजों का एक ही नजर से देखा जा रहा है। इसलिए मैं उस के बारे में बता रहा था। आप इस में अदालतों पर बन्धन लगा रहे हैं कि वे सब अपराधों के लिए सजा दें। मेरे विचार में इस चीज को अदालतों पर छोड़ देना चाहिए। अदालतों को सजा के मामले में डिस्क्रिशन होना चाहिए। यह रूल आफ ला के लिहाज से भी उचित होगा। हम को अदालतों का डिस्क्रिशन छीन नहीं लेना चाहिए, यही मेरे अमेंडमेंट का मंशा है। इसीलिए मैंने अमेंडमेंट नम्बर 27 दिया है। अदालतों का डिस्क्रिशन होना चाहिए कि जितनी सजा ठीक समझें दें। जो टेक्निकल आफेंस है उन में अदालत को डिस्क्रिशन अवश्य होना चाहिए। जो डेली-बरेटली आफेंस करता है उस को आप जितना चाहें दण्ड दें। ऐसा कानून बनाने के लिहाज से उचित होगा।

श्री हेन राज : उपाध्यक्ष महोदय, जो अमेंडमेंट मैंने दिया है वह बहुत सादा है और जो मन्त्रिणी महोदया के दिल की बात है वही उसमें मैंने व्यक्त की है।

इस वक्त उन्होंने हर एक को एक ही लाठी से हाँका है। उन्होंने इस मिलमिले में जुर्मों को तीन श्रेणियाँ रखी हैं, उन सब के लिए एक सा कानून रखा है। क श्रेणी ठो उस तरह के जुर्म की है जो कि बार बार आदतन किया जाता है, दूसरी श्रेणी में वह जुर्म आता है, जो कि चाहे पहली बार किया गया हो लेकिन हीन किस्म का है और तीसरी श्रेणी में टेक्निकल जुर्म आते हैं। ऐसा हो सकता है कि वह चीज प्योर है लेकिन बिली स्टैंडर्ड है। उस के लिए भी उस को सजा हो सकती है। इस की मैं कुछ मिसालें देना चाहता हूँ। मेरा इलाका भी पहाड़ी इलाका है, हिमाचल का इलाका भी पहाड़ी इलाका है। लेकिन मेरे दूध का जो स्टैंडर्ड है वह

[श्री हेमराज]

पंजाब के मुताबिक बनेगा गोकि पहाड़ी इलाके का दूध एक सा होता है, चाहे वह कांगड़े का हो, या गिमले का हो या हिमाचल का हो। शिमला, कांगड़ा और हिमाचल में घास एक ही प्रकार की है। लेकिन अगर मेरे दूध का स्टैंडर्ड पंजाब जैसा रखा जाएगा तो वह डिफरेंट होगा। मेरा स्टैंडर्ड तो हिमाचल जैसा ही हो सकता है।

इस तरह से चाय की बात है। हमारे इलाके में चाय होती है, देहरादून में भी चाय होती है और बंगाल और असम में भी चाय होती है। लेकिन अगर हमारी चाय का आप एनेलेसिस करवायेंगे तो वह असम की चाय की तरह नहीं होगी। इसके लिए हमारे इलाके के लोगों को सजा नहीं होनी चाहिए। इसके लिए आप को इस कानून में कुछ प्रावधान रखना चाहिए। जैसा अभी कानून है उसमें टैकनिकल ग्राउंड पर लोग पकड़े जायेंगे और छूट नहीं सकेंगे। इसलिए मेरा सुझाव है कि आप को टैकनिकल आफेंस के लिए दूसरा प्रावधान रखना चाहिए नहीं तो इस में नेकनीयत आदमी भी सजा पा जायेंगे जिसका परिणाम समाज के लिए बुरा होगा। मंत्राणी जी भी जेल में रही हैं और मैं भी रहा हूँ। उन को मालूम है कि जेल में जाने से वे लोग भी जो पक्के मुजरिम नहीं होते, औरों को संगत के कारण पक्के मुजरिम बन जाते हैं। तो भलेमानसों को जेल भेजने का नतीजा बुरा हो सकता है। इसलिए मेरा सुझाव है कि जो नेकनीयत आदमी हैं और जिन का सिर्फ टैकनिकल आफेंस है उन के लिए सजा न रखी जाय। लेकिन जो जान बूझ कर जुर्म करते हैं उन के लिए आप चाहे जितनी सजा सखें। मेरा सुझाव है कि आप इस में रख दें कि सजा, या जुर्माना या दोनों। ऐसा करने से आप का मंशा भी पूरा हो जायगा और मेरा अमेंडमेंट भी आप मंजूर कर सकेंगे। इन शब्दों के साथ मैं सनसज्ञा हूँ कि मेरा अमेंडमेंट मंजूर किया जायेगा।

श्री तुलशीदास जाधव (नांदेड़) :
उपाध्यक्ष महोदय, यह बिल का जो नौवां क्लॉज है उस को मैं सपोर्ट करता हूँ। नवें क्लॉज पर कई अमेंडमेंट्स आये हैं। एक अमेंडमेंट में बजाय 6 साल की सजा के इम्प्रीजन्मेंट आफ लाइफ का सुझाव दिया है तो किसी ने 6 साल की सजा के साथ एक हजार रुपये जुमनि के स्थान पर यह सुझाव दिया है कि उस की प्रापरटी कौनफिसिकेट कर ली जाय, लाइफ इम्प्रीजन्मेंट दिया जाय या जरूरी हो तो मौत की सजा भी दी जा सकती है। जहां तक खतावारों को सजा देने का सवाल है सब लोग इस बारे में एक मत हैं कि मिलावट करना एक भयंकर अपराध है और खतावार साबित होने पर इनके साथ सख्ती के साथ पेश आना चाहिए। ज्वाएंटे सैलैक्ट कमेटी में जिस में मैं भी था इस तमाम बिल पर बहुत विस्तार के साथ विचार किया गया था और अनेकों गवाहियां उसके सामने गुजरी थी और उन की लाइट में ही यह बिल पेश किया गया है इसलिए इस में कोई खास तबदीली की जरूरत नहीं है। लेकिन जहां तक आर० एम० स्टैंडर्स फिक्स करने का सवाल है यह बिलाशक एक गम्भीर सवाल है और जैसा इस के बारे में कमेटी के सामने श्री एन० एन० गोडशेले जोकि एक असोसिएशन की तरफ से बतौर एक आर० एम० वॉल्यू के बारे में अपना मत रखने के लिए एक टैकनिकल ऐक्सपर्ट थे उन्होंने उस समय विस्तार से बतलाया था कि यह आर० एम० वॉल्यू अलग अलग स्थानों पर अलग अलग होगी और यही तरीका करेगी। वहां पर डा० मुशीला नायर ने उस अवसर पर यह कहा था :

"We are not following what you are saying. Therefore, I suggest that this technical subject may be discussed among a group of technical people. I am prepared to call a meeting of the technical people so that this may be properly discussed."

लेकिन अभी तक टेकनिकल पीपुल की वह मीटिंग इसके वास्ते मंत्री महोदया ने बुलाई नहीं है। अभी तक वह टेकनिकल ऐक्सपर्ट्स की कमिटी नुम्बर नहीं की गई है ताकि डिपार्टमेंट के नाम और आउटसाइडर्स एक साथ बैठ कर इन मामले में विस्तारपूर्वक सोच विचार कर किताबें माकूल फॉसले पर पहुंच सके। लेकिन मेरे इस कहने से यह अर्थ कहीं न लगा लिया जाये कि मैं खता-वारों के साथ कोई रियायत वर्तना चाहता हूं अलवत्ता मैं चाहता हूं कि किसी के साथ अन्याय न हो, सब के साथ न्याय का वर्तव्य हो। बिलाशक वह लोग जोकि मिलावट करते हैं वे समाज और देश के सामने अपराधी हैं और उन्हें माकूल और सख्त सजा शासन को देनी ही चाहिए। लेकिन जसा कि भाई हेमराज ने कहा कभी कभी धी और दूध के बारे में आर० एम० वैल्यू को लेकर एक शक पैदा हो सकता है क्योंकि हो सकता है कि कोर्ट अगर किसी व्यक्ति को दूध या धी की आर० एम० वैल्यू कम होने के कारण सजा देने लगे तो वह फरियाद कर बैठे कि साहब इस में मेरा कोई कसूर नहीं है और मुझे सजा देने के बजाय उस मस या गाय को सजा दीजिए। हो सकता है कि कभी कभी मवेशी को ठीक से और अच्छा चारा और घास आदि न मिलने के कारण धी और दूध का आर० एम० स्टैंडर्ड थोड़ा नीचे रह जाय। इसलिए मेरी मंत्रिणी महोदया से प्रार्थना है कि इस आर० एम० वैल्यू के बारे में वह देश के टेकनिकल पीपुल की एक मीटिंग बुला कर उस में इस पर विचार करें और उस की लाइट में वे इसे फिक्स करें। जहां तक बिल का आम तौर से सम्बन्ध है मैं उसे पूरी तरह से सपोर्ट करता हूं और मेरी विनती है कि हाउस इसे पास करे।

श्री यशपाल सिंह : उपाध्यक्ष महोदय, 12 नम्बर का अमेंडमेंट मैं इसलिए पेश करना चाहता हूं कि जब तक ऐसे दुबारा अपराध करने वालों को सामाजिक के हर एक

क्षेत्र में डिसक्वालिफाई नहीं किया जायेगा तब तक ये लोग बाज आने वाले नहीं हैं। हमारे नीतिशास्त्र में जिसे महात्मा गांधी मानते थे उस में तो यहां तक लिखा हुआ है :

“अविक्रेयं० लवणं पक्वमन्नम् दधि
क्षीरं मधु तैलं घृतम् च”

प्योर मिल्क बेचने वाला भी पापी है। प्योर मिल्क भी बेचना मना है तो जो दूध में पानी मिलाने का जघन्य अपराध करता है वह तो और भी ज्यादा सजा के क़ाबिल है। इसीलिए मैं ने अपने संशोधन के जरिए यह चाहा है कि ऐसे व्यक्तियों के लाइसेंस फौरन खतम कर दिये जाय। उन को समाज में डिसक्वालिफाई किया जाये। वे कोई भी एलेक्शन न लड़ सकें। किसी जगह भी सदारत की कुर्सी पर न बैठ सके। अब उन का मुंह काला कर के घुमाया जाय, ऐसा हमारे संविधान में तो लिखा नहीं है लेकिन इस तरह के दुबारा अपराध करने वालों के नाम उन की फोटोओं के साथ लोकल न्यूजपेपर्स और दूसरे पीरियाडिकल्स में जहां कि वह ऑफिस कमिट किया गया हो, छापे जाय ताकि सब जगह चारों तरफ उन की बदनामी और यू, यू हो तभी व लोग बाज आयेंगे। क़ातिल को तो एक ही व्यक्ति को जान से मारता है लेकिन यह मिलावट करने वाले तो लाखों आदमियों का स्लो मर्डर करते हैं इसलिए उन को बिल्कुल क़ातिलों की श्रेणी में रक्खा जाय और तदनुसार उन्हें सजा दी जाय। जिस तरह से क़ातिलों को ट्रीट किया जाता है उसी तरह से इन मिलावट करने वालों को ट्रीट किया जाय। दुबारा अपराध करना साबित हो जाने के बाद उन को लाइसेंस कैंसल कर दिया जाय, उन को समाज में डिसक्वालिफाई किया जाय, हर एक एलेक्शन के लिए उन्हें डिसक्वालिफाई कर दिया जाय और अखबारों में उन के नाम और फोटो दे कर उन्हें जनता में बदनाम किया जाय तभी व लोग बाज आ सकेंगे।

Dr. M. S. Aney: Sir, I oppose the amendment moved by my hon. sister, Shrimati Renuka Ray. In all progressive countries capital punishment is being done away with, whereas here she wants to add to the list of offences which call for capital punishment. On that ground I oppose her amendment. Secondly, I consider that the punishment that she has suggested is out of all proportion to the offence committed.

On the other hand, I support the amendment which was moved by my hon. friend, Shri Masani. I think the promise was already given by the hon. Minister, Dr. Sushila Nayar, in the Joint Committee, and probably because the amendment comes from this side she is not accepting it. It is a reasonable amendment, that for technical offences there should be discretion left to the magistrate to give punishment only with fine.

Dr. Sushila Nayar: Sir, I wish to remove one or two misapprehensions. First of all, it was said by Shri Hem Raj . . .

श्री यशपाल सिंह : जब तक अंग्रेजी में बोलियेगा तब तक यह इंडेंटेशन नहीं रहेगा इसलिए हिन्दी में बोलिए ।

Dr. Sushila Nayar: It was stated by Shri Hem Raj that because his area is in Punjab, the standards prevalent in Punjab must necessarily apply to Kangra rather than the standards prevalent in Himachal Pradesh. I wish to inform him that within a State also standards can vary. For instance, in the State of Gujarat the standards for Kutch and Saurashtra are different from the standards in the rest of Gujarat.

श्री हेमराज : सज़ाएं जो होती हैं व तो उसी की बेसिस पर होती हैं ।

Dr. Sushila Nayar: Therefore, it is perfectly possible for Shri Hem Raj to raise the question of standards in his district and say that the standards in his district should be those that

are observed in Himachal Pradesh. The matter will be referred to the Food Standards Committee. They will look into it, and whatever decision they give will be the decision which will be notified and put into practice.

Another hon. Member, Shri Tulsidas, said that the Minister had said that an expert committee will go into the matter. Sir, whatever representation, whatever complaints, whatever grievances anybody may have regarding any food standard, he is most welcome to send them to us. The Food Standards Committee is a statutory committee appointed by under this very Act which we are amending today. That committee is bound to look into all the points that are referred to this committee and revise the standards if in the light of experience such revision is necessary. As I have stated already, a revision has already been made recently with regard to certain standards for Gujarat and Madras, and other States can also take up the question of any particular standard. I wish to remove this misapprehension from the minds of hon. Members that the Food Standards Committee is something that is not responsive.

The Food Standards Committee is the watchdog on behalf of this hon. House. This hon. House wants to prevent adulteration. It is necessary to find out what are the correct standard for various foodstuffs in the interests of the consumers. The Food Standards Committee is doing that to the best of its ability with the help of all the available machinery, methods of analysis and methods of study that are available today. Therefore, there is no rigidity, there is no lack of responsiveness, so far as this committee is concerned. I am sure the House will agree with me that the standards should be such that they will really preserves and safeguard the interests of the consumers and bring to book the adulterators

Then it was stated by more than one hon. Member that the names of habitual offenders should be publicised and that they should be made to pay for their offence. I wish to draw the attention of the House to sub-section (2) of section 16 of the principal Act, which says:

"If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name, the place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such manner as the court may direct. The expenses of such publication shall be deemed to be part of the cost attendant on conviction and shall be recoverable in the same manner as a fine."

So, this point has already been taken care of.

So far as the amendment moved by Shri Masani and Shri Hem Raj is concerned, it is not through any oversight on the part of the Minister that this clause has appeared in the report of the Joint Committee as it is. The Joint Committee felt that some imprisonment, even though it may be a token imprisonment, was necessary even for those offences which have been enumerated in the proviso. I would be willing to accept the proposed amendments if it is the wish of the House that it should be done.

Some hon. Members: Yes, yes:

Dr. Sushila Nayar: In that case, the amendment will read as:

"a term of less than six months or of fine of less than one thousand rupees or of both imprisonment for a term of less than six months and fine of less than one thousand rupees"

Instead of saying "or of both", the words will have to be repeated as in the earlier portion. This is the view of the legal pundits. So, I presume it is all right. I further wish to say that even in clauses (k) and (l) the offences may be of a serious nature. Suppose the constituents are present in quantities which are in excess of the prescribed limits in the case of some preservatives it may be injurious to health. Therefore, it is necessary to provide for imprisonment, if necessary. But I am agreeable to let the discretion vest in the court.

Amendment made:

Page 5,—

for lines 4 and 5, substitute—

"a term of less than six months or of fine of less than one thousand rupees or of both imprisonment for a term of less than six months and fine of less than one thousand rupees". (28)

(*Dr. Sushila Nayar*).

Shrimati Renuka Ray: The Minister has not replied to my point.

Dr. Sushila Nayar: In answer to my sister, Shrimati Renuka Ray. I would like to say that while I find myself entirely in sympathy with the point of view expressed by her that we should have power of confiscation of property of the offenders to make them really feel the pinch for inflicting injury on innocent consumers, I am told by the law advisers that this amendment cannot be entertained because it affects another clause which is not under amendment. So, I am sorry, I cannot accept the amendment.

Shrimati Renuka Ray: Will the hon. Minister give an assurance that she will have that clause amended?

Dr. Sushila Nayar: I am afraid, I cannot give the assurance asked for by Shrimati Renuka Ray. We shall have to watch how this Act functions for a while. If the punishments that have been proposed by this hon.

[Dr. Sushila Nayar]

House are still found to be inadequate, we shall certainly come up for such further deterrent punishment as may be considered necessary.

Mr. Deputy-Speaker: Is any amendment being withdrawn or am I required to put all of them to the vote of the House?

Shrimati Renuka Ray: As the hon. Minister is not going to accept them, I wish to withdraw my amendments Nos. 17 and 18.

Amendments Nos. 17 and 18 were, by leave, withdrawn.

Mr. Deputy-Speaker: Amendment No. 3 goes and amendment No. 10 is barred because it is the same as No. 3. The rest, Nos. 7, 11, 12, 22, 23, 24, 25, 26 and 27, I shall now put to the vote of the House.

Amendments Nos. 7, 11, 12, 22, 23, 24, 26 and 27 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to Bill.

Clause 10.— (Amendment of section 19).

Shri Hem Raj: Sir, I beg to move: Page 6, line 7,—

add at the end—

"and that the opened article of food was the same which he stored in packages under written warranty". (4).

Mr. Deputy-Speaker: Amendment No. 14 is the same as amendment No. 4.

श्री हुकन चन्द कछवाय (देवास) :
उपाध्यक्ष कह दय, मेरा एक प्वायंट ग्राफ
आर्डर है। क्या इस बिल के सब खंड बिना
क्वोरम के ही पास होंगे ? हकारा दुर्भाग्य

रहा है कि इस सेशन में सारे बिल बिना
क्वोरम के पास हुए हैं।

Mr. Deputy-Speaker: The bell is being run....Now, there is quorum.

Shri Hem Raj: Mr. Deputy-Speaker, Sir, my amendment is a simple one. What happens now is that most of the things like haldi or sait, etc., are packed in packets. Whenever a retailer wants to sell something, he opens one of those packets and sells the thing. But when the inspector comes, he takes the sample from the open one. When the shopkeeper insists that the packet should also be taken as a sample so that it may be proved that the thing he is selling is the same which is in the packet, the inspector does not accept that thing and that man is challaned. So, I want the hon. Minister to safeguard the interests of the retailers. There in a warranty clause. Along with the warranty clause, what I want is that whenever the retailer opens the packet and sells the thing in retail for 2 paise or 3 paise or 4 paise, and when he is going to be challaned for that very thing, then that inspector should be instructed to take the packet also with him so that the retailer may not be unnecessarily harassed in any manner.

Dr. Sushila Nayar: We have already provided in this amending Bill that if an offender can prove that the stuff he has purchased from the wholesaler has not been tampered with and that it is in the same state in which it was purchased, then there will be no problem for him and he will not be challaned. That, so far as I can see, should enable the inspector to take the sample from another packet....

Shri Hem Raj: But they do not take it.

Dr. Sushila Nayar: That is a problem, I presume, of implementation and that can be looked into. I do not

think we need to change the law for that purpose.

Mr. Deputy-Speaker: I shall now put amendment No. 4 to the vote of the House.

Amendment No. 4 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11.— (Amendment of section 20).

Dr. Sushila Nayar: I beg to move:

Page 6,—

for clause 11, substitute—

11. 'Amendment of section 20.—

In section 20 of the principal Act, in sub-section (1) for the words "the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority", the words "the Central Government or the State Government or a local authority or a person authorised in this behalf, by general or special order, by the Central Government or the State Government or a local authority" shall be substituted.' (1).

My reason for moving this amendment is that certain rulings have been given by the courts which might be interpreted to mean that for each prosecution a special order has to be passed. It is not practicable to authorise a person for each and every prosecution. Therefore, according to the legal pundits, this amendment is necessary to safeguard against any cases failing because of this technical objection.

Mr. Deputy-Speaker: The question is:

'Page 6,—

for clause 11, substitute—

11. 'Amendment of section 20.—

In section 20 of the principal Act, in sub-section (1), for the words 'the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority', the words 'the Central Government or the State Government or a local authority or a person authorised in this behalf, by general or special order, by the Central Government or the State Government or a local authority', shall be substituted.' (1).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 11, as amended, stand part of the Bill".

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clauses 12 to 14 stand part of the Bill".

The motion was adopted.

Clauses 12 to 14 were added to the Bill.

Clause 1—(Short title and commencement).

Shri Bade: I beg to move:

Page 1, line 6,—

add at the end—

"But it shall not come into force till the Prevention of Food Adulteration Rules, 1955 are amended by appointing a special expert committee." (19).

[Shri Bade]

I want that if this Bill is going to be enforced, then the Prevention of Food Adulteration Rules, 1955, should be revised and then only this new Bill should be brought into force.

दूसरा कारण यह है कि आप ने कहा है कि हमारे पास स्टैंडर्ड फिक्स्ड नहीं हैं और स्टेचुटरी बाडी इन को तैयार करती है। जलगांव के केस में जो कि मेरे एरिया के पास है, मैंने देखा है।

एक माननीय सदस्य : एक भाषा में बोलिए, हिन्दी में या अंग्रेजी में।

श्री बड़े : कठिनाई यह है कि कानून जो है वह अंग्रेजी में है और मुझे बोलना हिन्दी में होता है।

दिल्ली के एक केस में भी उन्होंने लिखा है।

"It thus took four months for the prosecution to file the case, which is surely a long period and it cannot be said that the sample of *khoya* taken on 27-7-1960 can remain in good condition till 5-11-1961 a date on which the accused were summoned. It is also known that no preservatives were added to the sample. The commission has been explained by the prosecution saying that under rule 20 of the Prevention of Food Adulteration Rules 1955, no preservation has been prescribed for *khoya* . . .".

माननीय मंत्री महोदया ने कहा कि प्रिजर्वेटिव रखते हैं। लेकिन खोये के लिए आप के पास कोई प्रिजर्वेटिव नहीं है। चार पांच महीने के बाद रिजल्ट आता है। केस कोर्ट में दाखिल हो जाता है। उस के बाद जब कोर्ट से सैम्पल भेजा तो वह सड़ गया क्योंकि प्रिजर्वेटिव नहीं था। इस कारण से वह आदमी छूट गया।

मक्खन के बारे में यह कहा गया है कि हमारी स्टेचुटरी बाडी बैठी हुई है और वह इस के स्टैंडर्ड तय करेगी। मेरे पास एक बुकलैट आया है जिस में यह लिखा हुआ है। मैं नहीं समझता हूँ कि यह जो मैं पढ़ने जा रहा हूँ यह गलत होगा : —

"The moisture content of Deshi butter, therefore, is always more than of creamery butter which is manufactured from cream with the aid of machinery, the temperature of the cream being controlled at 50 degrees Centigrade. In spite of the fact that our Association had represented to the Committee that the moisture content of Deshi butter should be fixed at 25 per cent, the moisture content of the Deshi butter in the amended rule A, 11.05(b) was fixed at 20 per cent.

The fact that ignoring the data about moisture available to them and the representation made by our Association, the moisture content of deshi butter was fixed at 20 per cent may well give rise to a suspicion in the minds of the dealers and public generally . . .

एवीडेंस देने के बाद भी उन्होंने यह बात कही है, इस ओर दुर्लक्ष्य किया। अभी आप ने भी कहा कि रिसर्च चल रहे हैं। इस का मतलब यह हुआ कि कनविकेशन के पहले जो बेसिस होना चाहिये वह ही तैयार नहीं हुआ है। पूरा का पूरा जो कानून है और इसके तहत जो सजाय दी जानी है, उस के वास्ते जो बेसिस है वह यही है कि स्टैंडर्ड्स तैयार हों। वही नहीं हुए हैं। वही स्टैंडर्ड्स ही अभी तक मॉल्टिंग पाट में हैं। एक्सपर्ट्स इनको तैयार करने के लिए बैठेंगे। उन के सामने एवीडेंस होगा, तब कहीं जा कर स्टैंडर्ड्स फिक्स हो पायेंगे।

प्रिवेंशन आफ फूड एडल्टरेशन रूलज के पेज 43 पर आपने कहा है :

"Substituted vide Health Ministry's Notification No. F. 14-41/59-

PH, Pt.I, dated the 5-9-1961.
(GSR. 1134 of 16-9-1961)".

आप ने आर० एम० वैल्यू घी की फिक्स की है। आप ने कहा है :

"Ghee means the pure clarified fat derived solely from milk or from curd or from deshi (cooking) butter or from cream to which no colouring matter or preservative has been added."

उसी वक्त श्री सुब्रह्मण्यम् ने जोकि सेंट्रल कमेटी फार फूड स्टैंडर्ड्स के सैक्रेटरी हैं, एक पत्र लिखा था, जो इस प्रकार से है :

"I am to refer to your registered letter No. Nil dated the 28th July, 1961, addressed to Lt. Col. V. Srinivasan, Director-General, on the subject referred to above and to say that the Directorate of Marketing and Inspection, Nagpur is conducting an all-India Ghee survey and it is expected that this survey will be completed some time by the end of next year. In the circumstances explained it may not be possible for the Central Committee for Food Standards which is likely to meet in the near future to scrutinize the data so far collected by the Directorate of Marketing."

In this letter, he has talked of an all-India ghee survey by the Directorate of Marketing and Inspection, and this letter is dated the 11th August, 1961.

सर्वे अगले साल कम्पलीट होना था और तब कमेटी बैठने वाली थी। उसके पहले ही 1961 में उन्होंने स्टैंडर्ड फिक्स किया कोर्ट को बताने के लिए कि स्टैंडर्ड यह है, आर० एम० वैल्यू यह है।

इस में लिखा गया है कि एक साल के बाद वह सर्वे कर के फिक्स करेंगे। एक साल के बाद सर्वे करने के लिये फिक्स किया गया है। इस के जो अपराधी कोर्ट में गये हैं वह छूट गये और वह सिर्फ हमारी मिनिस्ट्री की

वजह से क्योंकि स्टैंडर्ड फिक्स नहीं किये गये हैं।

इसी प्रकार दूसरी चीजों के बारे में जो एविडेंस हुई उस में क्या कहा गया था वह भी मैं आप के सामने रखना चाहता हूँ। हींग, जीरा और चाये के बारे में उन्होंने क्या कहा है, यह भी देखिये। इन के बारे में उन्होंने कहा है कि अभी तक इस के लिये कोई स्टैंडर्ड फिक्स नहीं किया गया है। मैं माननीय मंत्री जी से कहना चाहता हूँ कि इस के बारे में पेज 169 पर जो दिया हुआ है, उस एविडेंस में जोकि हमें सप्लाय की गई है, वह यह है :

"Dr. C. B. Singh:

"On whom lies the onus of proving that there is no wilful adulteration? I am quite specific in my question".

"Shri J. C. Brock: I have been informed that through various tests the chemists can tell whether there has been actual adulteration or not".

"Dr. Sushila Nayar: The chemist cannot tell".

चाय में एडल्टरेशन कैसे होता है इस के बारे में एविडेंस क्या कहती है, उस को भी आप देखिये।

Mr. Deputy-Speaker: You want postponement of the application of the law. The point has been made out.

श्री बड़े : यह बड़े फ़ंडामेंटल महत्व की बात है। इस के बाद हींग के बारे में पेज 142 पर लिखा हुआ है कि उस के बारे में कोई पक्का स्टैंडर्ड नहीं है। ऐसी स्थिति में कंविक्शन्स कैसे हो सकते हैं। जब इस तरह के मामले कोर्ट में जाते हैं तो उन के बारे में एविडेंस में आप का ही कहना है कि :

"Dr. Sushila Nayar: The hing standard was lowered temporarily.

[श्री बड़े]

We had given them six months in the first instance and then we have given them another six months. Upto March, 1965 we have extended the lower standard.

"Shri Nuruddin Ahmed: That is true. You have to give directions with regard to natural substances and manufactured substances. *Hing* and *zeera* are natural substances".

"Dr. Sushila Nayar: The trouble arises about collection. In the collection, the processes are not what they should be, with the result that there is more of extraneous matter".

आप का ही कहना है कि हींग के बारे में स्टैंडर्ड का फिक्स करना बड़ा डिफिकल्ट है, तब भी आप ने उस को फिक्स कर दिया है और छः छः महीने का टाइम उस के लिये दिया जाता है। इसी तरह श्रीरे के बारे भी दिया गया है।

डा० सुशीला नायर : माननीय सदस्य एक ही तरह की बात सब चीजों के लिये कह रहे हैं।

Mr. Deputy-Speaker: One case is as good as two.

श्री बड़े : मेरा यह कहना है कि आप ने कहा कि पालियामेंटरी बाडी, जो एक स्टैंड्यूटरी बाडी है, वह तय करेगी। जब तक उस का निर्णय नहीं होता है तब तक आप जो इस प्रकार का कानून ला रहे हैं उस को इन्फोर्स नहीं किया जाना चाहिये। जब एक दफा आप का स्टैंडर्ड फिक्स हो जाये उस के बाद आप इस बिल को लाइये। उस के लिये आप एक्सपर्ट्स को बलाइये। आप एक्सपर्ट्स को बुलाते नहीं हैं। वे लोग क्या एविडेंस देते हैं यह मालूम नहीं होता। आप यह कहते हैं कि स्टैंडरी बाडी है वह निर्णय देगी और

वह स्टैंडर्ड फिक्स करेगी। इसी के लिये मैंने यह अमेंडमेंट दिया है और कहा है कि जब तक आप का स्टैंडर्ड फिक्स नहीं होता, तब तक इस कानून को एन्फोर्स नहीं होना चाहिये।

Mr. Deputy-Speaker: The hon. Minister.

Shri N. Dandekar rose—

Shri Bade: Three hon. Members are supporting my amendment.

Shri N. Dandekar (Gonda): Sir this particular amendment to clause 1 is, in my submission, a very fundamental one. I hope I shall not unfortunately find myself short of time to expound the viewpoint I have on the subject.

I shall take the liberty of reading the amendment . . .

Mr. Deputy-Speaker: It has been read already and commented upon.

Shri N. Dandekar: I wish to emphasise the point. It says:

"But it shall not come into force till the Prevention of Food adulteration Rules, 1955, are amended by appointing a special expert committee".

Dr. Sushila Nayar: This is almost like filibustering—just prolonging the time.

Shri N. Dandekar: I take exception to that. I have no intention of prolonging the time.

Shri Bade: Such expressions are not called for.

Shri Narendra Singh Mahida: It is objectionable.

Shri N. Dandekar: The normal principle which the Minister expounded in the matter of framing rules is

quite right, namely, you first pass the law, and then you frame the Rules. I would be the last person, in a matter like this, to put what might seem to be the cart before the horse. But as it happens in this particular case, the Act is already there and so are the Rules; and this Act, when amended, seeks to make a minimum period of imprisonment a necessary part of the sentence. And the Act itself and the Amendment Bill do not contain the ingredients which constitute the various offences. The ingredients of the offences in this particular Act are to be found in the rules; and they are very defective.

This is all very odd. It is one of the most important principles of any penal legislation that all the ingredients which constitute a crime, particularly where you expose a person alleged to have committed the crime to the punishment of imprisonment, should really form a part of the Act itself.

I realise that as a matter of convenience Government cannot very well put into the body of the Act the whole lot of standards,—the whole lot of specifications and all that goes to constitute the standards,—any departure from which constitutes the offence. I realise that it has to be done either by way of schedules to the Act,—and I wish that had been done here—or, particularly as the Minister explained that from time to time these standards have to be re-examined, I can appreciate that the ingredients which constitute the offence have to be embodied in the Rules.

But when an offence is one for which punishment is by way of imprisonment, and when the ingredients constituting that offence are not now fully known, the Rules must necessarily be found first. Because the admission is that the existing Rules in the matter of standards and in the matter of what constitutes adulteration are to be,—this is said in the Joint Committee deliberations and evidence,—re-examined by a body

of experts, to whom one of the witnesses before that Committee was invited to submit his suggestions and, indeed, to work with the committee and help the committee with his views on the subject of fixation of standards. My first submission therefore, is that in this particular case, before the standards a departure from which constitutes the offence, before the particular adulterants or quantity of foreign matter that constitute the offence of adulteration, in other words, before the description of the ingredients which constitute the offence for which the minimum penalty of imprisonment is to be imposed, is available, before these things are done, it would be a case of passing a good Bill, but enacting a bad law.

Secondly, I would like to emphasise that there are involved in this, for reasons which the Minister explained, variable standards in various parts of the country. I am talking, for instance, about milk products. Here, there is also the problem that what is sub-standard in one State may not be sub-standard in another, what is "up to standard" in one State will possibly be "below standard" in another State, unless accompanied by Agmark certification and so on. Thirdly, of course, there is the offence of adulteration as such, quite apart from the problem of sub-standard products.

All this which goes to make up the substantive offence is going to be embodied in the Rules to be framed under the Act, or in the Rules that are already there but are to be amended taking into account the amended Act. However, in the course of the Joint Committee evidence, the Minister was good enough to give the assurance to the experts who appeared, that they would be free to come along, make their own suggestions, etc., in regard to all these matters.

Another reason for emphasizing this particular point is this. The Minister said, and I presume it is the practice, or it should be the practice

[Shri N. Dandekar]

that thousands of sample over a given region are examined for the purpose of setting up standards. I have, however, seen some correspondence between some of the associations concerned and the standards-setting authorities or the various other organisations that are concerned. When these associations asked for the data on the basis of which standards were set, the data was denied. How is any expert to give evidence or opinion before a supposed committee of experts—I do not wish to reflect upon the committee of experts—and contend that the particular standards or variance, and the ranges of variance between one State and another, is right or not, or the variance ought to be wider or shorter, without access to the data upon which allegedly, after examining thousands of cases, the standards have been set?

I am deliberately going into this in some details because, I repeat all these matters constitute the ingredient of the offence for which imprisonment is the minimum punishment.

I notice, in the course of reading through the evidence and on listening to the Minister's speech, that whenever points relating, for instance, to milk products were being discussed and the problems of standards in relation to them, there was a shift to products like foodgrains etc., about stones and one thing and another covering him. When one came along to things about stones and things of that kind, there was a shift to poisonous additions and adulterations of certain other products. I do urge the Minister to extend sympathy about the specific matter under consideration relating each particular variety of foodstuffs on its own, instead of mixing up her arguments. There is the problem of foodstuffs derived from milk; there is the problem of spices; there is the problem of foodgrains; and there is the problem of various other edible things. The considerations relevant to each of these are different.

Mr. Deputy-Speaker: All these points have been made before. You are repeating the arguments.

Shri N. Dandekar: I would like to conclude by saying, Sir, that until all the Rules and the standards are complete in this particular case, my submission is that this House would be well advised to accept the amendment that this Bill, when it is enacted, ought not to come into force until the Rules have been thoroughly revised and new standards had been prescribed.

Shri Narendra Singh Mahida: Sir, I would say a few words.

Mr. Deputy-Speaker: He belongs to your Party.

Shri Narendra Singh Mahida: Does not matter. I come from an area and constituency where so much milk and milk products are produced. My point is that we have not set up standards. How do we punish a person? Let us have proper standards.

Mr. Deputy-Speaker: You are repeating the same arguments.

Shri Narendra Singh Mahida: I am pointing out certain misgivings. I shall refer to a judgment of the Punjab High Court in Criminal Revision No. 280 of 1962:

"However, the report of the Director, Central Food Laboratory, Calcutta, rather makes the case somewhat extraordinary. He finds that in the sample taken from the petitioner milk fat was 4.2% and milk solids other than milk fat 6.4% making a total of 10.6% and leaving a difference of 1.9% as against the standard required. So the Director of Food Laboratory, Calcutta found adulteration to the extent of 25% of water. No doubt the sample sent to Calcutta was sent after a number of months, but surely as between the analysis and the opinion of the two analysts the

difference cannot be so much unless either the analysts have not done their job carefully as should be done in criminal cases . . ."

In this case, the conviction was set aside and the petitioner was acquitted.

In a report by the same Central Food Laboratory, the Director has given an opinion about a particular case of Poona Municipal Corporation in which the Poona analyst gave 3.6% fat and 4.6% solid non-fat. When it went to the Calcutta laboratory, the sample mentioned was given 13% in milk-solid, other than milk for 10.1%. I had stressed this point yesterday but the Minister did not explain the reasons for wide variation by the Central Food Laboratory of Calcutta in this matter. Unless we have proper rules, if we proceed like this, we are going to charge somebody of adulteration who has in fact not done any adulteration. The hon. Minister should explain the position.

Dr. Sushila Nayar: I am really unhappy and amazed at the amount of interest shown by some of the hon. Members opposite in the point of view of trade rather than of the consumers. I wish to submit again what I have said earlier that it is not that there are no standards or no rules. They are there. Hon. Members say Is that objectionable? in 1961 there was a survey and then there was a revision, should we be so rigid that we are not going to revise a standard that has been laid down once and let it remain always? We are trying to carry honest trade with us so that they improve their methods of collection or various other techniques. Standards will go higher and higher and become better and better. In the meantime, whatever is the minimum possible standard has been laid down.

It is not that the ingredients are not known, whether it is *hing* or whether it is anything else. They are known. The standards are there. The standards which the experts have proposed, are notified in the gazette.

The people can again send their objections and those objections are again examined by the experts, and then the final standards are notified. It is an amazing state of affairs when it is stated that the statutory committee set up by this hon. House should present its data of analysis to some private experts or experts outside. Are they super-experts that we should provide the data to them? Is it not enough that the committee that this hon. House has appointed goes into this matter. It is a statutory committee,—a reliable committee. If everything has to be subjected to this type of treatment, no work is possible.

The rules are there and the standards are there. If there is any further revision necessary, it shall be carried out and the law will come into operation. But I am sorry, it is not possible for me to accept the amendment proposed by the hon. Member. It is an absolutely novel thing, an amendment of clause 1 which has never been even moved for any other Act which has been passed by this House.

Shri Bade: Is it not novel that up to this time no standard has been fixed?

Mr. Deputy-Speaker: Order, order. I shall put the amendment now.

श्री श्रीकार लाल बेरवा (कोटा): उपाध्यक्ष महोदय, हाउस में इस समय कोरम नहीं है।

Mr. Deputy-Speaker: Quorum was challenged after I put it. Division bell is being rung.

The question is:

Page 1, line 6, add at the end—

"But it shall not come into force till the Prevention of Food Adulteration Rules, 1955 are amended by appointing a special expert committee." (19).

The Lok Sabha divided.

Division No. 6]

AYES

[16.49 hrs.

Alvares, Shri
Aney, Dr. M. S.
Bade, Shri

Berwa, Shri Onkar Lal
Dandeker, Shri N.
Kachhava:ya, Shri

Kapur Shingh, Shri
Mahida, Shri
Ranga, Shri

NOES

Iva, Shri A.S.
abunath Singh, Shri
Balmiki, Shri
Basappa, Shri
Bhattacharyya, Shri C. K.
Brajeshwar, Prasad, Shri
Chandrabhan Singh, Shri
Chaturvedi, Shri S. N.
Chavan, Shri D. R.
Chuni Lal, Shri
Daljit Singh, Shri
Deshmukh, Shri Shivaji Rao S.
Dorai, Shri Kasinatha
Jadhav, Shri Tulshidas
Kamble, Shri
Kappen, Shri
Kriahnamachari, Shri T. T.

Lalit Sen, Shri
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Mahishi, Dr. Sarojini
Malaichami, Shri
Maniyangadan, Shri
Mantri, Shri
Mishra, Shri Bibudhendra
More, Shri K. L.
Murthy, Shri B. S.
Muthiah, Shri
Naskar, Shri P. S.
Nayar, Dr. Sushila
Pratap Singh, Shri
Ram Swarup, Shri
Rane, Shri
Rao, Shri Jaganatha

Sadhu Ram, Shri
Sahu, Shri Rameshwar
Satyabhama Devi, Shrimati
Shastri, Shri Lal Bahadur
Shastri, Shri Ramanand
Siddiah, Shri
Singh, Shri K. K.
Sinhasan Singh, Shri
Sonavane, Shri
Swamy, Shri M. P.
Swaran Singh, Shri
Tiwary, Shri R. S.
Uikey, Shri
Upadhyaya, Shri Shiva Dutt
Verma, Shri K. K.
Vyas, Shri Radhelal

Mr. Deputy-Speaker: The result of the Division is : Ayes 9; Noes 50.

The motion was negatived.

Mr. Deputy-Speaker: The question is

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

The Deputy Minister in the Ministry of Health (Shri P. S. Naskar): I beg to move:

"That the Bill, as amended, be passed."

Dr. Sushila Nayar: I beg to move:

"That the Bill, as amended, be passed."

Some Hon. Members: Both together!

Dr. M. S. Aney: On a point of order, Sir. When the hon. Minister is present, how can be move that?

Dr. Sushila Nayar: I have moved it.

Shri P. S. Naskar: I withdraw.

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri Narendra Singh Mahida: Sir, the hon. Minister said that the opposition represents the traders, as if she represents the consumers. That is a very objectionable charge. Why should there be such partisan attacks? When we make some remarks with good intentions, why should we be attacked like that?

Dr. Sushila Nayar: I have made no attack. From the way booklets were being read and case references were being made, they are obviously briefed by the trade and if I said that they were representing the trade point of view, what is wrong with that? (Interruptions).

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

10.53 hrs.

REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):
Sir, I beg to move:

“That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration.”

If a question arises as to whether a Member of Parliament or of a State Legislature, including the Legislature of a Union Territory, has become subject to any disqualifications mentioned in article 102 or article 191 or section 14(1) of Government of Union Territories Act, 1963, the President or the Governor, as the case may be, shall have to take a decision. But before he takes a decision, it is incumbent on him to obtain the opinion of the Election Commissioner on the basis of which he shall give a decision. Under the law as it stands today, the Election Commission has not got the power to record evidence, to examine witnesses or to call for documents. It is very difficult for the Election Commission to decide the question where some allegations are made that a Member of Parliament or of a State Legislature is disqualified. Questions of fact and law are involved in this.

In a recent case which was referred to the Election Commission—the case relating to the Chief Minister of Orissa—the Election Commission observed in the penultimate paragraph of its opinion as follows:

“More often than not, questions of disqualification referred to the Commission for opinion by the President or the Governor of a State under article 103 or article 192 of the Constitution are mixed questions of fact and law.”

“Where, as in the present case, the relevant facts are in dispute and

can only be ascertained after proper enquiry, the Commission finds itself in the unsatisfactory position of having to give a decisive opinion on the basis of such affidavits and documents as may be produced before it by interested parties. It is desirable that the Election Commission should be vested with the powers of a commission under the Commissions of Inquiry Act, 1952, such as the power to summon witnesses and examine them on oath, the power to compel the production of documents, the power to issue commissions for the examination of witnesses, etc.”

A similar recommendation was also made by the Election Commission in their report in 1957 on the Second General Elections. This Bill now seeks to vest the Election Commission with these powers, the powers being the same as mentioned in the Commission of Inquiry Act, 1952. It is now proposed to include sections 146, 146A, 146B and 146C in Chapter VIII of the Representation of the People Act, 1951.

This is a formal amending Bill and I commend this Bill for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

“That the Bill further to amend the Representation of the People Act, 1951 be taken into consideration.”

Shri Kapur Singh (Ludhiana): Sir, it is my pleasant duty to rise to support this Bill but not without some observations on the tardiness and on the remissness of duty which this Government has shown in presenting this Bill. The hon. Minister has just now read the recommendations on the basis of which they have acted, namely, the recommendations made by the Commission in their report on the General Elections in India in 1962. He has cursorily referred to the previous recommendations which were made by the Commission in their

[Shri Kapur Singh]

report on the Second General Elections in India of 1957. On page 200, Chapter XXIV of this report the Election Commission clearly says:

"The Election Commission has to perform an important function under article 103 and article 192 of the Constitution. If any question arises as to whether a member of a Legislature has become subject to any of the disqualifications mentioned in articles 102(1) or 191(1), the question is referred to the President or the Governor, as the case may be, who obtains the opinion of the Election Commission on the question and decides it in accordance with such opinion.

Before it can give a considered opinion in such a reference, the Commission naturally requires further relevant materials besides the bare averments made by the person who raised the question. Neither the Constitution nor the Representation of the People Act, prescribes the procedure to be followed by the Commission in this regard."

This was a clear and categorical recommendation but it was completely ignored by the Government till this recommendation had to be repeated in 1962, and it had to be repeated under circumstances in which the Chief Minister of Orissa was involved. The Chief Minister of Orissa would not have escaped the consequences of the allegations that were made against him if the recommendations of the Commission had been given due heed by the Government in time. The Chief Minister of Orissa also might not have brought so much confusion in and so much disgrace on the ruling party if action had been taken even when the recommendations were repeated a second time. But that was not done. Now, this Bill is being brought, which though much belated, yet is one that deserves to be supported and commended.

Sir, this Bill has only one basic provision and four consequential pro-

visions. The basic provision, as the hon. Minister has just now pointed out, relates to the tendering of opinion required by the President. When such opinion is to be tendered to the President and the Election Commission consider it necessary or proper to make an enquiry, at that time the Commission shall have the powers of a civil court. These powers are here described. These further powers which are given are only of a consequential nature. The main power is that in such a case the Commission shall be deemed to be a civil court and when any such offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code, is committed, then the Commission shall have the same powers as a civil court has. Another power relates to proceedings before the Commission; that is, that proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of section 193 of the Indian Penal Code. Fourthly, no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding, except a prosecution for giving false evidence by such statement.

Mr. Deputy-Speaker: He might continue his speech tomorrow.

Shri Kapur Singh: Sir, I will take only half a minute.

These consequential provisions are necessary to put into effect the main provision of this Act. Sir, I support the Bill.

Mr. Deputy-Speaker: We will continue this discussion tomorrow. Now, we will take up the Calling Attention Notice.

17.01 hrs.

CALLING ATTENTION TO
MATTER OF URGENT PUBLIC
IMPORTANCE

(ii) REPORTED STRIKE BY MARMAGAO
PORT WORKERS

Shri S. M. Banerjee (Kanpur): I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:

The reported strike by the workmen of the Marmagao Port.

The Minister of Labour and Employment (Shri D. Sanjivayya): Mr. Deputy-Speaker, in the Mormagao Port (Goa) the winchmen of M/s. Shantilal Kushaldas and Bros.—a stevedoring firm—went on strike on the 11th November, 1964.

बी प्रोफ़ार सात (कोटा) :
कॉरम नहीं है हाऊस में ।

Mr. Deputy-Speaker: Let the bell be rung.

Shri Ranga (Chittoor): Let the Minister read his statement.

Mr. Deputy-Speaker: When the quorum is being challenged, I have no other alternative except to ring the bell. As there is no quorum in spite of that, I adjourn the House.

17.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, November 27, 1964/Agrahayana 6, 1886 (Saka).