

Thursday, 26th August, 1954

# LOK SABHA DEBATES

(Part I—Questions and Answers)

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**SEVENTH SESSION**

**1954**

LOK SABHA SECRETARIAT  
NEW DELHI

Dated..... 01/12/1954.....

## LOK SABHA DEBATES

### (Part I—Questions and Answers)

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#### LOK SABHA

Thursday, 28th August, 1954

**The Lok Sabha met at a Quarter Past Eight of the Clock**

[MR. SPEAKER in the Chair]

#### ORAL ANSWERS TO QUESTIONS

##### ANTI-INDIAN PROPAGANDA IN CEYLON

\*141. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Srisinhala Jatika Perumana party of Ceylon is carrying on an open and systematic anti-Indian campaign in that country;

(b) if so, when was that campaign launched; and

(c) what is the nature of that campaign?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda).** (a) Yes.

(b) Since June 1954.

(c) The aim of the organisation is to induce the persons of Indian origin in Ceylon, by boycotting their business-places and picketing them, to leave Ceylon.

**Dr. Ram Subhag Singh:** May I know whether this movement has taken the form of openly vilifying the Indians and advocating the boycott of their shops and restaurants?

**Shri Anil K. Chanda:** I have already said in my answer that they are boycotting the shops of Indian nationals over there.

**Dr. Ram Subhag Singh:** May I know whether the Government or Ministers or persons like that have anything to do with that movement?

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**Shri Anil K. Chanda:** No leader of any importance has anything to do with this movement.

**Dr. Ram Subhag Singh:** Was this matter brought to the notice of the Government of Ceylon by our High Commissioner and, if so, with what results?

**Shri Anil K. Chanda:** Yes; we are expecting that some steps will be taken against such organizations.

#### FORWARD MARKETS COMMISSION

\*142. **Shri A. K. Gopalan:** Will the Minister of Commerce and Industry be pleased to state whether the Forward Markets Commission has made any suggestions or recommendations to control forward trading?

**The Minister of Commerce (Shri Karmarkar):** Yes, Sir. The Commission has so far made recommendations with regard to cotton and castor seed.

**Shri V. P. Nayar:** May I know whether the Commission has been asked specifically to enquire into the impact of forward trading on the price of agricultural commodities, especially commodities which are exported?

**Shri Karmarkar:** Sir, the functions of the Forward Markets Commission have been fairly defined and it is a long list of functions. May I read it out?

**Mr. Speaker:** He can place it on the Table.

**Shri V. P. Nayar:** Am I to understand that the Commission is going into the question commodity by commodity?

**Shri Karmarkar:** Yes; at the present moment they have given us reports about the two commodities which I have mentioned.

**Shri K. K. Basu:** May I know whether jute has been referred to this Forward Markets Commission and at what stage of discussions it is?

• **The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** Yes, because forward trading in jute was in vogue some time ago and has now been stopped and the Commission is studying it.

**Shri Punnoose:** Have Government received any complaints regarding the harmful effect of forward trading in coconuts and has the Commission made any recommendation?

**Shri T. T. Krishnamachari:** No specific complaints have been received which have been forwarded to the Forward Markets Commission.

#### CONTROL ON CLOTH PRODUCTION

\*143. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the question of removing production control on cloth has been considered by Government;

(b) whether the Cotton Textiles Controls Committee has made any recommendations in this behalf; and

(c) what is the present policy of Government in this matter?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Yes, Sir. This question is constantly under examination by the Government.

(b) and (c). The Cotton Textiles and Cotton Control Committee had suggested that Government should gradually relax these control measures. It is Government's policy to relax and remove such controls wherever desirable.

**Shri S. N. Das:** May I know the nature of control still existing?

**Shri T. T. Krishnamachari:** Production control measures which are still in vogue are, the maintenance of the minimum difference between warp

and weft and reeds and picks in the manufacture of cloths so that durable cloth is produced by the mills. The control is also exercised in regard to the production of sarees with dyed yarn in their bodies. Mills cannot produce dhoties with a border exceeding one-fourth of an inch. The production limit of dhoties by mills has been restricted to 60 per cent. of their production during the period April 1951 to March 1952. Certain varieties of cloth have been reserved exclusively for production by the hand-loom and smaller units.

**Shri S. N. Das:** May I know whether the important points urged by the Cotton Textile Control Committee involve the removal of these controls?

**Shri T. T. Krishnamachari:** I require notice.

**Diwan Raghavendra Rao:** May I know whether the removal of control will not affect the handloom industry?

**Shri T. T. Krishnamachari:** That happens to be one of the considerations which is the reason for Government not accepting the recommendation for de-control.

#### TEA

\*144. **Shri Barman:** Will the Minister of Commerce and Industry be pleased to state the quantity of tea that was directly shipped to the London Market in 1953-54 without undergoing any sale transaction in India?

**The Minister of Commerce (Shri Karmarkar):** 227 million lbs. approximately.

**Shri Barman:** Is it a fact that because there is not sufficient or adequate warehouse capacity in Calcutta they have to shift auctioning this large quantity to London direct?

**Shri Karmarkar:** This is a question into which the Government has gone in the recent past. In 1949, we appointed an *ad hoc* committee and one of the two difficulties was the one mentioned by my friend and the other was also the training of skilled person-

nel for the work involved in both the Brokers and Buyers Organisation. I should like to add that with a view to review this question, the Government are considering the appointment of a committee to go into this question.

**Shri Barman:** Is it not a fact, that as far back as December 1948, a conference was held at Calcutta under the Chairmanship of Mr. Chettur, the Commerce Secretary, and it was the opinion of the conference that sufficient warehouse capacity must be provided in Calcutta to make it a world tea centre and for that purpose resolutions were passed? What has Government done after that?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** It is a question of fixing priorities, whether we are to have warehouse facilities or whether we can embark upon a scheme of restricting the auctions to India. But all that the hon. Member has said happens to be facts but achievements do not always tally with our ideas.

**Shri K. K. Basu:** May I know what proportion of the tea exported to London was re-exported to the continental market and what was the value thereof?

**Shri Karmarkar:** I should like to have notice about that. The total amount of tea exported to U.K. during 1953 was 341.26 million lbs.

नेपाल में सरकारी अधिकारी

\*१४५ सेठ गोविन्द दास : क्या प्रश्नान मंत्री यह बताने की कृपा करेंगे कि :

(क) कितने सरकारी अधिकारियों की सेवाएं नेपाल सरकार को उधार दी गई हैं, और

(ख) नेपाल स्थित भारतीय द्रूतावास में जून, १९५४ में कितने भारतीय काम कर रहे थे?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) At present no Indian official is on deputation to the Government of Nepal. In

the Directorate of the Indian Technical Aid Mission, which has been set up in Nepal under the Colombo Plan, 6 officers and 3 members of the staff are working at present.

(b) 60 Indians were employed in the Embassy of India in Nepal in June 1954.

**Seth Govind Das:** Is it a fact that before this there were certain officers who were given on loan to the Nepal Government?

**Shri Anil K. Chanda:** Yes, Sir.

**Seth Govind Das:** When they were so given, were their salaries paid by the Government of India or by the Government of Nepal?

**Shri Anil K. Chanda:** Their salaries and certain allowances were all paid by the Government of Nepal.

#### ALL-INDIA KHADI AND VILLAGE INDUSTRIES BOARD

\*147. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the All-India Khadi and Village Industries Board has submitted any proposals to Government for inclusion in the Second Five Year Plan; and

(b) if so, what are those proposals?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) No, Sir.

(b) Does not arise.

#### RATIONALISATION OF TEXTILE INDUSTRY

\*148. **Shri S. C. Singhal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have permitted the rationalisation of textile industry in any way;

(b) how many more mills have started working three shifts; and

(c) whether the surplus production will be exported?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Permission for rationalisation as such is not required.

(b) I am unable to understand the significance of the word "more". All that I can say is that 172 mills were working three shifts during May 1954.

(c) It is normally understood that whatever is exported is surplus to internal needs.

**Shri S. C. Singhal:** May I know how many mills were rationalised?

**Shri T. T. Krishnamachari:** Rationalisation depends on various factors. There may be rationalisation in some minor spheres. There may be rationalisation in the spinning sector which avoids certain processes, for instance, the use of what they call 'super high draught-spinning system'. Unless specific questions are asked either in regard to the type of rationalisation or in regard to a particular mill, I am unable to answer the question.

**Shri S. C. Singhal:** How has it affected the employment of labour?

**Shri T. T. Krishnamachari:** So far I have had no complaints of there being any serious displacement of labour.

**Shri T. N. Singh:** With reference to reply to part (a) of the question, I want to know whether Government are aware of any imports of automatic machinery and also of any application for increase in capital structure of some of these mills?

**Shri T. T. Krishnamachari:** Sir, it is an omnibus question. So far as increase in the capital structure of the mills is concerned, I am unable to say whether there has been any specific application. If notice is given, I would be able to answer the question.

So far as imports are concerned, they are controlled, but it must also be said that quite a lot of textile machinery is manufactured in this country. As I said, imports of super-high draught-spinning frames which does eliminate a couple of processes before spinning are allowed on a

reasonable basis. We are not at the present moment allowing imports of automatic looms. That is based on two or three considerations and not merely on the question of displacement of labour. It is also a question which relates to displacement of handloom industry.

**Shri K. K. Basu:** May I know what was the reduction on cost of production per yard as a result of rationalisation so far embarked upon?

**Shri T. T. Krishnamachari:** If the hon. Member would precisely tell me which particular process of rationalisation has reduced the cost of production I would be able to answer the question. The question, as I said, is an omnibus one. In a mill there are a number of processes of rationalisation. Without a specific question, I am unable to say which particular process reduces cost of production.

#### COMMUNITY PROJECTS

\*149. **Shri Jhulan Sinha:** Will the Minister of Planning be pleased to state the total grant made to the States during the year 1953-54 for the development of Community Projects?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** Rs. 3,64,86,000 to Part A & B States made up of loans and grants-in-aid as under:—

Loans.	Rs. 1,91,39,000/-
Grants.	Rs. 1,73,47,000/-

**Shri Jhulan Sinha:** May I know if the Central Government is in a position to say whether the States are preparing themselves to bear the ultimate burden of costs of these projects?

**Shri Hathi:** The Central Government gives certain loans and certain grants. Then the remaining has to be borne by the States. We are allowing about Rs. 61 lakhs, for each community project, Rs. 15 lakhs for each development block and Rs. 7½ lakhs for each national extension block. Out of that certain subjects are loan subjects and certain subjects are non-loan subjects. For loan subjects the States are given loans and for others the cost will be shared with the States.

**Mr. Speaker:** I think the point which the hon. Member wants to know is whether these loans are recoverable?

**Shri Hathi:** Yes, Sir, these loans are recoverable.

**Shri Jhulan Sinha:** May I know if on the expiry of the prescribed period of three years the States will be able to bear the entire burden of these projects or not?

**Shri Hathi:** The point is, the Centre is giving grants and in the recurring expenditure also we are giving certain grants and certain loans. Naturally, it is expected that they will be able to bear the burden.

**Shri N. L. Joshi:** May I know the actual amount spent during the year 1953-54?

**Shri Hathi:** Up to the present moment I can say it is about Rs. 6 crores.

**Shri Dabhi:** May I know the figures of loans and grants Statewise?

**Shri Hathi:** I have got the figures with me but it will take a long time to read them out.

**Mr. Speaker:** If he likes he may place it on the Table of the House.

**Shri Hathi:** Yes, Sir.

COAL

**\*150. Shri Jethalal Joshi:** Will the Minister of Production be pleased to state:

(a) whether Government are aware of the fact that coal supplies to Saurashtra are less than the requirements of the consumers; and

(b) if so, the reasons therefor?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) Yes.

(b) Limited transport capacity via the junctions serving Saurashtra, mainly Viramgam, and Sabarmati.

**Shri Jethalal Joshi:** May I know how much coal was supplied to Saurashtra for civilian consumption and how much for industrial use in 1953-54?

**Shri R. G. Dubey:** I can give the figures for 1952-53 and for the months of January, February, March and April of 1954. The figures are like this. These are figures relating to total consumption allotted on various items. For 1952, 1443.85 wagons were allotted and the actual despatch was 984.46. For 1953 the average monthly quota allotted was 1602.04 wagons and the despatches were of the order of 1001.9 wagons. Then, for the year 1954, in the month of January the allotment was 1810.51 wagons and the despatches were 931 wagons etc.

**Shri Jethalal Joshi:** It is stated that there is short supply of wagons and shortage of engine power. May I know what steps Government is taking to remove this difficulty?

**Shri R. G. Dubey:** There are various measures. The coal from Bihar and Bengal is transported to Saurashtra via Agra East Bank and via Viramgam and Sabarmati, and from Madhya Pradesh coal fields the coal is transported via Ujjain and via Viramgam and Sabarmati. Some of these matters are engaging the attention of the Government in relation to the Second Five Year Plan. The Railway Ministry has already taken certain immediate steps. For example, they have agreed to transport one ship-load of coal to Saurashtra per month for three months to come so that the pressure on the railway via Agra East Bank is relieved to some extent and some wagons could be utilised for transport of coal to Saurashtra. The second step we have suggested is that less wagons of coal could be despatched from Pench fields in Central Provinces. The third step is that we are requesting the Railway Ministry to see whether they could increase the night shift service via Agra East Bank. These are some of the measures proposed immediately.

## REORGANISATION OF THE MINISTRY OF EXTERNAL AFFAIRS

**\*151. Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to state:

(a) whether Government have decided to reorganise the Ministry of External Affairs and redistribute the work among rationally constituted Divisions; and

(b) if so, whether the decision has been implemented?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). Some internal redistribution of work on the basis of rationally constituted Divisions has recently been effected in respect of the Territorial Divisions. Similar redistribution is proposed in respect of the Administration Division.

**Shri Krishnacharya Joshi:** May I know what is the object of this reorganisation of the Ministry and whether there are any difficulties in the present set-up?

**Shri Anil K. Chanda:** Rationalisation of work in the Ministry is the reason, Sir.

**Shri Krishnacharya Joshi:** I want to know whether this reorganisation will effect economy or will involve further expenditure?

**Shri Anil K. Chanda:** I am afraid no economy is possible because the work of the Ministry is increasing every day by leaps and bounds.

**Shri H. N. Mukerjee:** May I take it from the answer of the hon. Minister that at present the work in the External Affairs Ministry is distributed among irrationally constituted divisions?

**Mr. Speaker:** Order, order. We will go to the next question.

## INDIAN CONSUL-GENERAL AT PONDICHERRY

**\*152. Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Indian Consul-General at Pondicherry

was abused on the 3rd June, 1954 with the connivance of the French authorities;

(b) whether a member of Indian Consulate was also attacked on the 2nd April 1954; and

(c) the number of times such incidents have occurred in French Territory in India?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) The Indian Consul General at Pondicherry has often been subjected to scurrilous attacks through newspapers and pamphlets. According to regulations in force in Pondicherry, such pamphlets cannot be published without the prior knowledge of the authorities.

On the evening of the 3rd June, 1954, three persons stood in front of the Indian Consulate Library and shouted in abusive language against the Consul General and the officials of the Consulate.

(b) On the 2nd April a member of the Consulate who was entering the Library was assaulted and beaten by some rowdies.

(c) Such incidents have occurred on six occasions during recent months.

**पंडित डॉ एन० तिवारी :** क्या क्रेंच अधिकारियाँ ने कभी इसके लिए ज़मा याचना की?

**प्रधान मंत्री तथा बैद्यशिक कार्य एवं रक्षा मंत्री (श्री जवाहरलाल नेहरू) :** इसके निस्वत तो कितनी ही खलौकितावत हुई हैं। कभी की है कभी नहीं की है। बहरसूरत उनके जो बड़े अफसर थे वह उस मुकाम को छोड़कर घर चले गये।

**पंडित डॉ एन० तिवारी :** क्या कुछ सरकारी या व्यक्तिगत सम्पत्ति का नुकसान हुआ है?

**श्री जवाहरलाल नेहरू :** जी नहीं।

## ALL-INDIA HANDICRAFT EXHIBITION

**\*153. Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are planning to hold an All-India Handicraft Exhibition for foreign buyers in the near future;

(b) what will be the estimated cost on the proposed exhibition; and

(c) how many countries have been invited to participate?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) No, Sir.

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

## HOUSING FACILITIES FOR VILLAGERS

**\*154. Ch. Raghubir Singh:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government propose to give financial or other assistance for construction of houses in rural areas;

(b) if so, in what manner such assistance will be given; and

(c) whether Government propose to give it a second place in the scheme?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) and (b). Government are providing technical assistance by furnishing to State Governments etc. model plans, layouts and other information on rural housing. As regards the Community Project areas, financial assistance is also being provided in the form of loans through State Governments, intended primarily for building and reconditioning houses for agricultural workers and other landless labourers who are poorly housed.

(c) It is not clear which scheme the Hon'ble Member is referring to? However, rural housing is one of the approved items in the programme of the Community Projects Administration.

**Ch. Raghubir Singh:** May I know the amount of minimum aid given to an individual for the construction of a house?

**Sardar Swaran Singh:** Rs. 750 is the ceiling for aid in the form of loans.

**Shri Heda:** What is the total amount of loans given so far in the community project areas for rural housing?

**Sardar Swaran Singh:** I would like to have notice for that as it involves a good amount of figure work.

**सेठ गोविन्द शास :** अभी तक जो सहायता इस प्रकार से भिन्न २ राज्यों को गयी है उनसे भारत सरकार के पास क्या रिपोर्ट्स आती हैं और उनसे कुछ पता चलता है कि यह काम अभी तक कितनी दूर तक बढ़ गया है।

**Sardar Swaran Singh:** Yes, we have got some information though not of a detailed character, and for the period October 1952 to March 1954, roughly 90,000 houses have either been constructed or reconditioned.

**Ch. Raghubir Singh:** May I know whether the Government has undertaken the task of sketching out the map of every village?

**Sardar Swaran Singh:** In certain States such maps are already available as part of their revenue records. Apart from that, sketching out the map of each village has not been undertaken.

## IMMIGRANTS FROM FOREIGN POSSESSIONS IN INDIA

**\*155. Shri M. S. Gurupadaswamy:** Will the Prime Minister be pleased to state:

(a) the number of immigrants from the French and Portuguese territories in India during the current year; and

(b) whether they have sought any assistance from Government for their rehabilitation?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) No exact figures are available but according to

reports large migrations of persons domiciled in the French and the Portuguese Possessions have taken place during recent months into India.

(b) No. The State Governments are no doubt taking suitable measures.

**Shri M. S. Gurupadaswamy:** What steps have been taken by the State Governments in regard to rehabilitation. Has Government got any information?

**Shri Sadath Ali Khan:** The Collector of Central Excise, Baroda, has been instructed to allow refugees to bring personal and household effects without any restrictions, provided they are intended for their personal use only.

**Shri M. S. Gurupadaswamy:** May I know whether information has been collected by the Centre from the State Governments as to how many immigrants have so far been rehabilitated?

**Shri Sadath Ali Khan:** At present, it is a provincial matter and the Governments of Bombay and Saurashtra are dealing with it. We have not received any requests from any persons for their rehabilitation.

#### DYE STUFFS

\*156. **Shri K. C. Sodhia:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of Industrial Units registered so far for the manufacture of dye-stuffs;

(b) which of them are working at present and where are these located;

(c) what was their total output during 1953-54; and

(d) how many of the units mentioned in part (a) above are (i) Indian concerns, (ii) foreign concerns and (iii) others?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Three.

(b) All the three are in production and are located at Parnera (Surat), Bhatghar (Poona) and Delhi.

(c) 1,932,430 lbs.

(d) All are Indian concerns.

**Shri K. C. Sodhia:** May I know the total import of dyes during 1953-54?

**Shri T. T. Krishnamachari:** The import, in quantity, was 15,684,350 lbs.

**Shri K. C. Sodhia:** What varieties are being manufactured now?

**Shri T. T. Krishnamachari:** There are quite a lot. For instance, there are acid dyes, fast colour developing salts, Rapitogen, sulphur black etc.

**Shri Bansal:** May I know if the Government of India has been approached by one of the manufacturers to allow them to enter into partnership with a foreign concern, and, if so, what is the Government of India's attitude in the matter?

**Shri T. T. Krishnamachari:** More than one has approached us. Our attitude is to encourage more production in this country with or without partnership of foreign concerns.

**Shri Joachim Alva:** In permitting the 49 per cent. ratio for foreign concerns along with Indian concerns Government carefully scrutinise the list of share-holders of the 51 per cent. so that the 49 per cent. foreign holders do not have dummy holders from the other side so as to gain strength?

**Shri T. T. Krishnamachari:** The question is framed on the usual fallacious hypothesis "Have you left off beating your wife?". I do not accept the basis of this question.

#### DISCUSSION WITH THE PRIME MINISTER OF CHINA

\*157. **Shri D. C. Sharma:** Will the Prime Minister be pleased to make a statement on the recent talks held in New Delhi between him and Mr. Chou En-lai?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** The talks with Mr. Chou En-lai were confidential, and it is not customary

to make any detailed statements about such talks. The joint statement, which was issued to the Press at the time, broadly indicates the subjects discussed and the conclusions arrived at. These subjects covered almost the entire domain of foreign affairs and some reference to them will no doubt be made when the House has a debate on foreign affairs.

**Shri D. C. Sharma** rose—

**Mr. Speaker:** I do not think there is any scope for further questions when the Minister says that it is confidential and cannot be given out. He has referred to the statement issued by the two Prime Ministers and I do not think he can give any more information.

#### FRENCH POSSESSIONS IN INDIA

\*158. **Shri Radha Raman:** Will the Prime Minister be pleased to state:

(a) the total number of persons killed, injured and arrested so far in connection with the freedom struggle in the French and Portuguese territories in India;

(b) whether it is a fact that the persons undergoing imprisonment in this connection are being very cruelly treated there; and

(c) if so, the steps taken in the matter?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Exact figures are not available but according to reports, one person was killed and 12 injured as a result of firing on unarmed *satyagrahis* by the Portuguese police. A considerable number of people have also been arrested in the Portuguese possessions.

As regards French Settlements, 3 persons are reported to have been killed and about 1000 persons taken into police custody in connection with the present liberation movement.

(b) and (c). Our Consulate-General in Goa, a representative of which was

permitted to interview in jail the first batch of persons recently arrested, has reported on the unhygienic conditions in which detenus were kept. Some detenus were also reported to have been severely belaboured by the Portuguese police. Reports have also been received from time to time of unsatisfactory treatment of detenus in the French Settlements.

The Government of India have protested to the Portuguese and French Governments against the treatment meted out to the detenus and demanded assurances of proper treatment.

**Shri Radha Raman:** May I know if reports have been received by the Government of India, other than killing and arrests, of confiscation of property from both these territories, and if so, what are the reports like?

**Shri Anil K. Chanda:** I am not quite sure if we have any reports of confiscation of property, but generally speaking methods of terrorisation are being adopted by the authorities in both these possessions.

**Shri Radha Raman:** How many of these persons that were mentioned by the hon. Minister just now are citizens of the Indian Union?

**Shri Anil K. Chanda:** All of them would be citizens of the Portuguese territory in Goa or the French territories round about Pondicherry.

**Shri Bogawat:** Is it a fact that on the 16th August, armed Portuguese authorities fired on non-violent *satyagrahis*, of whom several were injured and one was killed?

**Shri Anil K. Chanda:** We have seen reports to that effect.

**Shri Punnoose:** The hon. Minister stated that 1,000 people were arrested in the French territory in Pondicherry. May I know whether all of them are still in jail or whether any of them have been released, and if so, how many?

**Shri Anil K. Chanda:** I am afraid I have not got the information with me.

**पहाड़ी नगरों में निष्कान्त व्यक्तियों के मकानों की बांट**

\*१५९. श्री नवल प्रभाकर : क्या पुनर्बास मंत्री यह बताने की कृपा करेंगे कि :

(क) विस्थापितों के जांच किए गए दावों को निपटाने के लिये पहाड़ी नगरों में मकान देने की जो योजना सरकार ने बनाई है उसके अन्तर्गत कितने विस्थापित व्यक्तियों ने प्रार्थना पत्र भेजे हैं ;

(ख) प्रत्येक प्रादेशिक आयुक्त के पास ऐसे कितने प्रार्थना पत्र आए हैं और ऐसे पहाड़ी नगरों के नाम क्या हैं ; और

(ग) इन मकानों का अनुमानित मूल्य क्या है ?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) 1,272.

(b) A statement is placed on the Table of the House. [See Appendix I, annexure No. 37.]

(c) The information is not available.

**श्री नवल प्रभाकर :** क्या मैं जान सकता हूँ कि यह जो मकान हैं उन की कीमत एस्टिमेट करने का क्या तरीका अपनाया गया है ?

**श्री जै० क० भांसले :** जो हमारे स्पेशल आफिसर्स हैं वह जा कर के एस्टिमेट तैयार करते हैं। यह जो मकान हैं वह दो किलम के बनाये गये हैं। एक ए कट्टर्गारी के हैं जिन की कीमत ५,००० रु० से ऊपर है और वह टॅन्हर्स से दिये जायेंगे। दूसरे वह हैं जो ५,००० रु० से नीचे के हैं वह डिस्प्लेस्म पर्सन्स को और लोकल्स को भी एलाटमेन्ट से दिये जायेंगे।

**श्री नवल प्रभाकर :** मेरे प्रश्न करने का मतलब यह था कि जैसे मान लीजिये कि स्टॉटमेन्ट में दिया हुआ है कि कुछ मकान धर्मपुर में हैं और कुछ शिमला में हैं। जो मकान धर्मपुर में हैं उन की कीमत उतनी

नहीं हो सकती जितनी उन की जो कि शिमला में हैं। तो इन मकानों की कीमत का अन्दाजा लगाने का ढंग क्या है ?

**पुनर्बास मंत्री (श्री ए० पी० जैन) :** आम तौर से कीमत लगाने का जो ढंग होता है यानी वह बाजार में कितने का बिक सकता है, क्या उस की हालत है, कितने उस के बनाने पर स्वर्च होता है। यह काम एस्पेशलाइज्ड स्टाफ ही करता है और वह तमाम चीजों पर गौर करने के बाद कीमत मुकर्र करता है।

**श्री नवल प्रभाकर :** क्या मैं जान सकता हूँ कि जो नीलाम किये जाने वाले मकान हैं उन के लिये विस्थापित लोगों को ही बोली बोलने का हक होगा या वहां के लोकल आदिमियों को भी होगा।

**श्री जै० क० भांसले :** पहले तो जो हमारे मकानों में हैं और वह हिस्प्लेस्म पर्सन्स हैं उन को दिये जायेंगे। उस के बाद बाकी के लोगों को दिये जायेंगे।

**श्री ए० पी० जैन :** मैं हतना और निवेदन कर दूँ कि जिन मकानों के अन्दर एस्पेशल आफिसर्स हैं वह जा कर के एस्टिमेट तैयार करते हैं। यह जो मकान हैं उन को नीलाम करने का हमारा इरादा नहीं है। उन मकानों में जो रिफ्यूजी बैठैं हुए हैं उन्हीं को हम मुनासिब कीमत पर दूँ देंगे। अगर उस का कलेम है तो उस की कीमत को उस में भगा देंगे और अगर नहीं है तो उस की कीमत वाजिब किस्तों में वसूल करेंगे।

**NEGRO TROOPS IN DIU**

\*160. **Shri Bhagwat Jha Azad:** Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a news item appearing in the issue of the Indian Nation dated 27th June, 1954 under the caption "400 Negro Troops Brought in Diu"; and

(b) if so, the action taken in the matter?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) The Government of India are aware that Armed Forces in Diu have been considerably re-inforced in recent months. The number of troops, mostly African, in Diu is believed to be in the neighbourhood of 450.

(b) The Government are fully alive to the problem and will take all appropriate steps in defence of Indian interests.

**Shri Bhagwat Jha Azad:** May I know, Sir, whether these troops passed through our territory, and if so, why the Government of India allow such troops to pass through our territory to suppress the liberation movement in foreign pockets in India?

**Shri Sadath Ali Khan:** The troops did not pass through our territory.

**Shri Bhagwat Jha Azad:** What is the other alternative route of approach to this foreign pocket other than Indian territory?

**Shri Sadath Ali Khan:** That is a matter of geography.

**Shri Bhagwat Jha Azad:** May I know whether these troops come from Portuguese Africa, or they are recruited from British Africa, Belgian Africa and other territories?

**Shri Sadath Ali Khan:** We have no information on that point.

**Shri Bhagwat Jha Azad:** May I know, Sir, whether it is a fact that these troops are engaged in shooting and torturing the liberation volunteers?

**Shri Sadath Ali Khan:** The troops are doing what they normally do.

#### MYSORE RADIO STATION

\*161. **Shri Thimmaiah:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government have decided to shift the Mysore Radio Station to Bangalore; and

(b) if so, the reasons therefor?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes, Sir. The decision however will be implemented only after the inauguration of the new broadcasting station at Bangalore.

(b) The reasons for shifting the Mysore Station are:—

(i) Installation of a high power (50 K.W. mediumwave) transmitter, together with new studios and a receiving centre, proposed at Bangalore under the Five Year Plan for the Development of Broadcasting In India.

(ii) Bangalore is a more effective centre for originating programmes than Mysore.

**Shri Thimmaiah:** May I know, Sir, whether any representation has been received from the Mysore City Municipality for not shifting the Radio Station from Mysore?

**Dr. Keskar:** Yes, Sir. Though I have every sympathy for the Mysore Municipality, it is not possible for us to have the station running at both the places, Mysore and Bangalore. From all points of view, after consulting the various people, we found that Bangalore is a more suitable centre. We regret very much the move from Mysore, but we have to do it.

**Shri N. Rachiah:** Are Government aware that a large number of artistes in Mysore will suffer if the station is shifted to Bangalore?

**Dr. Keskar:** No artiste will suffer. On the other hand artistes from Mysore will get travelling allowance to go to Bangalore.

#### इन्हें हवाई अड्डा

\*१६३. श्री रघुनाथ सिंह : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पुतंगाली

अधिकारी ड्यू फ्लाइप में हवाई अड्डा बना रहे हैं;

(क) क्या यह हवाई अड्डा सैनिक तथा असैनिक उड़ायन के प्रयोजनों के लिये बनाया जा रहा है; और

(ग) क्या भारत सरकार ने इस सम्बन्ध में पुर्तगाल सरकार से विरोध प्रकट किया है?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). According to reports, the Portuguese authorities have started repairing the Diu aerodrome. The Government of India have no information whether it is intended for the transport of military personnel.

(c) No.

**श्री रघुनाथ सिंह :** मैं जान सकता हूँ कि एअरोडोम में जिस इकिवपमेन्ट का उपयोग हो रहा है वह अंगरेजी इकिवपमेन्ट है ?

**Shri Anil K. Chanda:** We have no information.

**श्री रघुनाथ सिंह :** मैं जान सकता हूँ कि क्या अंगरेजी सरकार में आर पोर्टगाल की सरकार में कोई ऐसी सीन्यु हर्ड थी कि भारत में सैनिक उपयोग के सम्बन्ध में अगर कोई कार्यवायी होगी तो अंगरेजी सरकार को उस की इन्फार्मेशन दी जायगी, क्या इस तरह की कोई इन्फार्मेशन हिन्दुस्तान की सरकार को दी गई थी ?

**Shri Anil K. Chanda:** We have no such information.

#### FRENCH SETTLEMENTS IN INDIA

\*165. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) whether any request has been received recently for the resumption of negotiations on the future of the French Settlements in India; and

(b) if so, whether it contains any new proposals?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). The Government of France

have made certain proposals to the Government of India for the settlement of the problem of French Possessions in India. On the basis of these proposals, negotiations are going on between the French Ambassador in Delhi and the officials of the Ministry of External Affairs. In view of the confidential nature of the discussions, it would not be in public interest to make any statement at this juncture.

**Sardar Hukam Singh:** Mr. Pillai, Mayor of one of the French settlements, gave a statement after his return from France after consultation with that Government, that the French Government was considering a proposal for transfer of these settlements without referendum. May I know whether any such proposal has been received?

**Shri Anil K. Chanda:** I have already said that certain discussions are going on between the French authorities and ourselves.

**Sardar Hukam Singh:** Mr. Pillai....

**Mr. Speaker:** I do not think he is prepared to give any information. He has said it is confidential. It is no use pursuing the matter.

#### LOCAL DEVELOPMENT PROGRAMME

\*166. **Shri K. K. Basu:** Will the Minister of Planning be pleased to state:

(a) the total amount allotted for local development programme to West Bengal during the first three years of the Plan;

(b) the categories of subjects on which these sums were spent;

(c) whether the amounts sanctioned were fully utilised and if not, the amount of such unutilised money;

(d) on whose recommendation the schemes were submitted and approved; and

(e) the machinery through which the working of the approved schemes was checked up?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) to (c). A statement is laid on the Table of the House. [See Appendix I, annexure No. 38.]

**Shri K. K. Basu:** May I know what is the reason for the non-utilisation of nearly Rs. 3.70 lakhs given by the Central Government for this project in the year 1953-54?

**Shri Hathi:** Out of Rs. 17.40, Rs. 6.80 of the Central grant has been utilised. The remaining is from local contribution.

**Shri K. K. Basu:** What is the reason for the non-utilisation of this amount?

**Shri Hathi:** That Government have authorised to spend it in this year.

**Shri K. K. Basu:** Is the non-utilisation of the grant due to the reason that the scheme was publicised to the people much too late and practically when it was nearing the last date and it was said that unless the schemes were submitted in time the money would lapse?

**Shri Hathi:** The scheme was inaugurated in June 1953 or so. The other point was that all the schemes in the initial stages were to be sent to the Central Government. They were scrutinised here and then sent back to the States. That meant some delay. Now we have revised this procedure and the State Governments are authorised to sanction the schemes.

**Shri K. K. Basu:** On their own?

**Shri Hathi:** Yes.

**Shri K. K. Basu:** In answer to parts (d) and (e) it is mentioned in the statement that M.Ps., M.L.As, and M.L.Cs are consulted. Is the Government aware that in many of the sub-divisions this procedure is not followed, especially when the representatives belong to the party in opposition?

**Shri Hathi:** We have no such information. We have the intention to follow to this procedure.

#### ALL INDIA RADIO

\*167. **Shri Rishang Keishing:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of persons belonging to the backward classes who have been appointed in 1953-54 in the various posts in the All India Radio; and

(b) the policy of Government in giving adequate representation to members of the backward classes in the Services.

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). No list is being maintained by the Government of India of Backward Classes for purposes of employment. The question as to what classes of citizens (other than Scheduled Castes and Scheduled Tribes) should be recognised as "backward classes" and what concessions should be granted to them to improve their condition and remove their backwardness, is being considered at present by the Backward Classes Commission which has been set up by the Government of India. It would not, therefore, be possible to furnish the information required by the Honourable Member until the recommendations of the Commission are available and a decision thereon has been taken.

**Shri Rishang Keishing:** May I know if Government has made any effort in the past in order to appoint persons belonging to Scheduled Castes and Scheduled Tribes and other backward classes?

**Dr. Keskar:** I would not be able to speak on behalf of all Departments; I am concerned only with my own. The question of backward classes is quite different from that of Scheduled Castes.

**Shri Rishang Keishing:** May I know the number of persons belonging to

Scheduled Castes and other backward classes appointed in the All India Radio?

**Dr. Keskar:** The hon. Member has not understood my reply. First it must be defined as to who is a backward class person and that can be clarified only when the report of the Commission comes. Certain tribes and castes are labelled as backward but until the report comes, it is not possible for us to say that a particular person belongs to backward class.

**Shri Rishang Keishing:** May I know if it is the policy of the Government of India to appoint some persons belonging to the backward classes in the All India Radio?

**Dr. Keskar:** It is the policy to appoint such people not only in the All India Radio but in other Departments also. But the real question is: who are backward?

**Shri Kelappan:** The list of Scheduled Castes and Tribes given by the Government of India includes the backward classes also.

**Mr. Speaker:** The question here relates to backward classes. It does not refer to Scheduled Castes.

**Shri Kelappan:** The list contains a section giving the backward classes also and this Commission is only going to revise it.

**Dr. Keskar:** He wants to know about the Scheduled Castes and Scheduled Tribes but the main question relates to backward classes. I will try to find out that.

#### हृथकरथा उद्योग का विकास

\*१६८. डा० सत्यवाली : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पंजाब सरकार ने हृथकरथा उद्योग के विकास की एक योजना अखिल भारतीय हृथकरथा बोर्ड को भेजी है; और

(ख) यदि हाँ, तो इस पर क्या कार्य-वाही की गई है?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Yes, Sir.

(b) Grants and loans totalling Rs. 5,80,394/- have been sanctioned to the State Government for implementing the schemes during 1954-55.

#### SODA ASH

\*169. **Shri Balwant Sinha Mehta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Soda Ash is being extracted from the Bittern lying waste in huge heaps at Sambhar Lake;

(b) if so, with what results;

(c) whether it is a commercial proposition; and

(d) if so, what quantity is expected to be obtained out of it and of what value?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) to (d). So far as Government are aware, Soda ash is not being recovered from bitterns lying at Sambhar Lake.

**Shri Balwant Sinha Mehta:** How do Government propose to meet the requirements of the country?

**Shri T. T. Krishnamachari:** There are two factories which are producing soda ash; the balance is now being imported. There are proposals for setting up other factories and a special officer is going round for suggesting suitable sites.

#### OVER STAYAL OF PAKISTANIS IN U. P.

\*170. **Shri M. L. Agrawal:** Will the Prime Minister be pleased to state:

(a) the number of Pakistanis who came to U. P. from Pakistan on temporary permits in the years 1951 to 1954; and

(b) the number who over-stayed the period of their permits in India?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) and (b). The information is being collected and will be placed on the Table of the House.

**Shri M. L. Agrawal:** Can we expect the information during this Session?

**Shri Sadath Ali Khan:** Quite likely.

#### DISPLACED PERSONS TOWNSHIPS AND COLONIES

**\*171. Sardar Lal Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that in the case of new townships, colonies and other shelters built by Government for the benefit of the displaced persons, the declared policy of Government has all along been to charge the actual cost from the displaced persons on "No-profit no-loss" basis; and

(b) if so, whether Government now propose to give up the above policy and charge the displaced persons on the basis of the present market value of the property?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) and (b). Where houses were sold under the rehabilitation scheme to displaced persons in the past, the actual cost was charged. It is not intended to change the price of houses already sold whether on outright payment of the price or on instalment basis. Under the Compensations Scheme, it is proposed that the houses should be transferred in ownership to the occupants and the fair value adjusted against the compensation, if any.

**Sardar Lal Singh:** Am I to take it that Government have no intention of going back on their promise made to refugees in regard to the price or mode of payment for the houses already allotted to them; if so, would Government give wide publicity to this effect among the refugees to allay nervousness on this score?

**Shri J. K. Bhonsle:** Yes, certainly.

**Shri K. K. Basu:** May I know whether this policy applies to the displaced persons coming to West Bengal from East Pakistan viz. giving houses to refugees on no-profit-no-loss basis?

**Shri J. K. Bhonsle:** This scheme is not applicable to the East.

#### FLOOR RATE OF COTTON

**\*172. Shri K. G. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the floor rate of cotton is proposed to be reduced by Rs. 50 with effect from the coming cotton season; and

(b) if so, the reasons therefor?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) It has been decided to reduce the floor price of cotton for the season 1954-55 by Rs. 55/- per candy.

(b) The floor price has been reduced keeping in view the price level of other competing crops.

**Shri K. G. Deshmukh:** May I know if the Indian Central Cotton Committee was consulted in this matter, and if so, what was its view in this regard?

**Shri T. T. Krishnamachari:** The Committee made recommendations that the price should continue at the old level.

**Shri K. G. Deshmukh:** May I know whether the reduction of this floor rate will result in the reduction of cotton market price for the next season?

**Shri T. T. Krishnamachari:** Might be; it is expected that there might be a slight reduction.

**Shri V. P. Nayar:** The hon. Minister while answering question No. 142 said that the Forward Marketing Commission has sent its report in respect

of cotton. May I know whether this decision to reduce the floor price of cotton by Rs. 50 or Rs. 55 has been taken on the basis of the recommendations of the Forward Marketing Commission or by the Government independently?

**Shri T. T. Krishnamachari:** No, Sir; definitely not.

**REHABILITATION OF EAST PAKISTAN DISPLACED PERSONS**

**\*173. Shri N. B. Chowdhury:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the Government of India have prepared any new plan for the rehabilitation of displaced persons from East Pakistan; and

(b) if so, the main features of the plan?

**The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle):** (a) and (b). No new plan, as such, for the rehabilitation of displaced persons from East Pakistan has been prepared. However, the working of the existing relief and rehabilitation measures in West Bengal was examined by the Committee of Ministers who have laid down the lines of future policy in regard to relief and rehabilitation schemes in West Bengal and measures for their effective implementation. These decisions are being implemented in West Bengal and will wherever necessary, also be applied *mutatis mutandis* to the other States in the Eastern Region. A copy of the Report of the Committee of Ministers has already been circulated to all the members of the Parliament.

**Shri N. B. Chowdhury:** May I know, in preparing these schemes, whether Government have consulted representatives of the refugees, refugee organisations etc.

**Shri J. K. Bhonsle:** Yes, Sir.

**ENGINEERING INDUSTRIES CAPACITY COMMITTEE**

**\*174. Shri A. K. Gopalan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Engineering Industries Capacity Committee has submitted its report; and

(b) what are the reasons for the non-utilisation of the installed capacity of industrial plants in the private and public sectors?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) The survey of the engineering industries by the Committee is with a view to advise Government regarding utilisation of existing capacity and also for purposes of expansion wherever such extension is possible. The Committee is not expected to submit a report in the conventional form, but it gives its impression and advice to Government on specific problems which are referred to it from time to time.

(b) Estimate of installed capacity and the non-utilisation of this capacity can only be dealt with in regard to specific units.

**Shri V. P. Nayar:** May I know whether Government is aware that in certain sections of the engineering industry at present there is idle capacity up to the extent of 60 per cent?

**Shri T. T. Krishnamachari:** If the hon. Member indicates precisely the section, I might be able to answer it in the affirmative or in the negative.

**Shri V. P. Nayar:** May I know whether Government have asked the Committee to enquire into the idle capacity of the industry section by section in these engineering industries?

**Shri T. T. Krishnamachari:** Certain industries, yes. Not all industries.

**Shri Bansal:** May I know if this Committee has submitted any preliminary or interim reports to Government and if it is the intention of Government to lay them on the Table of

the House either in full or in a summary form?

**Shri T. T. Krishnamachari:** The answer to the specific question is that it is more or less a Committee to advise Government, rather the Department, in regard to the furtherance of industrialisation and utilisation of capacity which is not being properly utilised. It is therefore not possible for us to lay the information or the impressions given by the Committee on the Table of the House because, as I have said, it is not a conventional report. There are piecemeal reports. It is rather difficult to piece them together. Sometimes the information contained is confidential. It relates to particular units, and, as the House will be aware, Government, which collects the information by reason of the power vested in it by various enactments, cannot disclose the nature and content of the information secured regarding a particular industry.

**Shri Bansal:** While the explanation of the Minister is all right, may I know what objection there is to place before the House even summary recommendations of this Committee?

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**Shri T. T. Krishnamachari:** As I said, they do not come in the form of recommendations; they come in the form of advice. If there is any specific industry on which my hon. friend would like to have information, I would try to meet his wishes to the extent that is possible.

**Shri V. P. Nayar:** May I know whether it has been brought to the notice of Government by the Machine Tool Manufacturers' Association that the machine tool manufacturing industry has considerable idle capacity and that Government must help them in the utilisation of this idle capacity?

**Shri T. T. Krishnamachari:** That happens to be one of the industries with which we are primarily concerned.

#### PETITION ON FILM SHOWS

\*175. **Shri S. N. Das:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that a petition signed by about 13,000 housewives and mothers of Delhi demanding action to control the evil of the cinema has been submitted to the Prime Minister;

(b) whether the petition has been considered by Government; and

(c) if so, the steps taken in the matter?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes, Sir. I have also received a deputation of ladies who have collected considerable number of more signatures to a petition of the same sort. In a number of places deputations of ladies have made similar representations to Government.

(b) and (c). Government have sympathetically considered the petition. However, the position at present is that, in the matter of control of films, Government is limited by Clause (2) of Article 19 of the Constitution. Within the limitations of this Clause (2) a Directive has been issued by the Central Board of Film Censors to its Examining Committees for their guidance. A copy of the Directive is being placed on the Table of the House. It is also proposed, in order to give a more positive guidance to films, to establish a Film Production Bureau which will give advice to producers in the preparation of scripts etc. This has been done in pursuance of the recommendations of the Film Enquiry Committee.

It is not possible for Government in view of the Constitutional position to go any further. Though we are aware of a strong feeling all over the country and more especially amongst householders regarding certain trends in the cinema, it is not possible for us to take any action on account of Constitutional inability. Recently an important point was raised regarding the

film on Sardar Bhagat Singh as to whether wellknown personalities could be distorted and wrongly represented in the cinema. According to the present Constitutional position, there is no power for us to stop such distortion being made.

Hon'ble Members will, however, bear in mind that the Industry as a whole has been agitating in the Press and outside against censorship. Recently the Chief Justice of Madras in his personal capacity has expressed views against any kind of censorship. Government feels that though the strong feeling expressed by the petitioners and householders elsewhere has to be taken into consideration, it is not possible to take any action unless it has more powers for doing so. It is for Parliament to decide whether such powers are necessary in the interests of betterment of society.

**Shri S. N. Das:** In view of the fact that Government has sympathy with the opinions expressed by these persons, may I know whether Government has considered the question of changing the constitutional provision and whether they are prepared to bring forward an amendment for this purpose?

**Dr. Keskar:** I said it is for Parliament to decide whether we should do so.

**Shri S. N. Das:** What is the opinion of the Government? If they have sympathetically considered the opinions expressed in the country, may I know whether Government have come to any conclusion in that regard?

**Shri K. K. Basu:** Put in the pigeon-hole!

**Dr. Keskar:** Government tries to know public opinion as much as possible. I am trying to gauge the opinion, and if I come to the conclusion that really very strong opinion is prevalent in the matter, we would like to initiate any such thing. But I have to be sure that the majority of

Members of this House favour it. I do not want afterwards to be attacked for encroaching on liberty.

**Shri Venkataraman:** In the course of his answer the hon. Minister stated that the Chief Justice of Madras expressed an opinion on this matter. Was it in any judgment? What was the occasion for such expression of opinion?

**Mr. Speaker:** In his personal capacity, he said.

**Shri Venkataraman:** What qualifications has the Chief Justice to express this opinion, may I know?

**Mr. Speaker:** We had better go to the next question, I think.

#### THERMAL POWER STATION FOR TILAIYA

\*176. **Shri Barman:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Thermal Power Station for Tilaiya has been located at Tilaiya;

(b) if so, when it has been completed; and

(c) whether it has been connected with the Bokaro power grid or it stands separate?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) and (b). A Thermal Power Station was installed at Tilaiya in January, 1950 and was closed down in November, 1953.

(c) It was a separate power station and was not connected with the Bokaro grid.

**Shri Barman:** The hon. Minister has said that the power station was closed down in 1953. May I know what happened to that power plant?

**Shri Hathi:** That will be disposed of, and negotiations are going on with the Bihar Government.

**Shri Barman:** Is there no power station at Tiliaya?

**Shri Hathi:** No. Perhaps the House knows that the hydro-electric power

station has already started functioning. This thermal plant was necessary for the construction of the Tiliaya Dam. The hydro-electric power station is functioning now.

**Shri Barman:** Will that hydro-electric power station be connected with the Bokaro grid?

**Shri Hathi:** Yes, Sir, that will be connected.

**Shri T. N. Singh:** May I know whether the hydro-electric power generation at Tiliaya is for all the year round or only for a certain part of the year; and in the latter case, when it is not for all the year round, what is the arrangement there?

**Shri Hathi:** Out of the three sets of the thermal plant some will be kept as stand by till it is connected by grid with Bokaro station.

#### RAW PHOTOGRAPHIC FILMS

\*177. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any facility exists in India for the manufacture of raw photographic films; and

(b) if not, whether Government propose to take any steps in this regard?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) There is no manufacture at present of raw films in India.

(b) Government have been exploring possibilities of manufacture of raw photographic films and raw cine films but no material progress has been made towards the setting up of a plant.

**Shri V. P. Nayar:** What is the estimated requirement of raw photographic films for India?

**Shri T. T. Krishnamachari:** I have not got correct estimates of the requirement of raw photographic films.

**Shri Bansal:** May I know if the Government of India received any proposals from the Mysore Government to set up a manufacturing plant

for raw films in collaboration with some German firm and, if so, may I know at what stage that proposal is at present?

**Shri T. T. Krishnamachari:** We had no proposals from the Mysore Government. But Government did discuss setting up a plant for production of both raw photographic films as well as raw cine films with a German combine. But in the initial stage of the discussions they found that the capacity of the plant and the needs of this country would not make its working economic.

**Shri G. P. Sinha:** May I know the estimate of our raw photographic films requirement and what quantity we annually import from outside?

**Shri T. T. Krishnamachari:** I said at the moment I have not got the information.

#### प्रामोफोन और रेडियो सेट

\*178. **सेठ गोविन्द दास:** क्या बाणीज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि १९५१-५२ तथा १९५३-५४ में भारत में बनाए गए प्रामोफोनों तथा रेडियो सेटों की संख्या के कम होने के क्या कारण हैं?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A diminution in demand.

#### Short Notice Question and Answer

##### MYSTERY DISEASE

S. N. Q. 5. **Shri Gidwani:** Will the Minister of Health be pleased to state.

(a) whether it is a fact that a 'Mystery Disease' affecting children has broken out in various parts of Northern India:

(b) the names of the places where the cases of this disease have occurred:

(c) the number of cases that have proved fatal upto the 15th August 1954; and

(d) whether Government have taken any steps to find out the causes of the disease and have adopted any remedial measures?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) Yes. A number of cases of "virus anencephalitis" have occurred in some parts of the country.

(b) From information received, incidence of the disease has been reported from the following places:—

(1) Jamshedpur (2) Patna (3) Monghyr (4) Bilaspur (5) Lucknow (6) Kanpur (7) Rampur (8) Banaras (9) Allahabad (10) Meerut and (11) Delhi.

(c) Full information on the total number of cases that have proved fatal is not available.

(d) An investigation into all aspects of the disease has been undertaken by the Virus Research Centre of the Indian Council of Medical Research. A special laboratory has been established in Jamshedpur where the disease was first reported and investigation has been proceeding there since the 25th June, 1954. Observations are also being made in Lucknow and Delhi. On the basis of current knowledge with regard to other virus anencephalitis and preliminary observations made during the recent months, State Governments have been advised to adopt measures directed against insects which are suspected to be the transmitting agents of the disease. The preliminary report on the epidemic in Jamshedpur has been circulated to all State Governments for their information.

**Shri Gidwani:** May I know, Sir, whether the Poona Research Centre under the Indian Council of Medical Research has submitted any report regarding the 'Mystery Disease'?

**Rajkumari Amrit Kaur:** I know that a preliminary Government report has been submitted to Government and it is reported that the transmitting agent is an insect and that insect is being sought to be found out. Naturally, it is a long process. It cannot be done overnight and, therefore, it is that all State Governments

have had the report circulated to them and have been asked to take measures to try to get rid of insects wherever possible.

**'Shri Gidwani:** May I know whether any homoeopathic doctors have claimed that they can cure the disease and, if so, whether the treatment has been tried anywhere?

**Rajkumari Amrit kaur:** I have no information.

**Shrimati Tarkeshwari Sinha:** May I know, Sir, whether the disease was reported only in 1954 or was it prevalent even before that?

**Rajkumari Amrit Kaur:** "Virus Anencephalitis" exists in various forms and there have been cases of this disease everywhere in the country, but I do not know for how long it has existed. This year the disease has raised its head in an epidemic form.

**Shri V. P. Nayar:** May I know, Sir, whether the occurrence of this disease has been established as a case of "virus anencephalitis" or whether there is an opinion current among some competent doctors that it may possibly be some malarial disease or some other disease, and may I know also whether in view of the medical opinion Government consider it necessary to depute a team of brain specialists—particularly specialists on child diseases—for a complete enquiry into the cause of the disease?

**Rajkumari Amrit Kaur:** The disease, as far as the Indian Council of Medical Research experts are able to see, is not a malarial meningitis. It is due to a virus transmitted by an agent other than the malaria mosquito. Up till now, there does not seem to be any necessity for having a conference of medical experts but we are in touch with doctors everywhere. I might say one great difficulty is my inability to get the brain of a dead child for research.

**Mr. Speaker:** This is a matter for experts. Government are doing all that is necessary in the matter.

## WRITTEN ANSWERS TO QUESTIONS

## लन्दन में भारतीय उच्चायुक्त का कार्यालय

\* १४६. श्री आर० एम० सिंह : क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे कि :

(क) १९५२-५३ में लन्दन में भारत के उच्चायुक्त के कार्यालय तथा रहने के भवनों का कितना किराया दिया गया; और

(ख) १९४९-५० में यह राशि कितनी थी ?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** The rent paid was as follows:—

(a) For 1952-53

For office buildings £51,670-0-0

For residential buildings £1,810-0-0

(b) For 1949-50

For office buildings £45,170-0-0

For residential buildings £1,693-0-3d.

## TRAINING IN COTTAGE INDUSTRIES

\* 162. **Shri Dasaratha Deb:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether arrangements have been made in Tripura for giving technical training to the apprentices in the various branches of cottage industries like weaving, carpentry, tanning and preparation of umbrella handles, etc;

(b) if so, the amount that has been spent so far on each of these items; and

(c) the number of persons who have received such training so far?

**The Minister of Commerce (Shri Karmarkar):** (a) Yes Sir, excepting carpentry.

(b) The expenditure incurred so far on Weaving, Tanning and Umbrella Handle manufacture is Rs. 15,000, Rs. 9,000 and Rs. 5,000 respectively.

(c) The numbers of trainees receiving training in the Industrial Institute, Agartala are:—

Weaving	22
Tanning	12
Umberalla Handle Manufacture	17

The numbers of trainees sent for higher training outside the State are:—

Weaving	4
Tanning	3

In addition, peripatetic training parties attached to the Industrial Institute have imparted training on improved technique in Weaving and Tanning to about 350 semi-skilled and unskilled workers in rural areas.

## HINDUSTAN SHIPYARD

\* 164. **Shri Ajit Singh:** Will the Minister of Production be pleased to state:

(a) how long Government intend to pay "differential cost" subsidy on vessels built in the Visakhapatnam ship-yard on Government account;

(b) the amount paid so far as subsidy; and

(c) the number of French personnel employed at present at Visakhapatnam ship-yard for technical advice in regard to organisation, development and management?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) It is not possible to forecast the time when subsidies will become unnecessary.

(b) Rs. 234 lakhs.

(c) Four.

## DAMODAR VALLEY CORPORATION

\* 179. **Shri Jhulan Sinha:** Will the Minister of Irrigation and Power be pleased to state what decision has been taken by Government on the recommendations of the Estimates Committee on the following subjects contained in their Report on the Damodar Valley Corporation:—

(i) premature publication of the contents of the Rau Committee Report;

- (ii) appointment of consultants as contractors or inspectors;
- (iii) appointment of understudy to foreign experts; and
- (iv) the shifting of headquarters of the D.V.C.?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** The recommendations made by the Estimates Committee in their Eighth Report have been considered and Government's tentative decisions thereon have been forwarded to the Estimates Committee. The decisions will be laid on the table of the House as soon as the views of the Estimates Committee are made known to Government.

PONDICHERRY

\*180. { Shri S. C. Singhal:  
Shrimati Tarkeshwari Sinha:  
Shri G. P. Sinha:  
Shri Amjad Ali:  
Sardar Hukam Singh:  
Shri A. M. Thomas:  
Shri C. R. Iyyunni:

Will the Prime Minister be pleased to state:

(a) whether Government are aware that large quantities of ammunition have been imported into Pondicherry; and

(b) if so, what action Government propose to take in the matter?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). According to reports received by the Government of India a number of French troops with a quantity of military stores including arms and ammunition landed in Pondicherry, on the 16th June 1954 and on subsequent dates.

In a note delivered to the French Embassy in Delhi, on the 16th June, the Government of India protested against the landing of troops and asked for their withdrawal.

CLASH BETWEEN THE FRENCH AND THE INDIAN POLICE

**\*181. Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether a clash between the French and the Indian Police took place on the 31st May, 1954 near Sivanathapuram, close to Bahour enclave; and

(b) the causes of the clash?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) Yes.

(b) At about 9 A.M. on the 31st May 1954, a French boat carrying twenty passengers suspected of smuggling diamonds and precious articles was proceeding from Pondicherry towards the Bahour enclave. While in Indian territorial waters near Sivanathapuram, our customs staff intercepted the boat. As soon as the boat touched the Indian shore, a large French Indian crowd entered Indian territory to rescue the smugglers. They assaulted the six Indian policemen on duty there, who in self-defence, opened fire resulting in the death of two French Indians.

SOCIAL EDUCATION

**\*182. Ch. Raghubir Singh:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that a training centre for Social and Chief Social Education Organisers is opened at Allahabad;

(b) if so, what is the strength of trainees at this Centre; and

(c) what is the annual approximate expenditure on it?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) The Centre at Allahabad was set up to train Chief Social Education Organisers but with effect from January, 1954, Social Education Organisers only are being trained.

(b) 54.

(c) Rs. 31,284/- during the year 1953-54.

SUBMERSION OF LAND BY BHAKRA RESERVOIR

\*183. { Pandit Munishwar Datt Upadhyay:  
Shri Anandchand:

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

(a) what area is likely to be covered by the reservoir proposed to be formed at Bhakra, and what is the number of people affected;

(b) whether the scheme to resettle the displaced persons have been worked out;

(c) what part of the Bhakra Nangal Project was proposed to be transferred to the Punjab; and

(d) whether any settlement has been reached among State Governments concerned?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) (i) 42,394 acres. (ii) 27,000 (approximately)

(b) The matter is under consideration of the Bhakra Control Board.

(c) and (d). In consultation with the State Governments concerned, the Central Government are appointing an expert Committee to go into the matter.

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MAHE

\*184. { Shri D. C. Sharma:  
Shri Bogawat:  
Shri Ajit Singh:

Will the Prime Minister be pleased to state:

(a) whether the French authorities have surrendered power in Mahe; and

(b) if so, whether the French Government have communicated their decision to the Government of India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) No official communication was received from the French Government in this regard.

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#### GYANGTSE TRAGEDY

\*185. { Shri S. N. Das:  
Shri Raghunath Singh:  
Dr. Ram Subhag Singh:  
Shri Jangde:

Will the Prime Minister be pleased to state:

(a) the circumstances in which the fort on the bank of the river Amchung facing the Tibetan trading town of Gyangtse collapsed;

(b) the total number of Indian casualties; and

(c) the steps taken by Government to render relief to the sufferers?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) The river Nyang Chu was in spate on the 17th July. In the early hours of the morning the flood waters came all too suddenly and within a few minutes the water rose up to 15 feet resulting in the collapse of the building.

(b) According to information available so far—45 individuals and 18 families.

(c) Our Trade Agent at Yatung was instructed to proceed at once to the scene of tragedy. Accompanied by Officer Commanding Escorts and a few troops, and equipped with a wireless set, rations, medicines and clothes, he left Yatung on the 18th July and reached Gyantse on the 23rd, where he met the Indian survivors who had been given shelter by the local Tibetan agent and the Nepali Vakil. The Government of India have also placed at the disposal of the Chinese authorities gifts of foodstuffs and clothes worth Rs. 50,000 for distribution amongst the flood victims. A sum of Rs. 13,000 has been sanctioned for the relief work for the trade Agency staff and two relief funds for victims have also been started—one by the Governor of Bengal and the other by the Maharaja of Sikkim. The Political Officer, Sikkim, with a Medical Officer and an Engineer, is on his way to Gyantse to assess the damage.

## YARN

**63. Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of yarn consumed by the handloom industry in Madras and Travancore-Cochin States, during the years 1952 and 1953 and also the estimated total price paid for the yarn so consumed;

(b) the average prices of yarns of 20s, 40s, 60s, 80s, and 100s made available to the handloom industry during the years 1952 and 1953 and during the first half year of 1954 for the above areas;

(c) the estimated total receipts of the industry from handloom products during the years 1952, 1953 and the first half of 1954 for the above areas; and

(d) the total amount spent by the Government from the 1st January 1953 to 30th June, 1954 on the handloom industry of this area?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) to (d). A statement is attached. [See Appendix I, annexure No. 39.]

**DEVELOPMENT OF HANDLOOM INDUSTRY IN RAJASTHAN**

**64. Shri Balwant Sinha Mehta:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount allotted to the State of Rajasthan out of the cess collected for the development of the handloom industry there; and

(b) the schemes submitted by the Rajasthan Government for the development of this industry?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) Rs. 6,54,780/- for 1954-55.

(b) A list of the schemes submitted by the Rajasthan Government is attached. [See Appendix I, annexure No. 40.]

## INDIANS IN CHINA

**65. Shri D. C. Sharma:** Will the Prime Minister be pleased to state the total number of Indian citizens in China?

**The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru):** The total number of Indian citizens in China is 329, which includes the members of the Indian Embassy at Peking and the Indian Consulate General at Shanghai and their families (numbering about 60).

## उत्पादन

**६६. सेठ गोविन्द बास :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि जून, १९५३ से जून, १९५४ तक की अवधि में निम्नलिखित वस्तुओं का उत्पादन कितना हुआ :

- (१) लोहा तथा इस्पात
- (२) कोयला ;
- (३) कपड़ा (मिल का बना हुआ) ;
- (४) चीनी ;
- (५) पशुओं से प्राप्त द्रव्य, दही, घी, खालें तथा मांस ; और
- (६) सीमेट ?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

1) Iron and Steel—

Finished steel	1,21 million tons
Pig Iron (including direct casting)	1,9 million tons
Ferro Alloy	8,739 tons
2) Coal	38 million t
(3) Cloth (mill made)	5,354 million yards
(4) Crystal sugar	1 million tons
(5) Milk, curd, etc.	Information is not available
(6) Cement	About 4.5 million t

## मिल का बना कपड़ा

६७. सेठ गोविन्द दास : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि वर्ष १९४३ तथा वर्ष १९५३ में मिल के बने कपड़े की प्रति व्यक्ति स्पत कमानुसार कितने कितने गज की थीं ?

**The Minister of Commerce and Industry** (Shri T. T. Krishnamachari): Per-capita availability of only mill-made cloth was 9.3 yards in 1943 and 11.6 yards in 1953.

## RECOVERY OF ABDUCTED WOMEN

६८. Shri K. P. Sinha: Will the Prime Minister be pleased to state:

(a) the number of women recovered during January to June 1954 from Pakistan and India respectively; and

(b) the total cost incurred on this organisation during the period from January to June 1954?

**The Prime Minister and Minister of External Affairs and Defence** (Shri Jawaharlal Nehru): (a) 537 and 61 from India and Pakistan respectively.

(b) Rs. 5,19,478.

## AUTOMOBILE ASSEMBLING PLANTS

६९. Shri Eswara Reddi: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of motor-assembling plants in India owned by foreign concerns; and

(b) the number of automobile assembling plants owned by Indian concerns?

**The Minister of Commerce and Industry** (Shri T. T. Krishnamachari): (a) None at present.

(b) There are five pure assemblers and six firms with approved programmes of manufacture. All these eleven firms are Indian concerns.

## STATIONERY AND PRINTING DEPARTMENT

७०. Shri K. C. Sodha: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total number of indentors, besides the various Ministries of the Central Government on the Stationery and Printing Department of Government during 1953-54;

(b) how many of these were (i) State Governments and (ii) other public bodies;

(c) what was the total value of their indents; and

(d) whether any agency charges are levied on these indents and if so, what percentage?

**The Minister of Works, Housing and Supply** (Sardar Swaram Singh): (a) 1,45,911. (This figure includes (i) all Government of India offices other than Ministries proper and (ii) all demands for publications placed with the Publications Branch by members of the public).

(b) (i) 15,604. (The figure represents the total number of organisations of the various State Governments).

(ii) 5,528.

(c) Rs. 4,69,19,534.

(d) A statement is placed on the Table of the House. [See Appendix I, annexure No. 41.]

## COTTAGE INDUSTRIES IN TRIPURA

७१. Shri Dasaratha Deb: Will the Minister of Commerce and Industry be pleased to state:

(a) the amount that has already been spent in Tripura for the development of cottage industry since 1948;

(b) the names of the different cottage industries on which it has been spent; and

(c) what amount was spent on each of these industries?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (c). A statement is attached. [See Appendix I, annexure No. 42.]

SALT

**72. Shri Balwant Sinha Mehta:** Will the Minister of Production be pleased to lay on the Table of the House a statement showing costs of production of salt at various Government Salt Sources centres and the retail selling prices per seer of salt prevalent at present in the various States?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** Two statements giving the information are attached. [See Appendix I, annexure No. 43.]

COAL

**73. Shri Amjad Ali:** Will the Minister of Production be pleased to state:

(a) whether the production of coal during the year 1954 may record a further decline unless special measures are taken to facilitate speedy movement of coal from the pitheads;

(b) whether the shortfall in coal production is due to inadequate transport facilities; and

(c) how far the Indian Railways have co-operated in stepping up production by increased wagon supply?

**The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey):** (a) While it is difficult to make a dependable forecast, the present indications are that the total output of coal during 1954 may record a very slight decline as compared to last year.

(b) Partly due to inadequate transport facilities and partly due to fall in export demands.

(c) Within the existing facilities available, the Railways have cooperated fully in stepping up production by increased wagon supply, as will be seen from the daily average loading figures in the Bengal/ Bihar fields given below—

Year. Average daily loading, Bengal/ Bihar fields (wagons).

1950	2849
1951	3020
1952	3165
1953	3112
1954 (upto 31-7-54)	3064

Wagon supply during the first 3 months of the current year was affected due to Kumbh Mela traffic. The daily loading average in July 1954 was 3347 wagons and upto 13th August, 3565 as against 3034 and 3020 during these months respectively in 1953.

VILLAGE INDUSTRIES (AID)

**74. Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of money made available during the years 1953-54 and 1954-55 so far for the development of village industries other than khadi, State-wise;

(b) whether the amount made available to the States has been utilised wholly by them; and

(c) whether there are any cases in which the amount granted has lapsed?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**

(a) to (c). Information has been called for from the Khadi and Village Industries Board and will be laid on the Table of the House in due course.

Thursday, 26th August, 1954

# LOK SABHA

## DEBATES

(Part II—Proceedings other than Questions and Answers)



**VOLUME VI, 1954**

*(23rd August to 11th September, 1954)*

**Seventh Session**  
**1954**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

## LOK SABHA

Thursday, 26th August, 1954

*The Lok Sabha met at a Quarter Past Eight of the Clock.*

[MR. SPEAKER in the Chair]

## QUESTIONS AND ANSWERS

(See Part I)

9-20 A.M.

## MOTION FOR ADJOURNMENT

## MODIFICATION OF DECISION OF LABOUR APPELLATE TRIBUNAL ON BANK DISPUTES BY GOVERNMENT

**Mr. Speaker:** I have received a notice from some Members, namely, Shri Shankar Shantaram More, Shri A. K. Gopalan, Shri Asoka Mehta, Shri H. N. Mukerjee, Shri Tridib Kumar Chaudhuri and Shri M. S. Gurupadaswamy which runs as under:—

"The serious situation arising out of the order passed by the Government of India on August, 24, 1954 modifying the decision of the Labour Appellate Tribunal on the appeals against the Award of the All India Industrial Tribunal (Bank Disputes) dated the 28th April, 1954".

I should like to know the date on which the orders were passed and the dates on which they were notified.

**The Minister of Labour (Shri V. V. Giril):** 24th August, 1954.

**Mr. Speaker:** Now, I must tell the hon. Members who have tabled this motion my reactions to it. I think

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the subject is important and deserves discussion. The only point left for me to consider is as to whether it should be allowed as an adjournment motion. On that point, I see that though the matter is important, it is not of such an urgent character that you must have the discussion today. I would, therefore, ask the hon. Members to have a discussion of two hours and there is the separate rule 211 and I am sure the Government will allot the necessary time for discussion on any convenient day.

**Shri Asoka Mehta (Bhandara):** All of us, Sir, who have signed the adjournment motion are intimately connected with the trade union movement and we have been informed by our colleagues that this action is completely undermining the confidence of the employees and workers in the adjudication machinery. Secondly, we are also connected with the organisation of bank employees and we feel that 75 per cent. of the bank employees stand to lose heavily because of this modification of the award. Also the peace and efficiency in the banking sector of economy have been seriously affected because the bank employees are very much perturbed by the changes that have been made by the Government. It is for these reasons that the adjournment motion needs to be admitted and discussed at an early date.

**Mr. Speaker:** The Government should find the time for the motion. We shall discuss it on Monday. Discussion is permissible for two and a half hours under the rules. So, the hon. Member will get half an hour more for discussion instead of two hours for an adjournment motion.

**PAPERS LAID ON THE TABLE**  
**RULES FOR PREVENTION OF UNLAWFUL**  
**POSSESSION OF TELEGRAPH WIRES, ETC.**

**The Minister of Communications** (Shri Jagjivan Ram): I beg to lay on the Table a copy of each of the following Rules:—

(i) Rules for the prevention of unlawful possession of Telegraph Wires. [Placed in Library. See No. S—258/54.]

(ii) The Telegraph Wires (Permission for Sale and Purchase) Rules, 1954. [Placed in Library. See No. S—259/54.]

**NOTIFICATIONS UNDER INDIAN TARIFF ACT, 1934.**

**The Minister of Commerce and Industry** (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following Notifications, under sub-section (2) of section 4A of the Indian Tariff Act, 1934:—

(i) Ministry of Commerce and Industry Notification No. S.R.O. 2454 dated the 24th July, 1954. [Placed in Library. See No. S—260/54.]

(ii) Ministry of Commerce and Industry Notification No. S.R.O. 2520 dated the 29th July, 1954. [Placed in Library. See No. S—261/54.]

**STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES, PROMISES AND UNDERTAKINGS**

**The Minister of Parliamentary Affairs** (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions shown against each:—

(1) Supplementary Statement No. II. Sixth Session, 1954 of the Lok Sabha. [See Appendix II, annexure No. 1.]

(2) Supplementary Statement No. VII. Fifth Session, 1953 of the

Lok Sabha. [See Appendix II, annexure No. 2.]

(3) Supplementary Statement No. XII. Fourth Session, 1953 of the Lok Sabha. [See Appendix II, annexure No. 3.]

(4) Supplementary Statement No. XVII. Third Session, 1953 of the Lok Sabha. [See Appendix II, annexure No. 4.]

(5) Supplementary Statement No. XVII. Second Session, 1952 of the Lok Sabha. [See Appendix II, annexure No. 5.]

(6) Supplementary Statement No. XVIII. First Session, 1952 of the Lok Sabha. [See Appendix II, annexure No. 6.]

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**PRESENTATION OF TENTH REPORT**

**Shrimati Ammu Swaminadhan** (Dindigul): I beg to present the Tenth Report of the Committee on Private Members' Bills and Resolutions.

**RUBBER PRODUCTION AND MARKETING (AMENDMENT) BILL**

**PRESENTATION OF REPORT OF SELECT COMMITTEE**

**Shri A. M. Thomas** (Ernakulam): I beg to present the report of the Select Committee on the Bill further to amend the Rubber (Production and Marketing) Act, 1947.

**COFFEE MARKET EXPANSION (AMENDMENT) BILL**

**PRESENTATION OF REPORT OF SELECT COMMITTEE**

**Shri Venkataraman** (Tanjore): I beg to present the report of the Select Committee on the Bill further to amend the Coffee Market Expansion Act, 1942.

**CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL**

**EXTENSION OF TIME FOR PRESENTATION  
OF REPORT OF JOINT COMMITTEE**

**श्री गाहगीत (पंना मध्य) :** अध्यवृ महोदय, दंड प्रक्रिया सीहता में और ज्यादा संशोधन करने के लिए विधेयक सम्बन्धी संचयक प्रबर सीमीत का प्रतिवेदन लोकसभा के सामने रखने के लिए नियत समय शुक्रवार, २ सितम्बर, १९५४, तक बढ़ा दिया जाय।

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

"That the time appointed for the presentation of the report of the Joint Committee on the Bill further to amend the Code of Criminal Procedure, 1898, be extended into Friday, the 3rd September, 1954."

*The motion was adopted.*

**FOOD ADULTERATION BILL—  
concl.**

**Clause 19.**—(Defences which may or may not be allowed in prosecutions.)

**Mr. Speaker:** The House will now proceed with the further consideration of the Bill to make provision for the prevention of adulteration of food, as reported by the Select Committee.

Order, order. Hon. Members should not take the liberty of disturbing the House by carrying on conversations and loud laughter. It does not add to the dignity of the House. The deliberations have to be carried on in a dignified manner. Hon. Members who want to have talks and enjoy may better resort to the lobby rather than do it in the House.

**Shri Syed Ahmed (Hoshangabad):** May I draw your attention, Sir, to the talk that is being carried on by the Home Minister and Shri Karmarkar? Even when you are admonishing the Members, they are talking.

**Mr. Speaker:** I am admonishing all Members. Ministers are also included as they also are Members. The hon. Member need not take the cap to fit

himself. Whatever it may be, one thing is certain that talks on this side or that side do disturb me, particularly during the Question Hour. I have more than once appealed that the sound arrangements are such that even small whispers on this side or that or even there, do interfere and I hear even private talks which I do not wish to hear. Hon. Members will keep to this rule of not having any talks even in whispers. They may better go out or sit at a distance and do it.

**Shri S. S. More (Sholapur):** It is not compromising talk.

**Mr. Speaker:** Clause 19 was under consideration. Now, discussion of clause 19, will go on.

[**PANDIT THAKUR DAS BHARGAVA** in the Chair.]

**Shri Tek Chand (Ambala-Simla):** Clause 19 of the Bill deserves very special notice, because it is a significant departure from the very fundamental rules on which criminal jurisprudence is based. Even the merest tyro knows that what the criminal law proposes to punish is the guilty mind, the guilty intention and not the ignorant person or the man who is not aware that what he is doing is wrong. It is the *mens rea* that must exist before there is criminality imputed to the accused person.

The first provision of clause 19 is:—

"It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him...."

That is to say, articles of food, as we are well aware, are sold either in tins cartons, packets or bottles and a petty shopkeeper, may be in a small village, may be in a small town, may be on an obscure road side, is expected to know the nature, the content, the substance and quality of the package or bottled article which he is going to sell and he cannot stave off the evil

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day by saying, here is a bottled article, here is a sealed packet, I received it, I am not aware of the contents, I am too poor myself and I have never used the substance, I do not know what is inside the packet; and I am not interested in its manufacture. Under these circumstances, sub-clause (1) says, your ignorance will not prevent you from doing a term in jail if it transpires that this article contains certain impurities for which you may not be responsible. This is the principle to which we are going to lend countenance if we are asked to pass clause 19.

Certain palliatives are provided by sub-clause (2). These palliatives are that in certain cases, ignorance may be an excuse. Sub-clause (2) says:

"A vendor shall not be deemed to have committed an offence if he proves—

(ii) that he had no reason to believe at the time when he sold it that the food was not of such a nature, substance and quality; and

(iii) that he sold it in the same state as he purchased it."

What happens is that an accused person is not presumed to be innocent according to this measure. The presumption is that he is guilty. He is called upon to substantiate his innocence. He has got to substantiate his innocence not by presenting positive facts, but the burden of proof of a negative character is placed upon him. He is called upon to prove that he had no reason to believe at the time when he sold it that the food was not of such a nature, substance and quality. The burden of proving want of reason to believe that it was of such quality is placed upon the accused person. In other words, he is called upon to prove a negative. How can a person prove a negative except by saying, no? All that he could say as an accused person in the dock is, I had no reason to believe it. But a bare *ipse dixit* of the accused, his

bald statement, is not going to be believed. Not only do you presume him to be guilty and call upon him to establish his innocence but you also further call upon him to furnish data and prove facts which are of a negative character. So far as his own state of mind is concerned, he is the only judge and that state of mind he can project upon the attention of the court only by his own statement. All that he could say, or anybody in his predicament, could say is, I did not believe it, I did not think so, whether you believe my statement or not is a different matter. This is one curious result of the over-zeal exhibited in this particular clause.

Assuming he has been able to obtain a warranty,—please remember I am now visualising to myself the case of a roadside vendor, an obscure shopkeeper in a village—your first proviso says:—

"Provided that such a defence shall be open to the vendor only if he has within seven days of the receipt of a copy of the report of the public analyst, submitted to the food inspector or the local authority a copy of the warranty with a written notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it.....".

That is to say, his guilt or innocence depends not upon the nature of the proof that he is in a position to present, but it depends upon the time within which he has furnished the proof. Supposing the proof of innocence is forthcoming—the trial has not yet started—nevertheless it is not on the seventh day but it is on the eighth or ninth day, the man must be held to be guilty and sentenced. I pray that the hon. Minister may concentrate on this provision:

"Provided that such a defence shall be open to the vendor only if he has, within seven days of the receipt of a copy of the report of the

the public analyst, submitted to the food inspector or the local authority a copy of the warranty with a written notice stating that he intends to rely on it and.....".

It may be because of want of communications, it may be because of fortuitous circumstances not within the control of the vendor, it may be because of these circumstances he is not in a position to furnish within seven days his warranty, what happens? He can go and tell the magistrate: "Here is a proof positive, but I could not present it within seven days. I am presenting it on the 10th or 11th or 14th day", and the magistrate will turn round—and he is going to be converted into a laughing stock—and say virtually: "True, you are innocent, true you have furnished all the proof that the law requires, but in so far as you have done so beyond the period of limitation, whether the period happens to be one day or more, this will not be deemed to be a defence. You are guilty and you must merit a conviction." This is the stage to which criminal law is being reduced by clause 19. A period of limitation is going to be imposed for the first time in order to establish a person's innocence or guilt. Innocence or guilt does not depend upon the crime committed, innocence or guilt does not depend upon the fact whether the offence has been committed or not, innocence or guilt, liberty or prison, depends upon the fact whether within the seven days he has been able to furnish a certain document or he has failed to do so. If through circumstances over which he may not have any control, he fails to do so, well, the gates of the prison must open in order to receive a positively and demonstrably innocent man, because of this delay having extended beyond seven days.

Then, kindly look at the second proviso:

"Provided further that the warranty given by a person resi-

dent in any area in which this Act is not in force, shall be a defence to the vendor only if the vendor proves to the satisfaction of the court that he had taken reasonable steps to ascertain and did in fact believe in, the accuracy of the statement contained in the warranty."

It is curious. The question of obtaining the warranty or the source from which it emanates depends upon the reliability or the credibility of the source. If the Act does not happen to be current in a particular territorial limit from which the articles of food have been imported, then, of course, it does not matter whether the person who sends the article happens to be reliable or honest. Then, of course, in that case, he shall have further to satisfy that reasonable steps had been taken by him to ascertain the accuracy of the statement in the warranty. What are the reasonable steps. I pray that for a petty vendor, the reasonable steps are that he should write a letter. Reasonable steps are not that the resources of a well-equipped laboratory are available to a petty vendor or shopkeeper and that he should go and ascertain it there. In these circumstances, I feel rather strongly that all these provisions are harsh, and they are not only harsh, they are unjust, they are unworkable. It is impossible without embroiling the innocent along with the guilty to work these provisions.

There is one more thing. I yield to none in this House or outside in my anxiety to see that the articles of food—not only articles of food, but all consumptibles, all edibles—are pure. But purity can be ensured not by measures of this nature. If, in the case of bottled articles, tinned articles or other articles which are to be found in sealed packages, instead of putting the entire onus on the petty shop-keeper, the Government can take the responsibility of seeing that no article of food which is

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bottled, tinned or contained in a carton etc., reaches the consumer unless it has passed through its laboratory, it would be better. Such a course of action is easier for the Government but not for the petty shop-keeper whose number is legion. Therefore, had there been a provision, had there been some safeguard that certain imported articles, whether it is cod liver oil or something else, must pass through the test of the laboratory and after they pass through the test their sale becomes innocent, that would be understandable. But you are going to ask millions of petty shop-keepers, you are going to expect them to have the contents of the article either examined or tested or got tested before they will dare to sell them without running the gauntlet of a prosecution.

Kindly examine one more aspect of this matter. You have given tremendous powers in the hands of your Food Inspectors. So far as I am aware, Food Inspectors and the food vendors are ordinarily in league, in conspiracy in order to swindle the Government and to injure the consumer. What happens is that a Food Inspector has to report two, three, four, five cases of petty departures from or petty encroachments upon the Act. So long as he does so, it is all very well. So far as the vendor is concerned, so long as he can escape with a petty fine, he goes on keeping the Food Inspector in regular employment. Now, I put it to you, present this case to a vendor and examine his reactions. In the case of the first offence, he is going to get a minimum dose. We are not going to trust our magistrates as to what dose they are going to give. They must give at least a year.

In the case of a second offence, they must give a little more, but that again is the minimum, and we are not going to trust them. Under these circumstances, in whose

hands does the fate of a vendor who has infringed the provisions of this Act rest, with the magistrate, or with the lawyer or with the food inspector? The demand of the Food Inspector is going to be ten times more now, and the vendor is going to be at the mercy of the Food Inspector. The Food Inspector will say, I have got you on the wrong side of the law in one petty case, if you commit the second offence, however technical, or however, petty it might be, the least you will get is one year. Thus, the vendor will be under the constant threat or intimidation of the Food Inspector, once the Food Inspector has secured a conviction for a petty offence, against that person. The Food Inspector will now say, "It is for me now to see whether you go in for a year at least or you do not, you have got to satisfy me, and you have got to grease my palm." Therefore, whether you succeed in ensuring the availability of pure food or not, in one measure, you have succeeded admirably, and that is that you are going to bring in a class of persons before whom you have placed tremendous temptation to make ill-gotten money at the earliest, and at the quickest, from a very large number of vendors, because as I said a short while ago, vendors are plentiful. The result will be that your pure food will not be ensured. So far as the corrupt vendor is concerned, he is going to continue his vile trade; so far as the ignorant vendor is concerned, there is no manner whereby he can receive light or learning by examining the provisions of this Act, but so far as your Food Inspector is concerned, he will be in receipt of a regular pension, and a very tempting pension at that.

Therefore, I submit whether you examine the provisions of clause 19 on principle or you employ the rule of equity or of what is reasonableness; I feel that you are going to put lots of money into the pockets of your Food

Inspector, without corresponding gain to the consumers. Therefore, I feel that so long as clause 19 is going to be there, we are going to sanction indirectly tremendous potentialities for mischief on the part of your Food Inspector.

**Shri Dhulekar** (Jhansi Distt.—South): I do not see that this clause 19 is so dangerous as has been described by my hon. friend Shri Tek Chand. He has treated this clause as if he was treating a section under the Indian Penal Code for *mar-peet*, murder, or any other offence. He has lost the idea of how a prosecution is done.

The vendor has got a particular thing. He has sold it. The purchaser has complained to the food inspector or has got a certificate from the public analyst, that this food was adulterated. And then, the prosecution is launched. Now, the vendor has already committed the offence, by adulterating the food. He has committed the mischief already. My learned friend says that the burden of proof should not be cast upon him. When the public analyst has already stated that the food was adulterated, or a person has been harmed, where is the question of shifting the burden of proof from the accused vendor to the prosecutor or to any other person? Through the prosecutor, Government have already proved that the food was adulterated. Therefore, my hon. friend's argument that the burden in this case has been wrongly shifted to the accused does not conform to any sense of legality. It is not proper at all.

**Shri N. S. Jain** (Bijnor Distt.—South): What about *mensrea*?

**Shri Tek Chand**: Who is adulterating the food, the vendor or the manufacturer?

**Shri Dhulekar**: The person who is selling the food is responsible for the action of vending. He is responsible

for his action. He has committed the mischief. Therefore, there is no question whether there is a manufacturer sitting in the vicinity or at a long distance. The person who takes care to earn his livelihood or to make profit, by hawking from one street to another, or by vending from door to door, by selling adulterated food, must be held responsible for spoiling the food of the people. My learned friend has got in his mind tinned foods like ovaltine etc., and other such mixed foods. But he should see that from day to day, raw food is being sold through the streets, from door to door, by the vendors, which is spoiling the very life-blood of our country. Only a short while ago, during the Question Hour, we heard of a mysterious disease killing so many people in so many districts. Who can say that these vendors, who, my hon. friend says, are very small, very ignorant, do not know the nature of the food, and are very innocent people, are not spreading all these diseases? Can anybody say that these vendors who hawk about from door to door are not disseminating disease in the country? If my learned friend as also my other friends are anxious to prevent this, then I would certainly say that clause 19, which has been put here, is a very proper thing.

If you read sub-clause 1 of clause 19, you will find that it reads:—

"It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him....."

At what stage does this happen? My learned friend says that only seven days have been given. But how is it seven days? He should add to it the one or two months which the prosecutor will take in sending the sample to the public analyst, and getting his

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report. The purchaser or the prosecutor goes to the analyst with the sample, and the report of the analysis comes after two months. It is after all this, that the accused is called upon to produce a warranty within seven days. So, why should you take it that only seven days are given and therefore it is a small period? Why should you not add to it the period of three or four months that elapse before the report of the public analyst is available?

**Shri Tek Chand:** Before entering on his defence?

**Shri Dhulekar:** The point is this. My learned friend should understand that if the prosecution is fixed for today, for instance, it means that several months have passed before it, that the vendor has been aware that a specimen has been taken, that the specimen has been sent to the analyst, that the report of the analyst has come after a month or two, and that after some time, he will be prosecuted. All this period has not been taken into account by my learned friend. So, there should be no question about what time the accused is given in the court; it is a question of how many months have passed since the article was sold and before the prosecution was launched. Since that period will be of the order of three or four months, I feel that even these seven days are too much.

There is one other point which has been mentioned by my learned friend. Shri Tek Chand has stated that every food that is sold must pass through government laboratories. But has he considered how many crores of rupees will be necessary for testing every food that is sold by a hawker? Thousands of laboratories will have to set up in the country for this purpose, and it will become almost impossible for any hawker to sell any food.

My learned friend has been characterizing these vendors as small vendors. I think that he has more the idea of Delhi in his mind than that of other places. He should go and see the food that is sold by the street-hawker in some of the small places.

In small places rotten things are sold; they are not put in tins and they are not packed in packages. Fruits, even good fruits, even dry fruits are not sold in packages. In the mofussil, in small towns, everything is sold uncovered, open to flies, open to dirty things. In that case, I will certainly say that this clause is very good. If you want that good food should be supplied to our people, then the prosecution must be a kind of harassment to people. Suppose some biscuits—tinned biscuits—are sold and there it is written 'Glaxo biscuits'. Suppose after some time the public analyst says that it does not contain any glaxo, but it has got bad sugar mixed in it and it is adulterated. Suppose a few hawkers, all round about Delhi are prosecuted. Even if they are sent to jail, I will certainly submit that there will be a benefit in that the manufacturer who is making lakhs of rupees sitting at some place like Gwalior or any other place will certainly find that these biscuits will not sell, and therefore he will mend himself, before going to jail.

**Shri Tek Chand:** He will not go to jail.

**Shri Dhulekar:** He will.

**Shri Tek Chand:** He will only be a witness.

**Shri Dhulekar:** If hawkers are sent to jail, then he will get a bad name and hawkers all over India and also sellers and merchants will say that they are not going to accept anything tinned by such and such manufacturer.

**Shri N. S. Jain:** But he will never go to jail.

**Shri Dhulekar:** Therefore, in every case we cannot go to the root of the offence. We have to catch the man somewhere and the person who sells an article openly in the market must be caught. There is no question of whether a capitalist is sitting at the back of the vendor; we are not concerned with it. Every man should be responsible for his own action.

Then one thing has been said, that it will lead to corruption and illegal gratification in the form of Food Inspectors taking something from the vendors. I will say that if this is accepted, then you cannot make any law; you cannot appoint any kind of inspectors either for milk or for food or for medicines or for anything; you have to employ your own men. My learned friend has not suggested any alternative to the appointment of Food Inspectors, as to what should be done supposing a law of this kind is passed. Is not my learned friend going to employ, any inspectors? There are inspectors of tongas, inspectors of motor cars, inspectors of buses and so on. If we accept his argument, then we have to come to the conclusion that no inspectors should be employed in India because every inspector is supposed to get something in the form of illegal gratification. Therefore, I do not think that that argument should stand. The point is, this, that there is a clear threat in this clause and it is a very good threat to any person who manufactures bad food and adulterated food causing damage to the health of the people. This threat is there that if such people are there, they will be sent to jail and the Government will not be merciful to them. Therefore, I commend this clause to the acceptance of the House.

**Shri Eshwar (निजामाबाद):** माननीय सभापति जी, मेरे मित्र धुलेकर साहब ने अभी अभी जो करमाया हैं उसके तत्व से मैं आम तौर पर सहमत हूं। इसमें शक नहीं कि उहाँ तक जन्म के मिश्रण बर्गरह का सम्बन्ध हैं छोटे छोटे वेंडर्स के ही ऊपर सब से बड़ी जिम्मेदारी हैं। आम तौर पर इन दूसरे हैं कि वह इस

10 A.M.

प्रकार के अन्न या अन्न की बनी दुर्दृश्य चीजें बेचते हैं और उनमें जो मिलावट होती हैं उसकी जिम्मेदारी प्रमुखतया उन्हीं पर होती हैं। इस सेक्षण के जरिये जो उन पर प्रतिबन्ध लगाया गया हैं वह उचित हैं और इस प्रकार की कार्यवाही के बगैर इम आगे बढ़ सकेंगे ऐसा दृख्यता नहीं है। श्री टंकचन्द्र साहब ने एक चीज के ऊपर ध्यान दिलाया था। वह यह कि इससे इंस्पेक्टरों की नई कलास पैदा हो जायगी और वह रिश्वत का बाजार गर्म कर देंगे। इसमें शक नहीं कि आज हमारे दृश्य में जो वातावरण हैं उसमें इस प्रकार की बात होने की सम्भावना है। लेकिन महज इस सम्भावना को सामने रख कर अगर हम इस कलाज को निकाल दें और इस प्रकार की पावर्स को निकाल दें तो क्या होगा। ऐसा करने से जो आल्ट्रोट्रिव होगा उसको भी हमें दूखना चाहिये। वह स्वरत और भी ज्यादा दुरी होगी। इसलिये आज की हालत में इस प्रकार के कलाज के बगैर आर्कोइं चारा नहीं दिखायी देता है। हमको कुछ ऐसा करना चाहिये कि इन इंस्पेक्टरों के ऊपर कुछ पावर्नी हो कि वह लोगों को परेशान न कर सकें और ठीक प्रकार से इस कानून पर अमल करवा सकें। हमें कुछ इस प्रकार से व्यवस्था रखनी चाहिये।

एक बात में मैं धुलेकर साहब से थोड़ा सा असहमत हूं। वह यह कि अगर कोई मैन्युफैक्चरर कोई अन्न की चीज तैयार करता है और वह उसके सील बन्द टिन में या कार्डबोर्ड पैकेट में होती है और जिसमें वेंडर को कोई शुब्दहा नहीं होता कि उसमें मिलावट हैं, उसके ऊपर वह कोई कार्यवाही की जाय तो उस वेंडर के ऊपर न की जाय बल्कि मैन्युफैक्चरर के ऊपर की जाय। टंकचन्द्र साहब ने एक सुझाव दिया कि वह चीज तैयार होने के बाद सरकार के पास टैक्स के लिये भेजी जाय और उसके बाद उसको विकाने की इजावत दी जाय। वह चीज वह वह

[**श्री हेडा**]

मैन्युफॉक्चरर्स के लिये हो सकती हैं कि जब कोई मैन्युफॉक्चरर कोई चीज़ तैयार करता है और एक बॉन्ड के जरिये उसको सामने लाता है तो वह उसकी पहले गवर्नरमेंट से तस्वीक करवा ले और फिर उसको उस बॉन्ड को प्रचलित करने की इजाजत दी जाय और अगर इसके बावजूद भी कोई गड़बड़ हो तो उसकी बिम्बेदारी उस बैंडर पर नहीं होनी चाहिये बल्कि उस मैन्युफॉक्चरर पर होनी चाहिये। धुलेकर साहब का जो इस सम्बन्ध में स्वाल है वह यह है कि हिन्दुस्तान में बैंडर तो तमाम चाह रहते हैं पर मैन्युफॉक्चरर तो एक जगह रहेगा।

**Mr. Chairman:** Order, order. We are only discussing clause 19. Any new proposals as to whether the manufacturer can be proceeded against or whether in the circumstances it is the vendor or the manufacturer who is responsible, are all extraneous to this clause. I will request the hon. Member to confine his remarks only to the clause. It is true that some of the remarks which have fallen from the other Members have been on extraneous matters, but while replying to them even I will request the hon. Member to concentrate his attention only on the matter before the House—clause 19—and not travel outside.

**श्री हेडा :** मैं यह ही चाहता था कि इस क्षेत्र के तहत में जो हम कार्यवाही बैंडर के लिलाक करते हैं उस कार्यवाही में जहां पर कि मैन्युफॉक्चरर की बिम्बेदारी है वहां बैंडर को सदूचित द दी जाय और उसके लिए बैंडर के लिलाक कार्यवाही न की जाय। उस सम्बन्ध में अगर कोई कार्यवाही हो तो मैन्युफॉक्चरर के लिलाक हो। बहातक दूसरी चीजों का सम्बन्ध है.....

**Mr. Chairman:** Clause 19 does not speak of any proceedings against the manufacturer at all.

**Shri Heda:** Certainly I would like the vendor to get this benefit, that if the article is sealed one or a branded one, he should not be prosecuted.

**Mr. Chairman:** I quite appreciate the anxiety of the hon. Member. It may be correct. At the same time, so far as clause 19 is concerned, he must confine his remarks to that. The defences open to the accused are the subject matter of this clause. Otherwise, since there is no amendment, all the suggestions he is making will be futile.

**Shri Heda:** I was submitting that vendors should be exempted from being prosecuted if the articles sold are sealed or branded ones and only the manufacturer should be prosecuted for such offence.

**Shri Raghavachari (Penukonda) rose—**

**Mr. Chairman:** I will request hon. Members to be very brief because we have already taken too much time on this.

**Shri Raghavachari:** I only wish one thing to be made clear. You will see that the particular proviso found in line 20 of page 12 says: "within seven days of the receipt of a copy of the report of the public analyst". So the accused person has to submit his warranty within seven days of the receipt of the report by the analyst. Receipt by whom? How would the vendor know that the report has been received? In fact, there is no section to this effect. Section 13, which provides for the report of a public analyst, has no reference to a copy being served upon the person. Section 19 has no reference to a copy being served upon him. After all, the certificate may be received by the Inspector or by the court. How should this vendor know? You say that within seven days after the receipt, he must do a particular thing. How should he know unless you have provided that he should be given a copy of it, and then he knows that it has been

received by him on a particular day. Otherwise, it becomes practically impossible, for, after all, the Inspector may not tell him and the court may not give notice and some day it may have been received. In the circumstances, subsequently, the Act itself will have to be amended. Therefore, unless provision is made that a copy of this report should be served by a particular person, it will lead to confusion. I do wish to make this point quite clear. The Minister in charge must provide for it here or in the rules, specifically. Otherwise, the matter will be seriously prejudiced.

**Shri S. S. More:** As a Member of the Select Committee, I try to stand by this particular clause. I share the anxiety of my friend, Shri Tek Chand pleading for the cause of the small trader. But the point is, what is our basic approach to this problem. As a matter of fact, I feel that this Bill ought to be called not an Act for the prevention of food adulteration. It is one of the measures for the protection of the health of the people in this country. In England and in other countries, there are positive enactments for protecting the health of the country. They have what is called a Health Act. We have no Health Act in this country, though the Government is prolific in giving us so many pieces of legislation on the subject. If we say 'adulteration', it is not for the prevention of adulteration; it is for the protection of health. I need not tell the House that a murderer is being punished for the loss of a life taken away by him. But I ask: are all those persons who unremittingly go on adulterating food in order to get some profit for themselves not killing millions of people, not directly, but by bits and bits. Death approaches us by inches whenever we consume any adulterated foodstuff, and so, serious action has to be taken against this. Otherwise, in such a vast country, with colossal ignorance, how could the people be protected? Not only colossal ignorance but poverty too plays its part. If I go to a bazaar to purchase some

food, and if any trader offers me some other food at a lower price, then, instead of going in for the food of the higher quality, my poverty compels me to purchase the food which is sold at a lower price. But does not that mean that I am purchasing the food along with the germs which have infected that food and thus have adulterated it? And that food might lead my children to tuberculosis and other serious diseases. Thus we not only contribute to the maintenance of illegal, dishonest enemies of society by tolerating...

**Shri R. K. Chaudhuri (Gauhati):** On a point of information. Is adulterated food responsible for T.B.?

**Shri S. S. More:** Of course, I am not a specialist in T.B. like Mr. Chaudhuri. I might say—I am subject to correction—that the root cause for T.B. from which many patients suffer, is this. I can cite an illustration.

**Mr. Chairman:** It may be some other disease due to adulteration.

**Shri S. S. More:** I shall cite an illustration. One Dr. Lohakare died of T.B. I had a talk with him, and he was an ex-Member of this House. He himself was telling me that he contracted T.B. because he had taken some milk produced by a cow which was infected with T.B.

**Shri Tek Chand:** How is it adulterated?

**Shri S. S. More:** It is adulterated. If Mr. Tek Chand cares to read the definition of the word 'adulterated' that we have given in clause 2, such a milk will be adulterated milk. Now, the only way open for the small distributor is to see that he gets a proper warranty. We are not going to take away the occupation of his, which gives him his daily bread. But at the same time, those people must see that the persons who use that milk must also be protected. The only way open to them.....

**Mr. Chairman:**.....is to get a written warranty prescribed by this clause.

**Shri S. S. More:** That will have to be developed. Take, for instance, the hawkers. They go on selling sweetmeats. Everybody does not prepare sweetmeats at his own place.

**Mr. Chairman:** Small traders or hawkers are not armed with warranties. There might be warranties in case of bigger traders.

**Shri S. S. More:** Supposing the manufacturers may be producing any number of articles, but the person who distributed the article may say that "unless a warranty is given to me, I am not going to run the risk of being prosecuted". Then the manufacturers will be on their guard and in the interests of their own produce they will have to surrender. Not only that. I will give you my own experience in Poona. When milk vendors were sought to be prosecuted in large numbers, heavy punishment were inflicted. What did the milk vendors do? They formed an association. They developed a union and they said; "We must now stand by ourselves. We must safeguard our own interests. Otherwise we run the risk of being sent to the prison." The result was that they automatically introduced fraternal control. That is the sort of organisational strength of these distributors that the hawkers will have to develop. This particular clause allows an innocent person who has entered a written warranty to escape. His defence will be accepted. The person who has given the warranty will be the next target for Government. Therefore, this proviso is meant to trace the man who is distributing, through different channels, tainted, contaminated or adulterated foodstuffs. Eventually, after section 17, if the warranty is accepted and the man is produced before the court, the next stage for the Government is to proceed against the fountain-source of the adulterated food.

**Shri N. S. Jain:** Under which law could he be prosecuted?

**Shri S. S. More:** I cannot say off-hand.

**Mr. Chairman:** There was a proposal to proceed against that person to handle him like an accused and try him. That amendment was not accepted. Now, Shri Jain is putting the question: where is the provision for prosecuting him?

**Shri S. S. More:** We will have to go to the definition of 'adulteration.'

**Mr. Chairman:** Under another provision, separate proceedings can be proceeded with.

**Shri S. S. More:** He can be proceeded with. Supposing I am prosecuted. I produce this warranty. I say "Well, X gave me this written warranty. I am not personally responsible for this." Then it is open to the Government to start proceedings against that man who has given that warranty and that will be a separate proceedings. My friend—if I have understood him properly—was keen on roping in that man in the same proceedings. The moment one accused, being acquitted, leaves the dock, he wants to place some other man there and continue that prosecution! That will not be the proper way. The proper way will be to proceed with the man by starting another case. Some investigation has to be done, and after this is done, and the authorities are satisfied, the man will be placed in the dock. I feel that this measure is a new attempt. It is a new legislation. It is a new field that we are covering by this sort of legislation. We are bound to commit some mistake. Even in countries where such legislation is kept on the statute-book, they learn only by their own experience. The only way to learn a good thing is by the method of trial and error. I am not prepared to state that the Select Committee has produced a perfect Bill. It is a Bill which might disclose some lacunae as we go on implementing its provisions, and then, it will be open for the Government and the Health Minister to try to fill in those lacunae. But some beginning has to be made. It may be a bad beginning but this bad beginning will lead to good results. And, if we do

something for safeguarding and preserving the health of the people of this country, that will be good to the country. That is my submission.

Several Hon. Members rose—

**Mr. Chairman:** We have sufficiently discussed the matter. I will request the Members to make only new points and not make speeches to elucidate the points which have already been placed before the House because the time is short. We have already devoted a good length of time to this.

**Shri U. M. Trivedi** (Chittor): I would not like to take any length of time. This clause 19 and the scheme of the whole Bill—reading between the lines—are perhaps aimed at the protection against the use of adulterated food by the public and generally the adulterated food that has been aimed at is what we have now come to know as vegetable ghee. So instead of saying it in a direct manner we are having a circumlocutory way of catching the thing. Instead of saying definitely that we put a stop to the manufacture of this vegetable product this so-called ghee we have developed this whole law.

**Mr. Chairman:** The hon. Member was probably not here in this House during the last two days. That point has been argued threadbare and the manufacture of this vegetable product or vanaspati has got nothing to do with this clause. I would request him kindly to concentrate on clause 19 only.—(Interruption.)

**Shri U. M. Trivedi:** I did not know that Mr. More was so much interested in giving out his opinion as he was in the Select Committee. He would bear with me a little. I would come to the question of warranty. The prosecution that is to be launched, as contemplated in clause 19, is that of a small vendor, a man living in the village. The question is the sale of any adulterated or misbranded article of food. I was just remembering an illustration as to how this warranty

will be difficult of being proved or produced before the court. What happens? The sellers of the Dalda products have got most intelligent people behind them to protect them legally. They put down the label 'vanaspati product' but in the market they go and tom-tom:

"बहिया थी आ गया है, नये तरह का थी आ गया है, बहुत अच्छा है, साने में बहुत बलदायक है"

This is being tom-tommed all over small towns and villages. Although there is the label Dalda Vanaspati—hydrogenated vegetable oil product—put upon it, the warranty, which is by word of mouth is there. How is the small trader the ordinary man in the street, one who carries on a small shop in a small village going to know that this is not a good warranty that is being given to him. Naturally, hearing all that noise which goes on over the loudspeakers and which has passed through his village, he offers to sell this. Then what warranty is he going to produce?

Of late the question was raised as to what this man who comes to give evidence will say. Supposing he says this is the warranty which I received; such and such a person uttered these words. Can anybody produce the warranty? Who is the person that is going to give evidence about this warranty? Will the real offender come and say that he was the person who gave the warranty? The clause reads:

"Any person by whom a warranty as is referred to in subsection (2) is alleged to have been given shall be entitled to appear at the hearing and give evidence."

Will this offender at law, who gave the warranty, say, 'I take the responsibility, I gave this warranty'? He will simply say that he never gave the warranty and the poor small vendor will get in the neck.

Sir, you suggested that there could be a further prosecution. But, of

[**Shri U. M. Trivedi**]

whom? The man says that he never gave the warranty.

**Mr. Chairman:** A copy of the warranty is there.

**Shri U. M. Trivedi:** Provided you are making a law that anybody who sells products of this nature must give a written warranty.

**Mr. Chairman:** Mr. More says that after some time such a practice of taking warranties may develop.

**Shri U. M. Trivedi:** Yes, that will be after ruining the lives of so many people. By the time we all become literate it will take another fifty years. For these 50 years we are being kept in a very good Utopia.

**Mr. Chairman:** It appears according to the hon. Member, that for the coming fifty years there will be no case of any written warranty. Then sub-clause (2) will not come into operation at all.

**Shri U. M. Trivedi:** I say with great respect that the question is of written warranty. The law is like this. He may produce a copy of the warranty. The copy of the warranty is this. He will merely say that such and such a man gave him a warranty that people had heard him on the loudspeaker and that he said that this was *ghee* and that it was good *ghee* and that it makes people very strong. Somebody may write down that warranty.

**Mr. Chairman:** That warranty should be given by the seller.

**Shri U. M. Trivedi:** That will be only when we make a law that for the sale of all such articles a warranty in writing must be given. That is why, in the beginning of my speech, I said that this Act is aimed exactly at a particular product which is now being manufactured. It is manufactured for no other purpose except for adulteration. No other use is made of this *vanaspati* and we are not putting a stop to this product.

**Mr. Chairman:** I do not want to interfere with the speech of the hon. Member. The hon. Member will realise that nobody says that *vanaspati* is being manufactured only for the purpose of adulteration. They are producing this product which is being sold in the market for other purposes. It is assuming too much.

**Shri U. M. Trivedi:** There is no other purpose known at least to either chemistry or to the trade.

**The Minister of Health (Rajkumari Amrit Kaur):** I do wish to say that people who want to talk about *vanaspati* may ask for another day for a discussion about *vanaspati*. The manufacture of *vanaspati* has got nothing to do with this Bill.

**Mr. Chairman:** In fact the hon. Member is not talking on the manufacture of *vanaspati* at all; he is perfectly relevant.

**Rajkumari Amrit Kaur:** He is saying that *vanaspati* is being manufactured for the purpose of adulteration.

**Mr. Chairman:** The only point which the hon. Member is making is about adulteration. We are not concerned with the manufacture of *vanaspati* and, even so, I have asked him not to assume too much that the purpose of manufacturing *vanaspati* is for that of adulteration alone. It is manufactured for other purposes also.

**Shri S. S. More:** Some people may use it for adulteration.

**Shri U. M. Trivedi:** I say that hydrogenated oil all over the world is not manufactured for any purpose except for being sold as *ghee*.

**Mr. Chairman:** Let us proceed.

**Shri U. M. Trivedi:** Anyhow the position is this. It takes away the ordinary legal defence that a man can put forward under our law of evidence and under the Criminal Procedure Code. This is the sum and substance: You are putting up a burden on the ignorant man who may not understand the implications of this Bill.

**Mr. Chairman:** In fact, this is a sort of protection to the man against the provisions of sub-clause (1).

**Shri U. M. Trivedi:** This is an exception to sub-clause (1).

**Mr. Chairman:** Therefore it is a protection given and not a burden imposed.

**Shri U. M. Trivedi:** How will he produce the warranty? That is the difficulty.

**Mr. Chairman:** That is a different matter; but he is not being burdened too much by this.

**Shri R. K. Chaudhuri:** May I speak, Sir?

**Mr. Chairman:** I only ask the hon. Member to be relevant. Not that I assume that the hon. Member will be irrelevant; time is very short and we are racing against it.

**Shri R. K. Chaudhuri:** I was always boasting that in this house I have never talked an irrelevant matter.

**Mr. Chairman:** That is for others to judge.

**Shri R. K. Chaudhuri:** I am not merely returning a compliment when I say that I endorse all that Mr. Tek Chand said on this clause. I would ask my lawyer friend, Mr. More, to pause for a moment and consider what mischief he has done to the country.

**Shri S. S. More:** Myself?

**Shri R. K. Chaudhuri:** Yes. He has introduced for the first time a maxim or law whereby the magistrate is fettered to give a minimum quantum of punishment. He has, in this clause, thrown the burden of proof on the accused. Not only that he has thrown the burden of proof on the accused, but he has also introduced these two clauses so that that burden would be more severe. First of all, the vendor has to prove that the article of food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty in the prescribed form, if any, to the effect

that it was of such nature, substance and quality. Therefore, the burden of proof is on the accused to show that the article was purchased by him as the same in nature, substance and quality. But, what about those people who use certain kinds of oil or ghee for sale of sweet-meats? How can he prove that the ghee which he had used was received by him in the same condition as that demanded by the purchaser? These things are purchased in small quantities by retail shopkeepers. How can they prove it? Then, the written warranty is necessary. How is it possible for an ordinary retail seller, distributor or hawker to preserve the warranty which he had received so many days or months back?

**Shri S. S. More:** Does he not preserve his licence?

**Shri R. K. Chaudhuri:** He does preserve his licence but not the warranty. Then supposing this warranty is given by a person resident in an area where this Act is not in force, then what is the position? There it is said that such a warranty shall be a defence to the vendor only if the vendor proves to the satisfaction of the court that he had taken reasonable steps to ascertain and did in fact believe in, the accuracy of the statement contained in the warranty. How can he prove all these things? How is it possible?

Now, Sir, I was under the impression that this Bill was introduced for the benefit of the large mass of poor people in this country who are compelled to take adulterated things because they cannot afford to purchase pure food. I thought the hon. Minister introduced this Bill with a view to benefit the poorer section of the people of this country.

**Rajkumari Amrit Kaur:** It is, so.

**Shri R. K. Chaudhuri:** Now, take for instance the case of Shri More or some other Member. Mr. More does not purchase ordinary Dalda or ghee. He purchases ghee at Rs. 9 or Rs. 10

[Shri R. K. Chaudhuri]

a seer. For him this Act is meaningless.

**Shri S. S. More:** We cannot afford to purchase ghee!

**Shri R. K. Chaudhuri:** It is the poor people who are to benefit by this Act. The people of Northern India who live on vegetarian food and also people of the South who are vegetarians, they want good pure ghee and oil. That is what they want. For us, who are non-vegetarians, where fish cannot be adulterated egg cannot be adulterated and meat cannot be adulterated, we have absolutely nothing so far as this Bill is concerned.

**Shri S. S. More:** May I know from the hon. Member whether meat does not come under the definition of 'adulterated' if it is rotten?

**Shri R. K. Chaudhuri:** We must not mix up the two. It is one thing to sell a stale fish or a thing exposed to dust and it is quite a different thing to adulterate a thing. Here we are concerned with the question of adulteration.

I do not want to detain the House long with my speech, but I would just like to remind the hon. Minister that the provision of laying down minimum punishment and the provision of throwing the burden of proof on the accused are most revolutionising, and this is the maximum of totalitarianism.

**Shri Mulchand Dube (Farrukhabad Distt.—North):** May I say a word, Sir? In clause 19, section (1) it is said:—

"It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality...etc."

My submission is that a vendor who has not himself discovered that the article which he purchased from a manufacturer was misbranded

should not be caught in the scope of this section. I think he should not be prosecuted and that should be a complete defence for him because this misbranding is done by somebody else. That is all I have to submit.

**Rajkumari Amrit Kaur:** Sir, much has been said about the 'poor vendor' and every argument is, as far as I can make out, confined to defend him in some way or the other. I am not out to penalise anybody except the culprits. Now, whether it is a small vendor or big vendor, he has got to be punished. I am far more keen to get at the big people who have the money. If this clause is not in the Bill, everybody can plead ignorance and this Act will become infertile. Therefore, this clause has to be there.

Now, if you turn to clause 20, you will find there:—

"No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority."

Therefore, although a petty vendor who does not know the nature of the adulterated food is liable to prosecution, it is for the State Government or local authority to judge the suitability of the case for launching the prosecution according to the clause which I have read. Now, the intention of this sub-clause which has been quoted in clause 19, that is sub-clause (2), is not to throw the onus of proving this case to the court on the accused because the onus of proving the case rests on the prosecution. Actually this sub-clause (2) provides defence for the vendor.

Further, as far as warranty is concerned, punishment for false warranties has been provided in clause 16(g). According to this, if a warranty is proved to be false the warrantor may

be prosecuted separately. You cannot make him a co-accused with the vendor because legally such a joinder may be challenged as a misjoinder as not falling under Section 2 of the Criminal Procedure Code. Now, in view of certain strong opinions that some of the hon. Members who have spoken have expressed, I am perfectly willing to delete the words: "within seven days of the receipt of a copy of the report of the public analyst" in lines 21 and 22. I would bring in that amendment myself so that the warranty may be submitted at any time. I have insisted on a written warranty for such purposes.

Then, I would like to say to the hon. Members of this House that no legislation, however comprehensive it may be, can ever be satisfactorily worked if the citizens in general are corrupt and dishonest. I am not willing to take it for granted that everybody in this country is dishonest. Of course, there is dishonesty and we have got to legislate to protect the poor. I am not here to protect the rich; I am here to protect the poor. I think this menace of adulteration is simply shocking and I would like people to be punished, and punished heavily, for this crime against humanity.

Some hon. Members talked about *mens rea*. In many cases *mens rea* has to be implied from the surrounding facts and circumstances, and in present day social legislation all over the world, and here too, *mens rea* is not always insisted upon as a condition precedent to criminal liability. Therefore, I say that this clause 19 has to be there and I would like to put it to the vote of the House. Mr. Chairman, with your permission, eliminating the words which I mentioned, from lines 21 and 22.

Shri S. S. More: I did not exactly catch the words of the hon. Minister. Are you proposing to delete these words: "within seven days etc."?

Rajkumari Amrit Kaur: Yes.

Shri S. S. More: My friend is asking me not to have any difficulties, but according to this particular provision, this is a pre-prosecution stage. The notice is received, then he has submitted the written warranty in spite of that the prosecution has been launched and then the man has taken up his defence saying "I have acted on a written warranty" and he produces it as his evidence. Then, he is entitled to acquittal. I am now trying to reconstruct the whole thing. Suppose we fix up the period at 15 days or even one month. Then, there will be no need of starting any prosecution. Otherwise, all the processes of starting a prosecution will be there and then only the man will come before the court and say "This is the written warranty on which I take my stand". All this prosecution will then be wasted. You must extend the time and I agree with the argument that seven days will be too short. If there is a time limit, then the necessity for a vexatious prosecution will not be there. We shall be doing greater disservice to the man whom we intend to protect by removing this period. Otherwise, he will have to face his prosecution and engage Mr. Tek Chand.

Mr. Chairman: There is no amendment to this effect before the House just at present, but the hon. Minister has expressed her intention of giving notice of such an amendment. I think all the implications of such an amendment must be gone through. Furthermore, the point taken up by Mr. More is very material. The question will arise when the written notice should be given. I think in criminal law, if a person can prove that whatever he has got was got from another person and that he did not know that the things were such as would come within the definition of "adulterated" then it will be no defence here and so the question of seven days, as has been rightly expressed by the hon. Minister, is really immaterial. I should think that the only material

[Mr. Chairman]

point is that if he produces a warranty, he should get an acquittal. So far as Mr. More's point is concerned, before the Government launches a prosecution, the vendor will be able to satisfy the inspector by saying that he has a warranty and there will be no necessity for prosecution at all if he takes advantage of the fact that he produces a warranty before the prosecution starts. But if he is unable to produce a warranty, even then, while on defence, he should be armed with the power of producing his warranty. The question of limitation of seven days should not arise.

**Rajkumari Amrit Kaur:** So much has been made of the seven days. If the desire of the House is that the seven days' period may be lengthened to 15 days, I am perfectly willing to make it so.

**Mr. Chairman:** There is no amendment before the House for this purpose. I would rather like that so far as this aspect of the case is concerned, it may be more fully thought out. I will now proceed with the other clauses and meanwhile, if any gentleman wants to move an amendment to this clause.....

**Rajkumari Amrit Kaur:** It is for the vendor to submit the warranty and he has got to submit it.....

**Mr. Chairman:** He can do so at two stages. If the warranty is produced within the time limit, the Government may not prosecute him, but they will prosecute the manufacturer.

**Rajkumari Amrit Kaur:** It is for the vendor to submit the warranty to the Food Inspector before the prosecution is launched, but if he delays it, he will then have to produce it in court after the prosecution is launched. I did not mean that he was not to produce the warranty; he has got to produce it. In view of the several speeches that have been made on this clause, I thought that it might be further liberalised.

**Mr. Chairman:** After the prosecution takes place, this clause comes into effect. I can visualise to myself that a very vigilant vendor may come before the Government and say "Do not prosecute me because I have got a warranty" and if the warranty is produced, I do not think Government will prosecute him, but they can prosecute the manufacturer. In case he does not produce the warranty then, the question of seven days will arise, and the difficulty, pointed out by Mr. Raghavachari, will arise, namely, seven days from what period. The copy of the analysis will not be with the vendor. How can he take action within seven days?

**Rajkumari Amrit Kaur:** It was because that the copy might not be with the vendor.....

**Mr. Chairman:** So far as the question of seven days or fifteen days is concerned, as the hon. Minister thought, it will be right to dispense with the period of time. After all, it will not look very just.

**Rajkumari Amrit Kaur:** That is what I say.

**Mr. Chairman:** The mere production of a warranty should not make for his acquittal; he shall have to prove it.

**Rajkumari Amrit Kaur:** The Government will not launch a prosecution unless they are certain that circumstances have arisen for a prosecution to be launched. If the warranty produced by the person is false, that is another matter, but if it is perfectly valid, Government will consider it.

**Mr. Chairman:** One question that will be of very great importance to the accused will be that he has got a warranty, and that he has not got to come before the court as pointed out by Mr. Tek Chand.

I would, therefore, like that a considered amendment be placed before the House in an hour or so and before we finish the other clauses, we

may debate upon it. Otherwise, there will be no use discussing it now.

**Rajkumari Amrit Kaur:** What is the proposal before the House? I have been told that clause 19 is a bad clause and that I am making it very difficult for the vendor. I say "No". I say that this clause has got to be there. It is only in regard to the question of the period of time.....

**Mr. Chairman:** As a matter of fact, the position is this. When we were discussing amendments to clause 19, and had practically finished them, I would have put it to the vote of the House and that was the occasion when the whole clause could be considered. Some Members took exception to clause 19, not as a whole, but to certain portions of the clause. The objection was such that the hon. Minister herself stated that she wanted to change the wording regarding seven days. Now, it is for the Government to say what amendment they wish to make or for any hon. Members to suggest what amendments should be made. If they give notice of their amendments within a short time before we finish the other sections of the Bill, I will certainly allow those amendments to be debated in the House and then the House can come to its own conclusions. That is the proper way of disposing of this matter.

**Shri S. V. Ramaswamy (Salem):** The difficulty is in respect of the period of the receipt of the copy of the public analyst's report. Is it going to be served on the vendor? If it is going to be served, then I can understand the difficulty, but I understand that no copy of the receipt is going to be served.

**Mr. Chairman:** So many questions arise and so many incidental points arise that cannot be the subject matter of discussion in the House now. When a considered amendment comes up before the House, we may debate on the question, and so far as this clause is concerned, we will take it up after the other clauses are finished.

**Rajkumari Amrit Kaur:** Will you please give only fifteen minutes' time for hon. Members to bring forward their amendments?

**Mr. Chairman:** As soon as the amendments are ready, I will take them up.

**Rajkumari Amrit Kaur:** How long have you given them time?

**Mr. Chairman:** Fifteen minutes will suit you?

**Rajkumari Amrit Kaur:** I would like to say that defence can be put up by the vendor even before he is prosecuted, that is, before the food inspector of the State Government,—and hence the word 'defence',—why should it be deleted?

**Mr. Chairman:** The hon. Minister is only arguing. If a proper amendment comes before the House, the House will consider it; otherwise, there will be no end to argument. I think it is proper that as soon as a considered amendment is brought before the House, I will take it up.

**Shri R. K. Chaudhuri:** Can we move an amendment that instead of "seven days" it should be "one month"?

**Mr. Chairman:** If I allow an amendment to be moved by Government I should allow an amendment to that amendment by members. I am ready to receive any amendments so far as this seven days' question is concerned.

#### New Clause 19A

**Shri Mulchand Dube:** Sir, I would like to move my amendment No. 71 in a modified form, for the first part of the amendment is covered by Section 16(c). I beg to move:

In page 12, after line 34, insert:

"19A.—A person who has given the warranty if he is a resident of an area in which the Act is not in force shall be deemed to have committed an offence of cheating under the Indian Penal Code."

[**Shri Mulchand Dube**]

This Act visualises that the entire Act may not be simultaneously enforced in all the States: there may be areas in which the Act is not in force, but where the Indian Penal Code may be in force. Therefore, if a person produces a warranty from a person who is living in an area in which the present Act, that is the Food Adulteration Act, is not in force, he is in fact deemed to be innocent. That is, there is no provision to cover a person who has given a false warranty. So such provision seems to be necessary to rope in a person who is living outside the area in which the Act is in force.

**Shri A. M. Thomas (Ernakulam):** May I enquire from the hon. Member whether it would amount to cheating under the general law? Then why should we have a special provision.

**Rajkumari Amrit Kaur:** In view of the proposed omission of the words "but section 7 shall take effect in any State only from such date as the State Government may, by like notification, appoint and different dates may be appointed by the State Government for different areas of the State", in clause 1, this amendment is not necessary.

**Shri Mulchand Dube:** Then, I do not wish to press it.

**Mr. Chairman:** We will now take up clause 20.

**Clause 20.—(Cognizance and trial of offences).**

**Shri N. S. Jain:** I beg to move:

In page 12, line 38, add at the end:—

"or by a purchaser mentioned in Section 12."

जो दफा 20 में अख्यारात दिये गये हैं कि वन्य असहाव को या चन्द जमातों को यह हक है कि वह मुकदमा चला सकते हैं इस कानून

के मातहत, उस में मैं यह तरमीम करना चाहता हूं कि यह इजाफा कर दिया जाय कि अगर कोई स्वरीदार, जिस का कि दफा 12 में जिक्र है, चाहे तो वह भी एसा मुकदमा चला सकता है। दफा 12 में पर्वजर यानी स्वरीदार को अख्यार दिया गया है कि वह भी जब चीज स्वरीदा तो उस का नम्ना उसी तरीके से ले सकता है जिस तरीके से कि फृड इन्स्पेक्टर, और यह तरमीम सुन्दर सरकार की तरफ से आई है। मेरी तरमीम भी थी, लैंकिन सरकार ने सुन्दर इस को मंजूर कर लिया है कि स्वरीदार को वह तरमीम तरीके इस्तेमाल करने दियी जो दफा 19 में फृड इन्स्पेक्टर के लिये दखले गये हैं। एसी स्तर में अगर कोई स्वरीदार उन तरीकों के मातहत कोई चीज स्वरीदा है और उस का नम्ना पब्लिक एनालिस्ट के पास भेजता है, अपना रुपया लूच करता है और अगर आप उस को यह अख्यार नहीं देते कि अगर एडल्ट्रीशन सारित हो जाय तो वह मुकदमा चला सके तो मैं समझता हूं कि कोई भी स्वरीदार इस झमेले में नहीं पहुंचा। मेरी समझ में यह बात नहीं आती कि सरकार की तरफ से इस के बारे में क्या कहना है, क्योंकि सुन्दर उस की ही यह तरमीम है। शायद उस की तरफ से यह कहा जाय कि स्वरीदार को चाहिये कि वह सोकल अधारिटी को दरखास्त दे या जो मॉज्यूल सरकार हो उस को दरखास्त दे कि मैं ने इस इस तरीके की कार्यवाई की है सिहाजा उस आदमी पर मुकदमा चलाया जाय। मैं समझता हूं कि यह चीज भी गलत होगी। जो सोकल अधारिटी या सरकार होती है उस का काम जिस तरीके से होता है उस से जो उम्मीद हो सकती है वह इतनी नाकाफी है कि किसी शख्स को प्रोत्साहन नहीं होगा कि वह स्वरीदार बन कर इस तरह से कार्यवाही करने को सहमत हो। इसलिये मेरी दरखास्त है कि इस को दूसरे लिया जाय और मुनासिब समझा जाय तो इस में इस का इजाफा कर दिया जाय।

**Shri S. S. More:** Before you place the amendment before the House may I bring to your notice that strange results would follow if this amendment is accepted? Who is to give the consent? If this amendment is accepted, it would mean that the person appointed by a purchaser in section 12 has to give consent. That is the person authorised must be by the State Government, or a local authority or by a purchaser. So, I can very well appoint a person to give consent for such prosecution.

**Mr. Chairman:** The words "or by a purchaser mentioned in section 12" will come at the end.

**Shri S. S. More:** That would mean the consent of a person authorised in this behalf by the local Government, or a local authority or by a purchaser mentioned.

**Mr. Chairman:** It can also be worded 'except by a purchaser mentioned in section 12'.

**Shri S. S. More:** This amendment itself is not suitably worded.

**Mr. Chairman:** It is quite suitably worded.

**Shri S. S. More:** I beg to differ from you because it is a qualifying clause. I am not so sure about my English but I feel it becomes a qualifying clause. It reads: "...a person authorised in this behalf...by the producer....." It looks like it.

**Mr. Chairman:** That is, it must be with the written consent of the State Government or the local authority or a person authorised in this behalf by the local authority...

**Shri S. S. More:** It does not require persons of competence; it refers to the consent which is to be obtained before the prosecution is launched. My submission is if it is introduced in this context, then it might lead to confusion; I am not so sure about it.

**Mr. Chairman:** So far as the present amendment is concerned it says 'by a purchaser'; he should be authorised to prosecute. So far as the words are concerned, 'written consent' comes subsequently; it reads 'except by, or with the written consent of...'. So, if these words are there at the end then it might be capable of such interpretation as Mr. More points out. He says it should be: "...except by the purchaser mentioned in section 12 or with the written consent of..." It is only a very technical objection and that can easily be met; when I put it, I will make it clear. Let me read the amendment

In page 12, line 28, add at the end:—

"or by a purchaser mentioned in Section 12."

Or, you can add after word 'by'—that is the only difficulty with Mr. More—if the hon. Member will agree, you can add after the words 'except by', the words 'a purchaser mentioned in section 12.'

**Rajkumari Amrit Kaur:** May I say that I object because the purchaser is already entitled under the relevant section to prosecute?

**Mr. Chairman:** It was brought to the attention of the hon. Minister that so far as the wording of clause 20 is concerned, if these words are there, no person shall be authorised to bring any prosecution under this Act and that section 272 etc. only deal with certain kinds of offences in which food adulteration is obnoxious and at the same time the punishment is only six months imprisonment. Those Sections in the Indian Penal Code are entirely different.

**Rajkumari Amrit Kaur:** Anyhow, Mr. Chairman, we do not want or propose to allow purchasers to launch direct prosecutions.

Several Hon. Members rose—

**Mr. Chairman:** Before the hon. Minister replied, the hon. Members should have taken part in the debate

**Sardar Hukam Singh (Kapurthala-Bhatinda):** But you have just put the amendment and immediately the Minister stood up.

**Mr. Chairman:** But immediately the hon. Members should have stood up; anyhow, I allow a discussion in this case.

11 A.M.

**भी झुनझुनवाला (भागलपुर मध्य) :** अध्यक्ष महोदय, अभी जो हमारे मिश्न नेमी शरण जी ने आपके सामने संशोधन रखा है वह बड़ा ही महत्व का है। यदि वह संशोधन स्वीकार नहीं किया जायगा और इस एक्ट में नहीं आवेगा, जैसी कि स्वास्थ्य मीट्रिणी जी की राय है कि गवर्नरमेंट यह संशोधन नहीं चाहती, तो मेरी समझ में यह जो आपका एक्ट है वह एसा का एसा ही रह जाएगा और इसमें कुछ भी नहीं होगा। इसमें लिख दिया गया है कि गवर्नरमेंट की कंसेंट के बिना प्रासीक्यूशन होगा ही नहीं, तो आप जानते हैं कि गवर्नरमेंट किस तरह से कार्रवाई करती है और कहाँ एक्टव रहती है और गवर्नरमेंट से कंसेंट लेने में कितना समय लगता है। इसको दूर नहीं हुए मेरी समझ में कुछ भी होने वाला नहीं है। मैंने, प्रारम्भ में ही कह दिया था कि अगर यह एक्ट आवें तो एसा होना चाहिए कि सचमुच कुछ कार्रवाई की जा सके। यह जो बलाज़ २० में दिया हुआ है कि कोई केस लावें और अदालत में जायं उसके पीहले सरकार की रजामन्दी लेना चाहिए ताकि केस लाने के पहले गवर्नरमेंट को उस चीज की अच्छी तरह से जांच करने को मोका मिल जाय। जहांतक इंस्पेक्टरों का सवाल है वह जात ठीक है। परन्तु यह जो बलाज़ १२ दिया गया है और उसमें जो बातें लिखी गयी हैं मेरी समझ में नहीं आया कि यह बलाज़ १२ किर क्यों दिया गया है। क्या कोई परचेजर अपनी स्लशवक्त्री के लिए किसी के यहाँ से चीज़ लेगा, अपना एसा स्लर्च करके दूनेसाइड करावेगा और किर कड़ दूजा कि यह चीज़ स्लर्च है इसीलिए बैठर से इसका बैसा से लिया जाय। इसका क्या मतलब हुआ यह

मेरी समझ में नहीं आया। मैं स्वास्थ्य मीट्रिणी जी से पूछँगा कि यह चीज़ बलाज़ १२ में क्यों दी गयी हैं यदि परचेजर को यह अधिकार नहीं होगा कि वह कोर्ट में जा सके और पबलिक को बताता सके कि फलां आदमी स्लर्च चीज़ बेचता है, उसको प्रासीक्यूट कर दिया जाय। हम वह तरदूद लेने के लिए तैयार हैं, कोर्ट में जाने के लिए तैयार हैं कि हम उसको प्रासीक्यूट करें, तो फिर सरकार उसके बीच में क्यों आती हैं। यदि हमारा केस ठीक है तो हम कोर्ट को बताता सकते हैं कि फलां व्यक्तिया मैन्युफैक्चरर या कोई भी हो, वह गलत काम करता है और वह लोगों के लिए हानिकारक है। हम कोर्ट में जाकर यह समीक्षित कर सकते हैं, तो मेरी समझ में नहीं आया कि हमारी स्वास्थ्य मीट्रिणी जी ने क्यों उठकर तुरन्त ही कहा कि सरकार इसके विरुद्ध हैं। क्यों सरकार इसके विरुद्ध हैं वह मेरी समझ में नहीं आया। मैं संसद सदस्यों से आपके द्वारा कहना चाहता हूँ कि यह संशोधन आप लोग जल्द पास करें यदि आप इस एक्ट को किसी भी काम में लाना चाहते हैं। यदि इसको आप हैंड लेटर बनाना चाहते हैं तब तो ठीक है। अभी तक जितने भी एक्ट आये हैं वह समझ हैंड लेटर रहे हैं। हमारी स्वास्थ्य मीट्रिणी जी ने भी शुरू में कहा था कि यह जो एक्ट है इसका इम्प्लीमेंटेशन कैसे होगा। इस बारे में उनको तरदूद था। उन्होंने हमको लिखा था। परन्तु जब कार्रवाई करने का सवाल आता है तो वे विरोध में लड़ी हो जाती हैं। मेरी समझ में नहीं आया कि वे क्यों विरोध में लड़ी हो जाती हैं। जो बातें कही गयी हैं वे मेरी समझ में नहीं आयीं इसीलिए मैं किर आप लोगों से प्रार्थना करूँगा कि आप अच्छी तरह से विचार करें और विचार करके इस संशोधन को जल्द स्वीकार करें।

**Sardar Hukam Singh:** Mr. Chairman, it is very unfortunate that we could not catch the eye of the Chair and the

hon. Minister had to give her first reactions so far as this amendment is concerned. We feel—at least there are some hon. Members who I know feel—that this is a very essential amendment that must be put into this Act if it is to be made effective. As has been argued by my friend just now, when we have given that option to the purchaser that he can get the food analysed if he informs the vendor of his intention to do so, this is essential. If he gets the report that it is adulterated, luckily, he can get that money refunded. But why should he spend at all; why should he take the trouble, spend the money if only he gets a refund—it would not be the refund of the whole amount that he has to spend. I should say that no purchaser would be coming forward to have recourse to get the food analysed, considering all the trouble he has to undergo. And, as has been just observed, this Act would remain a dead letter. Why should we leave it to the local bodies and State Governments alone? They are very loath to do it. And this would open the doors of corruption. It will make room for the influences which normally corrupt these officers. If the option is there and the purchaser also can move in the matter, the inspectors and other authorities will take care as they will know that if they do not move there is another agency that can move in the matter and that therefore they might be taken to task. But if that option is excluded and they are the sole masters of the situation, I am afraid that this Act would not work satisfactorily and the object that the hon. Minister has in view would be frustrated. Therefore, with all the force at my command, I appeal to the hon. Minister to reconsider this matter and take a fresh decision on it, because it is very essential that we should give this power to the purchaser.

Pandit S. C. Mishra (Monghyr North-East): With what we have seen of our Health Minister, we thought

her anxiety was for the health of the nation. We never thought that while catering for the nation she would be so much anxious about the offenders also. Here, though the Bill is in respect of adulteration of food articles, it is not really adulteration; for really, what goes on in our country is poisoning. If you add water to milk, it is adulteration. But when you grind chalk or something and put that into it, it is really poisoning. We are all being poisoned that way. I do not know why she should take away from a person who is badly injured by a thug or a cheat, the right that is his to go to court and prosecute that man. This practice is so very prevalent, and now every ingenious man is after poisoning food articles. Therefore, even if a maze of litigations were to go on between parties even that will do some good to the nation. Perhaps such offenders will take note, and that will have a deterrent effect on them.

I fail to understand the position taken by Government. If, as our friend said, the inspectors or other officials start the prosecution, it is quite all right that the Government should give sanction. But when an injured man wants to go to court and have the offender punished, where is the question of Government sanction? I think the hon. Minister should be pleased to accept this. Otherwise the whole Act will become infructuous.

Shri Sadhan Gupta (Calcutta—South-East): We are all agreed that the practice of adulteration has become so widespread that it needs a very salutary check, and we thought that the Government was honest in its professions that this Bill was meant to provide such a salutary check. From the instant reactions of the Minister of Health even before she had heard the arguments in favour of modification of clause 20, it is quite obvious that the mind of the Government is made up and no amount of argument is going to sway it. I shall therefore not attempt....

**Mr. Chairman:** It is not a fair comment. She has changed even clause 19 in accordance with the wishes of the House.

**Shri Sadhan Gupta:** But, Sir, in regard to clause 20 she has declared very categorically.

The point is adulteration is very widely prevalent. It has to be checked. We cannot rely on the machinery provided by the Government for the purpose of checking it. The real aggrieved person is the person who buys adulterated stuff, and he has the greatest interest to prosecute the person who adulterates, the person who mixes impure stuff with what he sells to him as pure stuff. It is he who is most interested in the prosecution, and what we seek to do is to exclude him from prosecuting the offender.

Let us be quite clear about it. Clause 20 refers to an offender and not to an innocent person. What clause 20 in effect says is that a man might have committed an offence, a man might have done something wrong, but the person wronged shall not be able to prosecute him without the sanction of the Local Government, without the sanction of the local body or without the sanction of an authority designated in this behalf. What would be the result? The Food Inspector is there. He will start all sorts of prosecutions, of petty people. As has been said a little while ago by Mr. Tek Chand, out of the sheer necessity of showing some activity, they would proceed against small offenders, perhaps against innocent people. But big vendors will see their way to get round this machinery by so many devices, corrupt and otherwise.

**That is the great danger that besets the administration of this measure unless purchasers are allowed to prosecute the offender.**

Speaking for myself I would have wished that not only purchasers but also public-spirited organisations should have been allowed to come in

for the purpose of prosecuting those who adulterate. If we do not go so far—although that would provide a much greater uprightness in prosecution and would have led to much better administration of justice—if we do not accept that principle, we can at least accept that the purchaser should be enabled to prosecute the man.

The Indian Penal Code has been brought in, I do not know for what purpose. Section 272 and section 273 of the Indian Penal Code are quite different from the present Bill. They are different in their application. Section 272 refers to adulteration which renders something noxious. The Bill refers to adulteration, which does not necessarily render it noxious. The Indian Penal Code aims at preventing injury to health. This particular Bill aims at the prevention of persons from adulterating and not necessarily poisoning any article. The two things are entirely different and there is great difference in the measure of punishment. The penalties inflicted by the Indian Penal Code are very meagre. The present Bill puts these penalties on a much more serious footing. I wonder why the purchaser who has been aggrieved by the sale of adulterated foodstuffs should not be allowed to bring the full force of justice to bear upon the delinquent and subject him to the severest penalties, which he deserves when we are out to check adulteration.

Now the object of the Government is quite the contrary. Sir, on the last occasion when I was speaking on the first reading I had said that many high ups in Government were linked up with big business. Now the Minister of Health was touchy about it and denied it. Now, Sir, may I say just now that I have never insinuated that the Minister of Health herself was in touch with big business.

**Mr. Chairman:** That part of the argument is over. We are only concerned with clause 20.

**Shri Sadhan Gupta:** My argument is clause 20 is the result of that. I want to make out that they have strong links in the Government and it is these links which have resulted in the introduction of this clause. Both the Minister of Health and every section of the House have come up with the strongest condemnation of the adulteration of food. Then, if that is so, what is the meaning in seeking to give them protection? This protection will make prosecution very difficult. Sanction will be given by local governments or local bodies or authorities designated in this behalf. Next, the sanction is not readily available; papers will go; files will be considered and after a long time sanction will be given. Now, Sir, why this dilatory process? Obviously, the reason is that the production of articles of food is of vital concern not only of the small vendors or small traders but of big businessmen and it is big businessmen who are responsible in a great measure for adulteration of so many foodstuffs. It is they, who have introduced this clause as a measure of protection to enable them to avoid prosecution when they are affected. Seems they have many avenues to escape prosecutions. Small vendors may not satisfy the rapacity of the government machinery, the corrupt machinery, which will administer this Bill, whether they be authorities or local bodies or State Governments. But, big businessmen have the means to satisfy their rapacity. Moreover, they have also the means to enable them to induce authorities or local bodies, or even State Governments to corrupt them and satisfy them into withholding their consent to prosecution. It is for this purpose that I would wholeheartedly support the amendment and oppose clause 20 as it stands.

**Mr. Chairman:** May I request the hon. Members to be brief?

**Shri Raghavachari:** I have not risen to voice the usual chorus that has

been now going on for the last ten or fifteen minutes but I have been anxious to contribute something. I see that in the anxiety of providing a right for the private purchasers to prosecute the whole scheme is going to be affected seriously. The whole matter will have to be considered in a long view. Sir, now I am one with my friends that the private purchaser must have right also to prosecute because it is a widespread evil and any man must be permitted to have a chance to establish the purity of things sold and to that extent I am one with them. But if you simply add the purchaser in clause 20 what it will result in is we have to think of a proof of the article and the purchaser under section 12. The scope of section 12 is restricted. The purchaser can send an article which he has purchased, provided he gives notice at the time he had purchased. On the other hand section 11 provides that anybody who wants to prosecute a vendor has to purchase the quantity, divides it into three parts, give one part to the vendor, take another part for himself and send the third part to the analyst and then the proof is complete.

**Mr. Chairman:** It is already there.

**Shri Raghavachari:** If the purchaser has not taken all these precautions to prove the matter, he has only a part of the thing and any purchaser can now do it. So I go to a market and purchase the material.

**Mr. Chairman:** We have already passed the amendment that the purchaser will be bound by those things which bind, the Food Inspector. This argument is not all right. At this stage, I will request the hon. Minister to resume her speech because I am informed that perhaps the hon. Minister has got an amendment which may be acceptable to him.

**Hajumari Amrit Kaur:** Mr. Chairman, first of all, I wish to apologise for having stood up. I did not know there were any Members wishing to

[Rajkumari Amrit Kaur]

... speak on this amendment. But, my first reaction in opposing this amendment was natural. I did not want it to be available to everybody to prosecute because it is always open to any purchaser to go to local authorities including even a panchayat and get the Government to prosecute the case. But if the general feeling in the House is that the purchaser should also have the power of prosecution, I would like to move the following amendment. I beg to move:

In page 12, after line 38, add:

"Provided that a prosecution for an offence under this Act may be instituted by a purchaser referred to in section 12, if he produces in court a copy of the report of the public analyst along with the complaint."

Shri N. S. Jain: In view of the Minister's amendment, I do not press my amendment.

Some Hon. Members: That is all right.

Some Hon. Members: We accept it.

Mr. Chairman: In lieu of the amendment moved by Shri N. S. Jain which he does not press, the following amendment will be put to the House. Amendment moved:

In page 12, after line 38, add:

"Provided that a prosecution for an offence under this Act may be instituted by a purchaser referred to in section 12, if he produces in court a copy of the report of the public analyst along with the complaint."

May I take it that it is acceptable to the House?

Shri R. K. Chaudhuri: I wish to oppose this. It does not improve the position at all. It would have been much better if the hon. Minister had straightforwardly accepted the amendment. It makes no change. For every private prosecution, he must produce a report. I am opposed to

this amendment on the ground that there should be no amendment to the existing section. Those who are supporting the amendment which was put forward, have not, I am afraid, seen the other side of the picture. First of all, they should not have attacked or suspected the bona fides of the Government or the local authority or any person employed by them. Government, at the risk of some amount of unpopularity have brought this legislation. It cannot for a moment be supposed that the Government would delay grant of sanction or refuse to grant sanction in deserving cases. The only ground of objection may be delay. This section provides that Government can appoint any officer, the local authority can appoint any officer, and so, even a village panchayat can appoint anybody to take cognizance and to make a complaint in such cases, and to give sanction in such cases. I therefore do not see what would be the necessity for having any amendment to this clause.

The other side of the picture is this. If you leave it to private prosecution, there are two dangers. One danger is that it will open the floodgate of blackmailing. (Some Hon. Members: No). There are rich persons.

Shri Bogawat (Ahmednagar South): Private persons must have the right to prosecute; otherwise, rich people will get protection.

Shri R. K. Chaudhuri: A Private prosecution may be started; but after he gets some stuff from the rich man, he will drop the prosecution altogether. That prosecution will be dropped without the knowledge of the Government or the local authority. For instance, Dalda people are influential people and they are rich persons. If a person makes a complaint and it is left to private prosecution, the complaint may be dropped automatically on payment of some compensation. Then, there is the danger of non-prosecution. An elaborate procedure has been laid down for prosecution by private persons and they may not be able to

prosecute the case. The prosecution would break up at any stage either on account of the fact that the private persons has been won over or the man has not got the means to carry on the prosecution. On this ground, I oppose the amendment. I support the section to stand as it is.

**Mr. Chairman:** I shall put the amendment to the vote of the House. The question is:

In page 12, after line 38, add:

"Provided that a prosecution for an offence under this Act may be instituted by a purchaser referred to in section 12, if he produces in court a copy of the report of the public analyst along with the complaint."

*The motion was adopted.*

**Mr. Chairman:** What about amendment No. 145? Does he not propose to move amendment No. 132?

**Shri S. V. Ramaswamy:** In view of amendment No. 145, I do not want to move amendment No. 132.

**Mr. Chairman:** Amendment No. 145 was debated for a long time yesterday also.

**Shri S. V. Ramaswamy:** I referred to it. It does not form part of.....

**Mr. Chairman:** It is not out of order. I only said that it was discussed yesterday also for a long time.

**Shri S. V. Ramaswamy:** I beg to move:

In page 12, for lines 39, and 40, substitute:

"(2) Prosecutions under this Act shall ordinarily be instituted in the court of a magistrate of the second class for the first offence:

Provided that it shall be competent to State Government to prescribe the class or classes of offences that may be initiated

before a magistrate of the third class specially so empowered.

(3) Prosecution for the second or subsequent offences shall be instituted in the court of a magistrate of the first class.

(4) No prosecution shall be instituted after six months of the commission of offence."

I press para 4 of this amendment. I discussed this amendment yesterday for record purposes. Instead of three months, I agree to its being six months. I give the time up to six months.

**Mr. Chairman:** I shall put it to the House.

*The question is:*

In page, 12, for lines 39 and 40, substitute:

"(2) Prosecutions under this Act shall ordinarily be instituted in the court of a magistrate of the second class for the first offence:

Provided that it shall be competent to State Governments to prescribe the class or classes of offences that may be initiated before a magistrate of the third class specially so empowered.

(3) Prosecution for the second or subsequent offences shall be instituted in the court of a magistrate of the first class.

(4) No prosecution shall be instituted after six months of the commission of offence."

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 20, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 20, as amended, was added to the Bill.*

**Clause 19.—(Defences which may or may not be allowed in prosecutions)**

**Mr. Chairman:** In regard to clause 19, the amendments which have been tabled may now be moved by the Members concerned.

**Shri Tek Chand:** I beg to move:

In page 12, omit lines 20 to 30.

**Shri Dabhi (Kaira North):** I beg to move:

In page 12, omit lines 20 to 25.

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

In page 12, lines 21 and 22, omit "within seven days of the receipt of a copy of the report of the public analyst".

**Shrimati Sushama Sen (Bhagalpur-South):** I beg to move:

In page 12, line 21, for "seven days" substitute "one month".

**Shri Dabhi:** I beg to move:

In page 12, line 26, omit "further".

**Mr. Chairman:** These are the amendments for discussion before the House. Since the matter has been fully discussed, if any hon. Member wants to speak on them, I would request him to speak for a minute or two, because the matter has been discussed in full.

**Shri Bogawat:** We want to know what the Government attitude is.

**Rajkumari Amrit Kaur:** May I say that I have already suggested that these words "within seven days of the receipt of a copy of the report of the public analyst" be omitted, and that has now been proposed by Shri U. M. Trivedi. I would accept it.

**Shri Tek Chand:** My amendment is that if the two provisos are omitted, the object will be served. I would request the hon. Minister to kindly consider it and concentrate on sub-clause (2) (i), because it provides that a written warranty is to be in the prescribed form. If the form is prescribed according to the rules, the question of these two provisos become

redundant. It will be open to the person if he has got the warranty earlier, to tell the Government, please don't proceed against me. At the same time, it is available to him for his defence. Therefore, these two provisos have to be omitted, and then, the desideratum is reached. You will be pleased to find that the heading is, defences which may or may not be allowed in prosecutions under this Act. Then, the question of seven days or any limitation or any other condition stands removed. You have got this sub-clause (2) which says:

"A vendor shall not be deemed to have committed an offence if he proves—

(i) that the article of food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty in the prescribed form, if any....." etc., etc.....

Thus, if the defence prosecution has already been launched and he has got the written warranty, he can produce that, and that written warranty, as you say, must be in the prescribed form. If he happens to have it earlier, he can communicate it to the Government and say: "This is the material I possess. Please do not prosecute me. If you choose to prosecute me, well, the defence is, of course, forth coming." I submit that if these provisos are avoided, the object would be achieved.

**Mr. Chairman:** Amendment Nos. 1 and 2 have been discussed. Shri U. M. Trivedi is not in the House. Shri K. C. Sharma.

**Pandit K. C. Sharma (Meerut Distt.—South):** I beg to submit under the law as it stands, it means that the defence should be produced at the first opportunity, and I put "reasonable time" because it is a generally accepted principle that the first opportunity means within reasonable time.

but as the hon. Minister has accepted the proposition which necessarily, as the law stands today, means reasonable time and the first opportunity, I am not moving my amendment.

**Mr. Chairman:** Shrimati Sushama Sen. Not in the House.

The hon. Minister has already indicated her intention in the matter. So, I put these amendments to the vote of the House.

**Shri Dabhi:** May I ask one question? Even after the omission of the words "within seven days of the receipt of a copy of the report of the public analyst", when the accused is on his defence, can any law prevent him from making whatever defence he likes. The law can only say that the burden of proving certain matters lies upon you, but it cannot say that only in certain conditions he can put forward that defence. That is my question. So, I think, the first proviso is unnecessary, because reasonable doubt must be created in the mind of the court that he had a particular warranty.

**Rajkumari Amrit Kaur:** What I wish to say is that it is always open to the accused to put forward any defence under sub-clause (2) of clause 19. It is only to offer further protection to the vendors that this was brought in. I think those provisos are necessary. It is in order to liberalise the defendant's position still further that I have agreed to the omission of the words in the amendment.

**Mr. Chairman:** I put these amendments to the vote of the House. The question is:

In page 12, omit lines 20 to 30.

*The motion was negatived.*

**Mr. Chairman:** The question is:

In page 12, omit lines 20 to 25.

*The motion was negatived.*

**Mr. Chairman:** The question is:

In page 12, lines 21 and 22, omit "within seven days of the receipt of a copy of the report of the public analyst".

*The motion was adopted.*

**Mr. Chairman:** The question is:

In page 12, line 21, for "seven days" substitute "one month".

*The motion was negatived.*

**Mr. Chairman:** The second amendment moved by Shri Dabhi is consequential.

**Shri Dabhi:** It does not survive now.

**Mr. Chairman:** It does not arise now.

I put the clause to the vote of the House.

The question is:

"That clause 19, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 19, as amended, was added to the Bill.*

**Clause 21.—(Magistrate's power to impose enhanced penalties).**

**Shri S. V. Ramaswamy:** I beg to move:

In page 12, for clause 21, substitute:

"21. The procedure that shall be followed in prosecutions under this Act shall be the warrant procedure, provided that it shall be competent for State Governments to prescribe that any class or classes of offences may be tried summarily."

I am not going to repeat the arguments I have urged already. It is left to the House to accept it.

**Mr. Chairman:** The question is:

In page 12, for clause 21, substitute:

"21. The procedure that shall be followed in prosecutions under this Act shall be the warrant procedure, provided that it shall be competent for State Governments to prescribe that any class or classes of offences may be tried summarily."

*The motion was negative.*

**Mr. Chairman:** The question is:

"That clause 21 stand part of the Bill."

*The motion was adopted.*

Clause 21 was added to the Bill.

**Clause 22.— (Protection of action taken in good faith)**

**Shri Raghavachari:** I beg to move:

In page 12, line 47, for "other legal proceedings" substitute:

"legal proceedings other than that provided for under sub-section (8) of section 10".

I am aware it is possible to contend for the retention of the clause as it is; because the words here used are "in good faith done" under this Act. If you turn to sub-clause (8) of clause 10, you will find that:

"Any food inspector exercising powers under this Act or under the rules made thereunder who—

(a) vexatiously and without any reasonable grounds of suspicion seizes any article of food; or

(b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty....."

So, the Select Committee after careful consideration have provided a means of prosecuting unscrupulous inspectors for things being done not in

good faith. But the word "vexatiously" is used only in (a), but it is not found in (b). In (b) the words are: "commits any other act to the injury of any person...." Therefore, it is possible that this clause, if it is to be passed as it is without the amendment that I have submitted, is likely to create the impression or afford room for interpretation that it goes contrary to what has been provided for in clause 10 (8). Therefore, I say it would be fair and quite clear if these words "legal proceedings other than that provided for under sub-section (8) of section 10" are substituted for "other legal proceedings". You will also note even that inspector does not run any risk under clause 20:

"No prosecution for an offence under this Act shall be instituted except by....."

Therefore, even there he has a protection. Therefore, my submission is that to make the matter clear the amendment which I have submitted is essential and may be accepted.

**Mr. Chairman:** May I put it to the vote of the House. Does the hon. Minister want to reply?

**Rajkumari Amrit Kaur:** I only want to say that this amendment is unnecessary as proceedings under clause 10 (8) are not in relation to acts done in good faith. They are only in relation to acts done vexatiously, and not in good faith, and therefore, this really would upset that.

**Shri Raghavachari:** With your permission, I would like to draw the attention of the hon. Minister to the fact that the word 'vexatiously' is used only in clause 10 (8) (a); and in clause 10 (8) (b), that word is not to be found. Therefore, the necessity for this amendment is there.

**Mr. Chairman:** Does the hon. Member want his amendment to be put to the vote of the House?

**Shri Raghavachari:** Yes.

**Mr. Chairman:** This needs no reply. The thing is so obvious. Nothing can be said to be done in good faith, unless it is done with good care and intention. There cannot be good faith in any such state of things where not only there is absolutely no reason to proceed against a person, but proceedings also have been started vexatiously. They are inconsistent with good faith from start to finish.

**Shri S. S. More:** May I submit that even in clause 10 (8) (b), the words 'without having reason to believe that such act is necessary' are there? They carry the same meaning.

**Mr. Chairman:** I shall put Shri Raghavachari's amendment to the vote of the House.

The question is:

In page 12, line 47, for "other legal proceedings" substitute "legal proceedings other than that provided for under sub-section (8) of section 10".

The motion was negative.

**Mr. Chairman:** The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

**Clause 23.—(Power of Central Government to make rules).**

**Rajkumari Amrit Kaur:** I beg to move:

(i) In page 13, line 1, before "The Central" insert "(1)"; and

(ii) In page 14, after line 12, insert:

"(2). All rules made by the Central Government under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

**Mr. Chairman:** There is a similar amendment in the name of Shri S. V. Ramaswamy.

**Shri S. V. Ramaswamy:** In view of this amendment, I am not moving my amendment No. 46.

**Shri Dabhi:** I want to speak on this clause.

**Mr. Chairman:** Does the hon. Member want to speak on this amendment?

**Shri Dabhi:** Not on the amendment, but on the whole clause.

**Mr. Chairman:** Let me first put the amendment to the vote of the House, and then the hon. Member may speak.

**Shri S. V. Ramaswamy:** Before you put the amendment, may I make a submission? In the proposed sub-clause 2 of clause 23, the word 'be' occurs twice, first in the phrase 'as soon as may be' and for a second time in the phrase 'after they are made, be laid...'. I would suggest that the wording of sub-clause 2, which is proposed, may be changed as follows:

"All rules made by the Central Government under this Act shall, as soon as possible, after they are made, be laid before both Houses of Parliament."

**Rajkumari Amrit Kaur:** I accept this amendment. I think the words 'as soon as possible' will be better.

**Mr. Chairman:** I shall put amendment No. 134 as amended to the vote of the House.

The question is:

(i) In page 13, line 1, before "The Central" insert "(1)"; and

(ii) In page 14, after line 12, insert:

"(2). All rules made by the Central Government under this Act shall, as soon as possible, after they are made, be laid before both Houses of Parliament."

The motion was adopted.

**Shri Dabhi:** I want to say a few words on clause 23(1) (L) which provides that the Central Government

[**Shri Dabhi**]

may make rules 'prohibiting or regulating the manufacture, transport or sale of any article known to be used as an adulterant of food'.

You will see that out of the several things which have been used as adulterants of food, vanaspati is the most prominent. I do not want, at the present moment, to say anything on this, because hon. Members have already condemned vanaspati on the floor of the House. Everyone admits that vanaspati has been an adulterant of food, and has been causing havoc among the people. Leaving aside the question whether vanaspati is injurious to health or not, there cannot be any doubt about the fact that it has been used on a very large scale as an adulterant of food. Everybody wants that adulteration of ghee with vanaspati should be stopped. There are two ways of doing that. The first is to make colouring of vanaspati compulsory, and the second is to stop its manufacture altogether. While speaking on the Bill, the hon. Minister has stated that it is not possible to find any suitable colouring agent for vanaspati. There, I do not quite agree with her. But if we take it for granted, as Government say, that there is no suitable colouring agent for vanaspati, the next course is to allow the sale of vanaspati to continue as an adulterant of food, or to stop its manufacture altogether. I am glad that by this rule, Government have taken power to prohibit or regulate the manufacture, transport or sale of any adulterant of food, and since vanaspati is an adulterant of food, I hope Government would make use of this rule for prohibiting the manufacture of vanaspati...

**Mr. Chairman:** Is the hon. Member making a speech on the third reading?

**Shri Dabhi:** No, on this clause.

**Mr. Chairman:** In clause 23, we are concerned only with the rule-making powers. Now to go deeply into the matter of vanaspati, as to whether it

should be coloured or its manufacture should be prohibited etc. would be....

**Shri Dabhi:** I merely say that I hope Government will make use of this rule for prohibiting the manufacture of vanaspati.

**Mr. Chairman:** The hon. Member knows that exception has been taken by the hon. Minister in respect of propaganda relating to vanaspati in this Bill. I would, therefore, request the hon. Member to reserve his remarks, if he has any, to be offered at the time of the third reading. At this stage, while we are in clause 23, this question, to my mind, is not relevant.

**Shri Dabhi:** Yes.

**Mr. Chairman:** The question is:

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clause 24—(Power of State Government to make rules).

**Shri S. V. Ramaswamy:** I have got an amendment to this clause, viz. amendment No. 47. In principle, it has been accepted that all rules framed under this Act shall be placed before both Houses of Parliament. I am seeking to extend the principle to the State Legislatures also. But one thing, I would like to submit, and that is that I am not happy about the language of my own amendment. With your permission, I would like to change it a bit and then move it.

I beg to move:

In page 14, after line 35, add:

"(3) All rules made by the State Governments under this Act shall, as soon as possible, after they are made, be laid before the State Legislatures."

**Mr. Chairman:** Amendment moved:

In page 14, after line 35, add:

"(3) All rules made by the State Governments under this Act shall, as soon as possible, after they are made, be laid before the State Legislatures."

**Rajkumari Amrit Kaur:** I accept that amendment.

**Shri S. S. More:** Why not Parliament also?

**Mr. Chairman:** Clause 23 provides for that. Here, we are in clause 24, which relates to the State Governments' rules.

The question is:

In page 14, after line 35, add:

"(3) All rules made by the State Governments under this Act shall, as soon as possible, after they are made, be laid before the State Legislatures."

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 24, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 24, as amended, was added to the Bill.

#### New Clause 24-A

**Shri C. R. Narasimhan (Krishnagiri):** I beg to move:

In page 14, after line 35, insert:

"24-A. Annual Report.—(1) As soon as may be after the end of each financial year the Central Government shall cause to be prepared an annual report on the working of the Act during the previous financial year.

(2) The Central Government shall cause every such report to be laid before both the Houses of Parliament."

The amendment is self-explanatory, but let me briefly state my objects in moving this innocuous amendment. This Bill is a big experiment, and the field before the measure is very vast. In my opinion, this measure is just a skeleton, to which a shape will be given only by the various rules that are to be framed by the Central and State Governments. In other words, this measure will stand or fall by the manner in which the rules are framed. Just now, we have accepted an amendment to the effect that the rules framed by the State Governments will be placed before the State Legislatures. But Parliament will not be in a position to take cognizance of them, unless they are brought to its notice. Therefore, I think it is desirable to have some kind of sanction given to the Central Government to obtain annual reports from the State Governments to be placed before us.

**Rajkumari Amrit Kaur:** My reaction is that it will be the State Governments who will be concerned with the administration of the Act and hence compilation of annual reports will not be practicable—I mean I might not very often be able to get them. Moreover, I do not think it is customary to add a provision of this sort to a legislation. But I would like to assure the hon. Member that I shall be extremely anxious to know how the Act is being worked in the States and to get all the information which is possible to get and I would always be willing to submit it to this House.

**Shri S. S. More:** May I make a suggestion? It is one of the very important measures that the Central Government is bringing forward. Now, according to clause 25, the moment this Act is made applicable to any State, all the local enactments which are in operation are repealed. It has been stated by various committees that such legislation even in the States is not wholeheartedly implemented. It will be the business of the Central Government and this House to see how far this Bill which is passed by this House is seriously implemented and

[**Shri S. S. More**]

what are the difficulties coming in the way in submitting annual report? For instance, we are getting reports about the progress of the Damodar Valley Project, progress of this project and progress of that project, and the reports of the Health department...

**Shri C. R. Narasimhan:** If I may interrupt the hon. Member, there are similar provisions existing in the Food Adulteration Acts in some of the States.

**Shri S. S. More:** I do not want at this particular time to overload the record by quoting precedents. But it is our responsibility to see that this Act is not reduced to a farce. What are the prosecutions started, what are the difficulties in the Central Food Laboratory, what are the recommendations made by the Central Committee for Food Standards you are appointing under clause 3—all these details will have to be placed before this House, and in the light of the experience that we might acquire, the Health Minister will be coming forward with necessary adjustments or amendments to the law. I quite realise the difficulties, but the State Governments can be made to submit reports. To make the difficulties an excuse for not submitting the reports will be like giving a licence to the State Governments to make this Act....

**Mr. Chairman:** All these matters can come in the report of the Health Ministry also.

**Shri S. S. More:** On many occasions the reports are very scrappy. They are only bones like the famished peasant we find in the rural area. There must be more flesh and blood in the report.

**Rajkumari Amrit Kaur:** I have given the assurance that I shall get the information and I shall supply it to the House. But I ask you not to put down anything as a statutory

obligation which I shall not be able to fulfil. That is all that I have to submit.

**Mr. Chairman:** Does the hon. Member want to press his amendment?

**Shri C. R. Narasimhan:** No, I do not want to press it.

**Clause 25.—(Repeal and Saving).**

**Rajkumari Amrit Kaur:** I beg to move:

In page 14, omit lines 40 to 46. It is consequential to the amendment omitting a certain number of lines in clause 1(3).

**Mr. Chairman:** Amendment No. 135 is the result of that amendment?

**Rajkumari Amrit Kaur:** Yes.

**Mr. Chairman:** Amendment moved:

In page 14, omit lines 40 to 46.

**Shri S. S. More:** Are we dealing with sub-clause (3) of clause 1?

**Mr. Chairman:** No, we are dealing with clause 25. Amendment No. 135 relates to that clause.

The question is:

In page 14, omit lines 40 to 46.

The motion was adopted.

**Mr. Chairman:** The question is

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

12 NOON.

**Mr. Chairman:** Now, we shall take up clause 1.

**Clause 1.—(Short title, extent and commencement).**

**Shri S. S. More:** There is a Government amendment.

**Rajkumari Amrit Kaur:** May I just clarify one thing? Yesterday I forgot to move amendment No. 111 which stood in my name. It reads...

**Mr. Chairman:** I will come to that.

**Shri S. S. More:** There is a Government amendment, No. 76.

**Mr. Chairman:** There are several amendments, some by Government and some others. Let us first deal with the other amendments. There is one amendment by Shri Mulchand Dube, No. 48.

**Shri Mulchand Dube:** I beg to move...

**Mr. Chairman:** Is it not practically the same as the Government amendment, No. 76?

**Rajkumari Amrit Kaur:** It is covered by the official amendment.

**Shri Mulchand Dube:** It is covered by the Government amendment.

**Mr. Chairman:** If it is covered, that is all right. There is Government amendment No. 74.

**Rajkumari Amrit Kaur:** I beg to move:

In page 1, line 4, for "1953" substitute "1954".

**Mr. Chairman:** The question is:

In page 1, line 4, for "1953" substitute "1954".

The motion was adopted.

**Rajkumari Amrit Kaur:** I beg to move:

In page 1, lines 8 to 11, omit—

"but section 7 shall take effect in any State only from such date as the State Government may, by like notification appoint, and different dates may be appointed by the State Government for different areas of the State."

**Shri S. S. More:** Before you put it to vote, I want to know what will be the effect of this omission. If this

amendment is passed, will not this Act come into force in all the States? We have had a lot of discussion about this matter in the Select Committee. Looking to the difficulties of the State Governments and looking to the backwardness of some tracts and non-availability of proper machinery for enforcing this Act, it would be unwise to extend the whole thing to all the areas mentioned in this Act unless there is some preparation. We must leave this to the States. Are they ready? Are the local authorities ready? Of course, I share the enthusiasm of the hon. Minister for the measure, but all the same enthusiasm should be accompanied by caution; otherwise, we shall be passing a measure which the local authorities or the State Governments will not be in a position to implement or give effect to.

**Rajkumari Amrit Kaur:** May I give the assurance that the States will be consulted before fixing the date of commencement of the Act?

**Shri S. S. More:** Then the result will be that the original application or introduction of this Act will itself be postponed, because State Governments are not so prompt in replying; particularly in railway areas where the Central Government can make it immediately applicable, you have sufficient experience about the promptness on the part of the State Governments. So at least one year will be required before you receive the opinions of all the State Governments. So we will be passing this measure in such a post-haste that the introductory notification will not be issued till all the States have replied, that is, eventual postponement of this measure.

**Shri Syamnandan Sahaya (Muzaffarpur Central):** Different dates may be fixed for States.

**Shri S. S. More:** But there is no clause like that here. I am not disclosing anything about what happened in the Select Committee, but we have had a lot of discussion and we

[**Shri S. S. More**]

said that looking to the state of their preparedness and all those things...

**Mr. Chairman:** I have no doubt that wherever Mr. More has been in a Committee, there must have been quite an amount of discussion, but at the same time.....

**Shri S. S. More:** I accept that compliment.

**Mr. Chairman:**.....the amendment has been moved and I have to put it to the House. There are safeguards also; different dates may be appointed by the State Governments for different areas of the States. I shall put it to the vote of the House. Anyhow, the vote of the House is final.

The question is:

"In page 1, lines 8 to 11, omit—  
"but section 7 shall take effect in any State only from such date as the State Government may, by like notification, appoint and different dates may be appointed by the State Government for different areas of the State."

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

**Rajkumari Amrit Kaur:** Amendment No. 73 has not been put.

**Mr. Chairman:** That is the Enacting Formula. I will come to it subsequently.

#### **Title and Enacting Formula**

**Shri S. S. More:** There is some correction. We have stated that this Act shall be known as "The Prevention of Food Adulteration Act, 1953", and yet the title is: "Food Adulteration Bill 1952." The correction will have to

be introduced. Why not make it complete?

**Mr. Chairman:** The hon. Members will please see that the words are: "The Prevention of Food Adulteration Act, 1953." In the title, which stands at the top, it is clear: the words are "The Food Adulteration Bill, 1952." The name of the Act is "Prevention of Food Adulteration Act."

**Shri S. S. More:** I brought this to the notice of the House that this very correction should be made. If you think that I have nothing to fight for, it is all right. But I feel that the title at the top and clause 1 should be consistent with each other.

**Mr. Chairman:** I am informed that these words "Food Adulteration Bill" will disappear and that the words will be "Prevention of Food Adulteration Act, 1954." So, any change is unnecessary.

**Rajkumari Amrit Kaur:** I think we may leave it as "The Food Adulteration Bill, 1952." The short title is there.

*I beg to move:*

*In page 1, line 1, after "Parliament" insert "in the Fifth Year of the Republic of India".*

**Mr. Chairman:** The question is:

*In page 1, line 1, after "Parliament" insert "in the Fifth Year of the Republic of India".*

*The motion was adopted.*

*The Enacting Formula, as amended was added to the Bill.*

*The Title was added to the Bill.*

**Mr. Chairman:** Now, there is a consequential amendment by the Government to clause 12. The question is:

*In page 9, line 18, for "further", substitute "also".*

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 12, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 12, as amended, was added to the Bill.*

**Rajkumari Amrit Kaur:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Chairman:** Motion moved:

"That the Bill, as amended be passed."

There is not much time left. So, I would request the hon. Members to be very brief. Within the time left to us we must pass the Bill. As a matter of fact, we have taken too much time to this Bill so far as the original discussion is concerned and so far as the clauses also are concerned. They have all been considered in very great detail, and I will, therefore, request the Members to be very brief and co-operate with me in finishing the Bill.

**संठ गांधिन्द वास (मंडला जबलपुर वीडियो):** समाप्ति जी, मैं दृश्य के साथ कहता हूँ कि मैं इस विधेयक पर स्वास्थ्य भीत्रिणी जी को बधाई देने में असमर्थ हूँ। इसका कारण है। यह जो विधेयक हमारे सामने उपस्थित किया गया उसका एक बहुत पुराना इतिहास है। वह इतिहास आरम्भ होता है सन् १९२६ ई० में जब रायबहादुर रामसरन दास कौसिल आफ स्टॉट के सदस्य थे और मैं भी उसी गृह का एक सदस्य था। उन्होंने सबसे पहले इस प्रस्तुति को उठाया था कि हम शाकाहारियों के लिये जो सबसे आवश्यक पस्तु है वह थी है। थी मैं उसी समय मिलावट प्रारम्भ हुई थी और बनस्पति के उस समय इतने कारसाने नहीं थे जितने उसके बाद धीरे धीरे बनते गये। तभी से यह आवाज उठी कि थी की मिलावट रोकने के लिये हमें कोई न कोई कानून चाहिये, लौकिक वह कानून अब तक नहीं आया। स्वराज्य के

बाद भी यह प्रस्तुत रहा और बड़े बड़े वीडियो की मिलावट का प्रस्तुत आया तब तब सरकार की ओर से यह कहा गया कि किसी प्रकार के भी साथ पदार्थ में मिलावट न की जाय, इसके लिये सरकार एक विधेयक उपस्थित करने वाली है। यह विधेयक उपस्थित हुआ इसमें थी का कोई जिक्र न था। उसके बाद यह विधेयक एक प्रबल समीक्षित के सुपुर्द किया गया और यह आशा की गयी कि प्रबल समीक्षित कम से कम थी के मामले में इस विधेयक में कुछ न कुछ कहेगी। यदि आज मिलावट का प्रस्तुत आप ध्यानपूर्वक देखें तो आपको मालूम होगा कि एक और दूसी दृष्टिकोण है और दूसरी दृष्टिकोण अन्य पदार्थों में जो मिलावट होती है वह बहुत कम होती है। अन्य समस्त पदार्थों की मिलावट को यदि हम एक तरफ देखें और थी की मिलावट को दूसरी तरफ तो थी की मिलावट कहीं बड़े जाती है। मैं यह तो नहीं कहता कि बनस्पति का सारा निर्माण मिलावट के लिये होता है पर मैं यह कहने की जरूरत करता हूँ कि यदि थी में कोई थीज सबसे अधिक मिलायी जाती है तो वह बनस्पति मिलाया जाता है। इस विधेयक की धारा ३ में कहा गया है.....

**Mr. Chairman:** Order, order. As already indicated, there is only one hour left to us. I am sure that there are as many Members as possible who will take part in this debate. So far as the question of vanaspati is concerned, it has been several times objected by the hon. Minister and rightly so. After all, this Bill is not meant to consider the question of the manufacture of vanaspati, etc. The question is only relevant so far as the aspect of adulteration is concerned. I am not submitting to the hon. Member, who is nodding his head, that whatever he said was irrelevant. I am submitting that so far as time permits, we can consider that question to that extent. I request him to be very brief and to finish his speech within, say, a space of seven to ten minutes.

‘ सेठ गोविंद वास’ : मैं केवल मिलावट की बात कह रहा था । मैं वह नहीं कह रहा था कि बनस्पति का निर्माण बंद कर दिया जाय और वह इस विधेयक का विषय है । मैं तो केवल यह कह रहा था कि जो धी की मिलावट की मूल्य चीज़ है वह बनस्पति है और मिलावट जो सबसे अधिक की जाती है वह धी में की जाती है । जहां तक इस विधेयक का सम्बन्ध है, इस की धारा ३ को अब मैं नहीं बदलना क्योंकि मेरा पास समय नहीं है और मिलावट की जो वस्तुयाँ हैं उन पर भी मैं कुछ नहीं कहूँगा । मैं स्वास्थ्य मंत्रिणी जी का ध्यान इस और आकीर्ति करना चाहता हूँ कि जो मिलावट की मूल्य चीज़ धी है उस के सम्बन्ध में यहां पर एक विधेयक उपरीक्षण किया जाना था या इस विधेयक में ही धी के सम्बन्ध में एक विशेष धारा जोड़ने की आवश्यकता थी । मगर दोनों बातों के न होने के कारण इस वित्त का जो अभिप्राय है, इस का जो उद्देश्य है, वह सफल नहीं होता । इसी लिये मैं कहना चाहता हूँ, अपनी स्वास्थ्य मंत्रिणी जी से, कि इस प्रकार का कमज़ोर वित्त, बिल्कुल मैं और आगे बढ़ कर कहना चाहूँगा कि इस प्रकार का निरर्थक बिल, ला कर इस सभा का समय इस विधेयक पर सर्व कराना, जनता का ध्यान एक बात की ओर आकृष्ट करना और जनता को असन्तुष्ट करना, यह उचित बात नहीं है । इसी लिये जैसा मैं ने आप से कहा, कि इस विधेयक से न तो मुझे सन्तोष है और न उन लोगों को सन्तोष होने वाला है जो इस स्थान पदार्थ की मिलावट की मूल्य चीज़ धी की मिलावट को रोकना चाहते हैं । जहां स्वाद पदार्थों की मिलावट रोकने का जिक्र इस विधेयक में किया गया है वहां पर बार बार एक बात कही गई है कि एसी चीज़ों की मिलावट को रोकना जो कि तन्द्रुरस्ती के लिये इन्ड्रियस है, इस विधेयक का कर्तव्य है । ‘इन्ड्रियस’ शब्द का बार बार प्रयोग हुआ है । जहां तक बनस्पति का मामला है, इस दृश में एक विभाग है, और वह विशेषज्ञ का विभाग है जो कि बनस्पति को तन्द्रुरस्ती के लिये, कम

से कम उन लोगों की तन्द्रुरस्ती के लिये जो कि शाकाहारी हैं, इन्ड्रियस मामला है । मैं जानता हूँ कि सरकार के पास भी इस प्रकार के विशेषज्ञ हैं जो इस बात को कहते हैं कि बनस्पति तन्द्रुरस्ती को नुकसान नहीं पहुँचाता । इस लिये जब सरकार इस बात को मानती है कि बनस्पति इस दृश में जो शाकाहारी हैं उन की तन्द्रुरस्ती को भी नुकसान नहीं पहुँचाता, और बार बार इन्ड्रियस शब्द का प्रयोग किया गया है, तो उस के रहते हुए मुझे इस बात का भय है कि पता नहीं कि बनस्पति को मिलावट की इन्ड्रियस चीज़ों में माना जायेगा या नहीं । इसी लिये मेरा निवेदन है कि यह विधेयक न तो लोगों को सन्तुष्ट करने वाला है और न दृश के शाकाहारी लोगों की तन्द्रुरस्ती में कोई कायदा पहुँचाने वाला है ।

सभापति जी, द्विनियां के किसी भी दृश में शाकाहारियों की इतनी बड़ी संख्या नहीं है जितनी कि इस पृण्य भूमि में है, और जो लोग यह कहते हैं कि बनस्पति तन्द्रुरस्ती को नुकसान नहीं पहुँचाता वह अधिकतर मांसाहारी है । उन को दूसरी एसी चीज़ें शरीर के लिये मिल जाती हैं जिस से कि बनस्पति उन को हानि नहीं पहुँचाता । पर जो लोग शाकाहारी हैं उन को बनस्पति बहुत अधिक हानि पहुँचाता है । जो लोग शाकाहारी हैं उन के लिये धी ही प्रधान पार्टिक्युलर क्षुराक है और बनस्पति सब से अधिक धी में ही मिलाया जाता है ।

इस लिए यह विधेयक हमारे उद्देश्य को पूरा नहीं करता, यह पास भले ही कर दिया जाय, और पास होने वाला ही है । हम आगे दृश्यों कि इस का क्या नतीजा निकलता है । मैं स्वास्थ्य मंत्रिणी जी से कहना चाहता हूँ कि यदि वे इस दृश की इस प्रधान मिलावट को रोकना चाहती हैं, यदि वे चाहती हैं कि इस दृश के जो शाकाहारी लोग हैं उन की तन्द्रुरस्ती को कायदा हो तो धी के सम्बन्ध में उन को एक नया विधेयक शीघ्र से शीघ्र इस सदन में उपरीक्षण करना चाहिये ।

**बाहू रामनारायण शिंह** (हजारीबाग पश्चिम) : सभापति जी, मैं आप को बहुत धन्यवाद देता हूँ और अपने को बधाई देता हूँ कि आज इस समय पर मेरी और दूनियां आशा पर जीती हैं।

सभापति महोदय, इस लोक सभा में बहुत कानून पास हुए हैं, सरकार का पुस्तकालय कानूनों से भरा पड़ा है, लैकिन जितने कानून पास होते हैं उन का फल इतना ही दूखता हूँ कि सरकार को पैसे मिलते हैं, सरकार सारी है और मोटी होती है, पर जनता को कोई लाभ होता हुआ नजर नहीं आता है। लैकिन इस विधेयक के सम्बन्ध में मंत्रिणी जी को बहुत बहुत धन्यवाद मिला है, बधाई भी मिली है, लैकिन निराशा के साथ। मुझे एक बात का आनन्द अवश्य हुआ कि इस विधेयक पर बोलने के समय हमारे कांग्रेस के सदस्यों ने भी अपने विल की बात कही है। आप भी बोल सके हैं। इस के लिये मैं कांग्रेस सदस्यों को भी बधाई देता हूँ कि इस विल पर बोलने के समय उन को साहस हुआ और सरकार के सम्बन्ध में तथा इस विधेयक के सम्बन्ध में वे लोग दिल खोल कर बोल सके। और अभी हमारे .....

**Mr. Chairman:** I am very sorry to interrupt but the rules require that at this stage only such changes could be discussed as have been made in this Bill. I would request the hon. Member not to waste even a minute or two on just criticising the attitude of this party or that party. Because the time is very short I would request the hon. Member to kindly concentrate on the Bill itself.

**बाहू रामनारायण शिंह :** सभापति जी, आप ने जो कहा वह मुझ को शिरोधार्थ है। मैं किसी के ऊपर टीका टिप्पणी नहीं कर रहा हूँ, मैं केवल उत्साह के कारण बोल रहा हूँ। यद्यपि सेठ गोविन्द दास तथा अन्य लोग निराशा की छाया उत्पन्न करते थे, मैं यह जान कर के कि दूनियां आशा पर जीती हैं, मंत्रिणी जी को धन्यवाद और बधाई देता हूँ।

केवल आशा पर। अगर पूरी आशा मुझे भी होती तो मैं बहुत उत्साह के साथ धन्यवाद देने का अक्षमता पाता और बहुत सुशी की बात रहती। लैंड, वह आशा तो नहीं है, लैकिन तो भी यह जान कर के कि, जैसा मैं ने पहले कहा है, दूनियां आशा पर जीती हैं, मैं उन को बधाई देता हूँ।

मंत्रिणी जी ने कहा कि उन को सहयोग मिलना चाहिये। मैं उन से कहता हूँ, और सारी सरकार से कहता हूँ कि भले काम के लिये जिस वक्त सरकार लड़ी होगी, उस को दृश्य के कोने कोने से सहयोग प्राप्त होगा, इस में कोई सन्दर्भ नहीं, सास कर के इस विषय में तो असहयोग का कोई प्रश्न ही नहीं है। सभापति महोदय, जब इस सभा में, इस दृश्य की लोक सभा में कोई भी विधेयक आता है तो उस से दृश्य का चरित्र प्रतिविम्बित होता है, दृश्य की परिस्थिति प्रतिविम्बित होती है। किसी भी दृश्य में इस प्रकार की बातें नहीं होतीं कि साधा पदार्थ में इस प्रकार की मिलावट हो जिस से दृश्य के लोगों को हारी पहुँचे। लैकिन हमारे दृश्य का दुर्भाग्य है कि इस युग में ऐसा विधेयक आता है। लैंड, अब भी अगर सचमुच सरकार की नींद टूटी है तो वही सुशी की बात है और मैं यहां पर कहता हूँ कि सरकार को सहयोग मिलेगा इस में कोई शक नहीं है। लैकिन सहयोग प्राप्त करने के लिये सरकार के पास भी कुछ अकल होनी चाहिये और इमानदारी होनी चाहिये। मैं तो कहता हूँ कि हमारे दृश्य की परिस्थिति इतनी बिगड़ी हुई है कि हर विषय में, साधा पदार्थ में दूरी चीजों की मिलावट होना तो एक चीज है, हर विषय में सरकार एक चीज है और जनता दूसरी चीज। सरकार और जनता में मेल मिलाप हो, सरकार के साथ जनता का सहयोग हो, वह दिन आना चाहिये कि सरकार और जनता एक हो। जिस दिन लोग और सरकार एक होंगे उस दिन सहयोग मिलेगा और सब काम ठीक से चलेगा। अभी तो ठीक से नहीं चल रहा है। अभी कुछ लोगों ने एक

[बाढ़ रामनारायण रिंसह]

संशोधन दिया कि जो लारीदाने वाला है, जिस की हानि पहले हुई है, सब से पहले उस को ही मुकदमा चलाने का अधिकार हो। लैकिन मंत्रिणी जी ने नहीं माना। इस के मानने में क्या हानि थी?

सभापति महावृष्टि : मान तो लिया है।

बाढ़ रामनारायण रिंसह : सरै इस के लिये वधाई है। मैं बाहर गया हुआ था इसलिए नहीं सुन पाया। मैं अधिक नहीं कहना चाहता। मेरा कहना यही है कि मंत्रिणी जी के पास दृश्य की सारी शक्ति है और उनको जहां जहां से जो जो सहायता मिलनी चाहिए वह मिलेगी। वे दृश्य में एक वायुमंडल पैदा करें जिससे दृश्य में लोग खाने पीने की किसी भी चीज़ में मिलावट करना चुरा समझने लगें। जैसा और भाइयाँ ने कहा, यह तो एक तरह का खून करना है। खून करने वाला तो एक दिन खून कर देता है लैकिन इस तरह की मिलावट करने वाले तो लोगों का बहुत दिनों में धीरे धीरे खून करते हैं। इसमें शक की बात नहीं है। इस वास्ते उनको दृश्य में सब से प्रथम एक वायुमंडल पैदा करना चाहिए और जो लोगों ने निराशा की भावना प्रकट की है उसको दूर करना चाहिए। इस वास्ते मैं हृदय से शुभकामना करता हूँ कि इस विधेयक के सम्बन्ध में जो अभी कानून हो जायगा जो जो अभिलाषा जिस किसी को हो इश्वर वह अभिलाषा पूरी करें।

श्री राधा इमण (दिल्ली नगर) : सभापति जी, मैं सर्व प्रथम अपनी स्वास्थ्य मंत्रिणी जी को इस विधेयक के लिए जो कि उन्होंने सदन के सामने रखा है, हृदय से धन्यवाद दिना चाहता हूँ। यह ठीक है कि इस सदन में हमारे बहुत से मित्रों ने इसकी कड़ी आलोचना की है और इसमें जो क्लाउबर हैं उनमें से कुछ के लिए यह बताया है कि उनसे जो आशा की जाती है वह पूरी नहीं होगी। लैकिन मैं यह बताना चाहता हूँ कि जब हम दृश्य में किसी पीड़ा से कोकी व्यविधत होते हैं और हम यह

चाहते हैं कि दृश्य की अवस्था सुधर तो हमें कोई कदम उठाना पड़ता है और वह कदम ऐसा नहीं होता जिसे हम हर प्रकार से मुकामिल कह सकें। वह एक रास्ता होता है जो हमें उस तरफ ले जाना चाहता है। और अगर सब लोग उसमें अपना सहयोग दें और उस पर नेकनीयती से अमल किया जाय तो निःसन्देह उसके बहुत अच्छे नतीजे निकल जाते हैं।

यह विधेयक जो आज सदन के सामने है लगभग तीन वर्ष से दृश्य के सामने रहा है। इस पर पहले भी काफी विचार हो चुका है। फिर यह एक सिलेक्ट कमेटी के सुपुर्दि किया गया जिसने सब बातों पर विचार करके जो कुछ भी उसका निर्णय था दिया और उसके बाद अब यह सदन के सामने आया है। इस बीच में इसमें अनेकों संशोधन हुए हैं और सदन में भी इस दो दिन की बहस के दौरान में मंत्रिणी जी ने कुछ संशोधन मंजूर किये हैं। मेरा अपना स्वाल यह है कि जब सर्व प्रथम यह विल दृश्य के सामने आरे सदन के सामने आया था उस समय इसमें काफी चुटियाँ भी जिनके कारण जो आशाएँ हम रखना चाहते थे वे पूरी होती नजर नहीं आती थीं। लैकिन आज जिस शक्ति में यह विधेयक हमारे सामने है उससे हमें पूर्ण विश्वास है कि इससे जो आशाएँ हम रखते हैं वह हम पूरी होती रहते रहेंगे।

संठ गोविन्द वास : बहुत कम।

श्री राधा इमण : अगर आप को इस पर विश्वास नहीं है तो इसके लिए तो भझो और सब लोगों को दूँख है क्योंकि जिस चीज़ को बहुत निर्णयपूर्वक आप करते हैं और पहले से ही उसके लिए अपने दिल में निराशा पैदा कर लेते हैं तो समझ लीजिये कि जिस काम को आप करना चाहते हैं उसको लक्ष्य करने का बीड़ा आप पहले से ही उठा लेते हैं। मैं कहूँगा कि हम में इस तरह की निराशा का

होना उस काम को मंजिल तक न ले जाने के लिए काफी है। आज हतना विचार करने के बाद जो बिल आपके सामने आया है उसमें हमें प्रा प्रा सहयोग देना चाहीए और उसे कामयाची की उस मंजिल तक ले जाने की परी कीशश करनी चाहीए कि बिस कामयाची की मंजिल को हम दूखना चाहते हैं।

आज यह सवाल है कि दूश में इस बक्त खाने पीने की चीजों में इतनी बवरदस्त मिलावट है, स्वासकर दिल्ली शहर में जहां का मुझे तजर्बा है क्योंकि मैं यहां का रहने वाला हूं, कि उसको दूशकर शर्म से हमारा सिर हटक जाता है और हम महसूस करते हैं कि हम किस दर्जे तक गिर गये हैं। यही कारण है कि यह महसूस किया गया कि एक ईसा बिल आपके सामने आये और वह आया। और सभापति जी मैं समझता हूं कि बिस शक्ति में यह बिल आज हम लोगों के सामने आया है वह हम लोगों के लिए एक नेक कदम है और इसके जो नतायज होंगे वे भी अच्छे होंगे।

सेठ गोविन्द वास : पहाड़ खोदा तो चहा निकला।

श्री राधा रमण : यह कहना कि हम चाहते हैं कि यह बिल ईसा हो कि बिसमें हम खान पान की चीजों में किसी मिलावट करने वाले को शहर में न दूख सकें और इस तरह का कोई आदमी शहर में रह ही न पावे, तो मैं कहूंगा कि यह स्वाल बहुत नेक है, लैकिन मैं समझता हूं कि जो साहब वार वार इस बात को कहते हैं कि खोदा पहाड़ और निकला चहा, उन्होंने कोई पहाड़ निकाला हो ईसा नहीं दिलायी देता और वह दूहे के ही पीछे लगे रहते हैं और उसको भी माँका नहीं देते कि वह अपनी काम कर सके। तो मैं आपसे अर्ज करूँगा कि मेरी राय में यह विधेयक एक निहायत ही अच्छा कदम है और हमारे दूश के लिए एक ईसा कदम है जिससे हम यह उम्मीद कर सकते हैं कि खान पान की चीजों में जो आज मिलावट दूखने में आती है वह

कम होगी और जो लोग इस किस्म का काम करते हैं वे ईसा करने से गुरुज करेंगे।

एक बात जो इस सिलसिले में यहां बहुत काफी कही गयी और जिसकी जिम्मेदारी हम पर है उस पर मैं सदन का ध्यान दिलाना चाहता हूं। कोई विधेयक आप दूश के अन्दर लाइये, जबतक आप उस पर अमल करने को कटिबद्ध नहीं हो जाते और अपनी सारी शक्ति उसे सफल करने में नहीं लगा देते तबतक चाहे वह कितना ही अच्छा विधेयक हो उसमें उसकी कामयाची नहीं हो सकती। आज हालत यह है कि हम खाने पीने की चीजों की मिलावट की तो बहुत चर्चा करते हैं मगर दूश के बहुत कम लोग ईसे हैं जो अपना कुछ भी बक्त इस काम में लगाते हैं कि आस पास जो ईसी चीजों मिलती हैं उन्हें बन्द किया जाय और न मिलने दिया जाय और जो इस तरह का काम करने वाले लोग हैं उन्हें मुहम्मत से और प्रेम से बतलाया जाय कि इसके क्या बुरा नतायज हैं। आज जो सदन के ५०० सदस्य हैं वे अपनी अपनी कांस्टीट्यूशनों में जाकर इस प्रकार की कीशश करते हैं तो मैं समझता हूं कि यह विधेयक चाहे जितना ही कमज़ोर क्यों न हो और चाहे इसमें उतनी सख्त सजायें न रखी गयी हों जैसी कि हमारे सदन के बहुत से भाई और बहिनों की इच्छा भी, तो भी इसके अच्छे नतीजे निकल सकते हैं। हम हमेशा केवल कानून की शरण लेते हैं लैकिन महज कानून की शरण लेने से उतने अच्छे नतायज नहीं निकलते जितने कि अपनी आवाज को चुलन्द करने से निकलते हैं। अगर हम जनता में जाकर इसके बुरा नतायज की तरफ उनका ध्यान दिलायें तो बहुत अच्छे नतीजे निकल सकते हैं। इसलिए जहां मैं स्वास्थ्य मंशिणी जी को इस विधेयक के लिए बधाई देना चाहता हूं वहां मैं तमाम सदस्यों से यह कहना चाहता हूं कि वे सारे दूश में इस कानून पर अमल करने में अपना प्रा प्रा सहयोग दें। इसको सफल बनाने के लिए हमें प्रा प्रा प्रथम करना

[श्री गधा रमण]

चाहिए जिससे कि हम दूर के सामने यह रख सकें कि यह भयंकर बीमारी हमारे बीच से कम हो गयी है या सत्त्व हो गयी है।

इतना कह कर मैं आपका कृतज्ञ हूँ कि आपने मुझे समय दिया, और मैं इस विधेयक को पास करने के लिए संसद से अनुरोध करता हूँ।

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That the question be now put."

Mr. Chairman: The question is:

"That the question be now put."

The motion was adopted

राजकुमारी अमृतकर्ण : सभापति जी, मुझे बहुत कहना नहीं है। मैं इतना ही कहना चाहती हूँ कि मैं लोक सभा के सदस्यों को हार्दिक धन्यवाद देती हूँ कि उन्होंने तमाम इस विल के बनाने में मेरे साथ सहयोग दिया। जब से मैं स्वास्थ्य के मुहकमे में सेवा करने के लिए आयी हूँ तब से मेरा दिल दुखता रहता था कि हमारे बच्चों को पानी मिला दूध मिलता है, शुद्ध धी दूरा में नजर नहीं आता। चाहे चावल हो या आटा हो, जो भी हो सब चीज़ में मिलावट होती है। इसलिए यह मेरी दिली ख्वाहिश थी कि यह मिलावट किसी न किसी तरह दूर कर दी जाय और जब भी मेरे हाथ मैं यह शरीकत आयी कि मैं इस विल को लोक सभा के सामने रख सकूँ तो मैं न उस विल को रखा। मुझे इतना ही अफसोस है कि सिलंकट कमेटी से आने के बाद यह विल ढृढ़ साल तक पड़ा रहा और केवल आज ही यहां आ सका। लैंकन आज भी आया सो भी अच्छा है, और मैं आशा करती हूँ कि इससे हमें बहुत कुछ फायदा पहुँचेगा। जैसा आप लोगों ने सहयोग यहां दिया है, आप लोगों से मेरा यही निवेदन है कि बाहर भी मुझे वही सहयोग दे और इस बीमारी को मैं इसे एक बहुत भयानक बीमारी समझती हूँ जो कि तमाम दूरा में फैली हुई है दूर करें। बहुत

इस बात की है कि हम सब मिल कर इस की तोकथाम में जुट जाय ताकि यह हमारे दूर हो जाय और हमारी जनता की आँखें खास कर हमारे बच्चों की सेहत की रक्षा हो।

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### UNTOUCHABILITY (OFFENCES) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom, be referred to a Joint Committee of the Houses consisting of 49 members, 33 from this House, namely, Shri Upendranath Barman, Shri Narayan Sdoba Kajrolkar, Shri T. Sanganna, Shri Pannalall Barupal, Shri Naval Prabhakar, Shri Ajit Singh, Shri Ganeshi Lal Chaudhary, Shri Bahadurbhai Kunthabhai Patel, Shrimati Minimata, Shri Motilal Malviya, Shri Doddha Thimmaiah, Shri Rameshwar Sahu, Shri M. R. Krishna, Shri Ram Dass, Shri Nemi Saran Jain, Pandit Algu Rai Shastri, Shri Shree Narayan Das, Shri S. V. Ramaswamy, Shri Resham Lal Jangde, Shri Balwant Nagesh Datar, Shri P. T. Punnoose, Shri Mangalagiri Nanadas, Shri P. N. Rajabhoj, Rt. Rev. John Richardson, Shri A. Jayaraman, Shri V. G. Deshpande, Shri B. S. Murthy, Shri Vijneshwar Missir, Shri R. Velayudhan, Shri N. M. Lingam, Shri Mohanlal Saksena, Shri N. C. Chatterjee, and Dr. Kallas Nath Katju and 16 members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last

day of the first week of the next session:

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variation and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

I do not propose, Mr. Chairman, to make any long speech. Indeed, I might, with great respect, say to the House to accept this motion for reference to a Committee without any great debate because I think it is recognised on all hands that an Untouchability Bill is required. The Constitution has already abolished untouchability and I have heard over and over again that such a Bill has long been overdue. I notice that one of the amendments tabled is that the Bill be circulated for eliciting public opinion. I respectfully suggest that this procedure might be useful where there may be a possibility of a difference of opinion and one might like to ascertain in what direction the current of public opinion is flowing. But where there is no room for doubt or dispute, no room for any divergence of opinion and there is, if I may put it that way, universal agreement that the Bill is necessary and should be urgently passed, where is the necessity for such a procedure? Indeed, some Members have already complained against me that there has been delay in the introduction or in the passage of this Bill. I therefore think that in a case like this, this eliciting of public opinion is really not a necessary process. I dare say the Select Committee will take some time over it. The Bill has been before the public for seven or eight months. And organisations, groups, individuals, anyone who wants to

voice his own opinion or to offer suggestions would himself come forward and let the Committee have memoranda, or write to them, or ask for oral examination. I am personally anxious that this Bill should find its way on the statute book as early as possible. I would have really liked to put through this Bill in the last Session. But there was such congestion of legislative business that it could not be brought forward at that time. That is about this small matter of referring the Bill for eliciting public opinion by a certain date.

Now, I imagine hon. Members have read through the Bill and so the Statement of Objects and Reasons. It is, what I call, a coercive measure. And all legislation must, of necessity, be of a coercive nature: "well, this is the law of the land; you must obey". The laws of the land are intended to be obeyed till they are altered by Parliament or by proper legislative process. And if the laws of the land are not obeyed, then it is not a matter of mollycoddling and trying to tell the people "do not do it". You are punished

Therefore, every clause of this Untouchability (Offences) Bill is of a coercive nature. It states that untouchability has been abolished and directs that the so-called untouchables should be treated with respect, should be accorded equal rights which are guaranteed to them by the Constitution. It is not a question of rights guaranteed to them; rights are guaranteed to every citizen, irrespective of class, caste or creed.

Hon. Members know what are the general provisions. So far as I know—and I imagine hon. Members will share my opinion—in the urban areas there is not much of untouchability left, because there is a good deal of political consciousness, there are public speeches, political discussions, and the provisions of the Constitution have become well known. So there is not much of untouchability left. But the complaints, which I hear, which

[Dr. Katju]

hon. Members hear and which are represented on the floor of this House and State Legislatures, are that it still persists in the rural areas. Even among the rural areas conditions differ from State to State. So far as what was termed in the olden days as British India was concerned, that has been undergoing a continuous process of political education, and social education under the great and inspiring leadership of Gandhiji for the last thirty years and his message had reached every single village in British India. But what we used to call in the olden days the Indian States areas which are now represented by Part 'B' and Part 'C' States, I fear that the conditions existing there are not so advanced in this particular matter as conditions in other parts of India. In Rajasthan, Madhya Bharat, PEPSU and other places all things still persist. In these matters progress is bound to be slow and a good deal of propaganda and persuasive education is required and what is more necessary is a personality. The man who preaches should be one who inspires respect, and veneration. If he goes and conveys the message, people listen to him; Gandhiji said the same thing, and even today we are seeing in Bihar and in many other places it is not what is spoken but people sometimes attach greater weight as to who speaks. If you get the same message, you get the same education, you get the same speech you see by whom it is delivered? Is it delivered by one whom the people venerate, like and admire? Well, he carries influence. If it is delivered by someone else, it is a speech and nothing more. So the conditions in rural areas differ. I have always held the view, Mr. Chairman, that while the Legislature must act, is bound to act, should act and take measures to show to every citizen of India that this untouchability business shall no longer be tolerated; at the same time, we must always bear in mind Gandhiji's teachings that there should be to supplement the legal process active

social propaganda among the people. He used to teach all of us that there should be, so to say, *prayaschit* to be performed by the so-called high caste people for the great inequities which they practised for the last one thousand or two thousand years. They must change their outlook on life. There must be an active change of heart. That I venture to suggest to you, is of the utmost consequence because sometimes a discursive course prevails. I will give you just one instance. I was in Calcutta. I read one morning in the newspaper that some action had been taken against a barber. There is some State law there because he had refused to shave a Harijan. I do not know whether he was a high caste barber or whether he was one of the Harijans. You know there are distinctions between Harijans and Harijans. There are grades and he was fined Rs. 15/- The barber approached an outstanding man there. He was a great advocate who took up the case and fought it. He must have been paid a large sum by the barber. The barber said: 'I have done nothing. I am not bound to shave everybody who comes to me. It is my fundamental right either to shave or not to shave.' He will say, if you say that I must shave everyone, this is opposed to the Constitution. I do not know what the argument was. But, the newspapers said that the revision was rejected. You have to change the heart of the barber. Otherwise, he will say, if you compel me to shave a Harijan, I am not going to carry on this trade at all. I will rather sit at home. I do not remember, probably Shri H. N. Mukerjee might, whether he was running a hair-cutting saloon or whether he was a wayside barber. Supposing he says, I shut my hair-cutting saloon or I do not sit on the wayside in Chowringhee, I go home, if anybody comes to my house, I will shave, otherwise I won't, what happens?

Shri A. K. Gopalan (Cannanore): What has Shri H. N. Mukerjee to do with this?

**Dr. Katju:** The law does not help. Let us think over this matter. I should like to ask all my brethren here who represent the Harijan community what they want. Do they want equality or do they want a particular right? This has always struck me in the case of the right of entry into temples, the right of drawing water, etc. You go to a village in Rajasthan or Madhya Bharat: backward areas. The old notions persist there. Supposing a man is forbidden to draw water from a well in accordance with existing customs; we enforce the law and send the man to jail for six months. He draws water. It is not a fictitious supposition. Suppose the people in that village combine and say, this well has now become *brash*, has become defiled, we will sink another well; so far as this well is concerned, we won't use it. The result is that that well is practically confined to the use of my brethren of the Scheduled Castes. Would that make them happy? It would not make me happy. What they want is equal user. What I think they want is that everybody should go to that well and use it just as I use a third class compartment in a railway carriage. The carriage is crowded. Brahmins, Kshatriyas, everybody is there; Hindus and Muslims. We have got the railway ticket. We never enquire from our neighbour, what is your caste, shall I sit with you, are you an untouchable, etc. We all use it. I have talked to them. What these people want is not the facility for drawing water. What they want, and rightly want and should have, is complete equality with the Hindus, the right of rubbing shoulders with them, and that applies to temples also. Suppose I go to a temple limited to the high castes, Brahmins or anybody, and the *pujari* says that it has been defiled, people stop going there. I know this and this came to me as a flash of light. I was talking to a lady. She said, I used to go to such and such temple of Deviji. Then, I asked her, what has happened, don't you go nowadays? She said, I have given it up. I asked why? She said,

"*brash* ho gaya". I asked, what has become, *brash*. She said, the doors have been opened to the Harijans and, therefore, I do not go there now. Supposing that spreads, the Harijans will not be happy.

**Shri P. N. Rajabhoj** (Sholapur—Reserved—Sch. Castes): On a point of order, Sir,

हम लोगों को हरिजन शब्द अच्छा नहीं सगता है। हम लोग अछूत हैं, हम को अछूत कहा। हरिजन शब्द बहुत लराब है, हम लोगों के लिये हरिजन शब्द नहीं कहना चाहिये। दीलत कहा, अछूत कहा लैंकिन हरिजन नहीं कहना चाहिये।

**Dr. Katju:** I should like to assure my hon. friend, Shri P. N. Rajabhoj that for the last 20 years, I have been in season and out of season taking the strongest objection to the naming of any *ashram* as Harijan Ashram or the use of the word Harijan anywhere.

**श्री पी० एन० राजभोज :** यह बहुत लराब शब्द है।

**Dr. Katju:** Do not get up too often.

**Shri Velayudhan** (Quilon cum Mavelikkara—Reserved—Sch. Castes): I welcome that word. It is commonly used.

**Dr. Katju:** It is not a question of...

**श्री नवल प्रभाकर** (वाहूय दिल्ली—राजीवत—अनुसूचित जातियाँ): सभापति महादेव, श्री राजभोज ने अभी हरिजनों के लिये अछूत शब्द कहा। हम उस के ऊपर एतराज करते हैं। हम लोग न अछूत हैं और न अछूत बनना चाहते हैं।

**श्री पी० एन० राजभोज :** यह कांगूस हरिजन हैं जो हरिजन शब्द को बहुत लराब मानते हैं।

**Mr. Chairman:** Order, order. Will the hon. Member resume his seat? It is not fair. May I ask the hon. Member to resume his seat and not shout?

[Mr. Chairman]

After all, the dignity of the House must be kept. If several Members rise up and begin to speak all at once, there will be nothing but pandemonium here. I would request Members to keep cool and speak with dignity, one by one; so that the dignity of the House may be maintained.

श्री वी० एम० राजभाऊः अच्छा में नमूता से कहना चाहता हूँ कि चेयरमैन महादय कृपा करके होम मिनिस्टर साहब को यह शब्द न बोलने दें।

Mr. Chairman: This request has been made by the hon. Member once before. Other Members from the Scheduled Castes say that they do not like the word "Achhut". The request has been made, and let the hon. Minister use such word as he pleases. After all, the word "Harijan" is not one to which all Members take exception. If all the Members begin to take exception to one word or the other, I think it will be difficult to find any word which will properly describe the Scheduled Castes.

Dr. Katju: So far as I am concerned, I have just coined a phrase. I will always refer to "the brethren of the community under present discussion". That should please everybody. I will not use the word "untouchable", nor the word "Scheduled Castes" because that is a monstrosity, nor "Harijan" nor anything. I will say "brethren of the community now under discussion". I think that ought to satisfy all.

Shri S. S. More (Sholapur): On a point of clarification. The Bill refers to offenders who commit certain offences, and the community under discussion is the offenders. Is he referring to them as offenders?

Dr. Katju: The offender am I. They are the offended. You are again mistaken. This Bill deals with offend-

ders and the offenders are always the opposite party, people who prevent others from going to drawing in a well, people who do not shave, people who refuse to let them enter into hotels and so on and so forth.

Shri S. S. More: Again, on a point of clarification. My friend Shri Asoka Mehta does not shave. Does he refer to people like him?

Dr. Katju: What is my hon. friend thinking of?

Shri A. M. Thomas (Ernakulam): He wants to provoke you. That is all.

1 P.M.

Dr. Katju: I said so far as this Bill is concerned, probably it will receive wide acclamation. I was trying to draw the attention of the House to the fact that we should not rest content with the passage of the Bill. It is the duty of every one of us here and outside, people who want to represent public opinion, guide public opinion, lead public opinion, to make the utmost effort to persuade people, particularly of the other sections of the community, to see that these distinctions are abolished for ever, because it is not only a question of creating hostility, because I am sometimes afraid of even law and order problems. You pass a law of this description, and supposing public opinion is not behind it in an overwhelming measure, then what is the result? Riots take place. There is assault, disturbances. I have heard them with my own ears. When I go to villages, people come and say: "What is to be done? Please protect us." Therefore, I insist upon that aspect. And I tell you, unless and until you get this public education and overwhelming public opinion of crores of people behind you, these laws will not succeed. When I used to go to Bengal, I was rather amused by a particular instance. You know, in the villages there; it is usual to have large gatherings of boys and girls,

etc. In Bengal, it is very easy to distinguish among the people present, as to whether a girl is a married girl or still a maiden, by looking for the sindoor over her head. On one occasion, this is what I noticed. Here was a girl about nine years old, and there was the sindoor quite all right on her head. I immediately thought of the Sarda Act. I just asked the girl to come up, and asked her, what is your age. Without hesitation, that small girl replied, fourteen. Here was a girl eight or nine years old, and she had learnt that lesson to say fourteen. In Bengal, the Sarda Act is really a dead letter, not in the cities, but in the villages. (Interruptions). You may pass a law, but you cannot enforce it unless you have public opinion behind it. I say the same thing about this Bill also. Every section which is a justified section ought to be more stringent, and when cases are taken to the courts, there will be no softness in those cases. If any citizen of India is not permitted to go into a temple or to exercise rights conferred upon every other citizen on public highways, in schools, dispensaries, colleges, public eating places, hotels etc then, the offenders ought to be punished. But please remember that mere punishments do not increase affection. If you get somebody punished and sent to jail for six months, please do not be under a false notion that by having that man punished, you have brought the two communities together; you have really estranged them. Unless and until the community, to which the man who has been punished belongs, is so strongly and so solidly behind the provisions of this Bill that they are prepared to condemn that man and say that he has brought a disgrace upon their community by acting in that manner, you will not succeed. But if in that community the overwhelming opinion or the majority opinion is in favour of the offender, then, from what I know of human nature, I can say the result will be even increase in crime, increase in disabilities social boycott and what not.

This was what I intended to say. I will not take any more of your time. I do entreat that we should get along with this Bill as quickly as possible. The House will have a comparatively short session, and the Select Committee, if this Bill is referred to the Select Committee, will be meeting, I hope, sometime in October or early November. Then, we may be able to place this Bill on the statute-book before the end of the year, and satisfy my brethren of the community who are under discussion.

**Shri Velayudhan:** We are not satisfied with Bills only.

**Dr. Kasturji:** We mean business by them, and our professions are not merely empty professions, but everyone of us is most anxious that untouchability should be banished from this land root and branch.

**Mr. Chairman:** Motion moved:

"That the Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom, be referred to a Joint Committee of the Houses consisting of 49 Members, 33 from this House, namely, Shri Upendranath Barman, Shri Narayan Sadoba Kajrolikar, Shri T. Sanganna, Shri Pannalal Barupal, Shri Naval Prabhakar, Shri Ajit Singh, Shri Ganeshi Lal Chaudhary, Shri Bahadurbhai Kunthabhai Patel, Shrimati Minimata, Shri Motilal Malviya, Shri Dodda Thimmsiah, Shri Rameshwar Sahu, Shri M. R. Krishna, Shri Ram Dass, Shri Nemi Saran Jain, Pandit Algu Rai Shastri, Shri Shree Narayan Das, Shri S. V. Ramaswamy, Shri Resham Lal Jangde, Shri Balwant Nagesh Datar, Shri P. T. Punnoose, Shri Mangalagiri Nanadas, Shri P. N. Rajabhoj, Rt. Rev. John, Richardson, Shri A. Jayaraman, Shri V. G. Deshpande, Shri B. S. Murthy,

[Mr. Chairman]

Shri Vijneshwar Missir, Shri R. Velayudhan, Shri N. M. Lingam, Shri Mohanlal Saksena, Shri N. C. Chatterjee, and Dr. Kailas Nath Katju and 16 Members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by the Rajya Sabha to the Joint Committee."

**Shri P. N. Rajabhoj:** Who will be the Chairman of the Committee?

**Mr. Chairman:** That will be decided by the Speaker.

**Shri P. N. Rajabhoj:** I will suggest Dr. Ambedkar's name. He should be taken from the other House.

**Mr. Chairman:** We do not know whether the motion will be carried. If the motion is carried, then the question will arise. It is ultimately for the Speaker to decide.

**Shri Lokanath Mishra (Puri):** The Chairman should be from the Lok Sabha.

**Mr. Chairman:** There are many amendments to this motion. I would like to know from hon. Members which motions are going to be moved. One is in the name of Shri Velayudhan.

**Shri Velayudhan:** I am not moving it.

**Mr. Chairman:** Then there is an amendment by Shri P. N. Rajabhoj. Does he want to move it?

**Shri P. N. Rajabhoj:** I do not want to move it.

**Shri V. G. Deshpande (Guna):** I wish to move my amendment No. 4.

**Shri D. C. Sharma (Hoshiarpur):** I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon from the various political, social and religious organisations in the country including the organisations devoted exclusively to the cause of scheduled castes by the 30th November, 1954."

**Mr. Chairman:** Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon from the various political, social and religious organisations in the country including the organisations devoted exclusively to the cause of scheduled castes by the 30th November, 1954."

**Shri Thimmaiah (Kolar—Reserved—Sch. Castes):** I am not moving my amendment.

**Shri M. S. Gurupadaswamy (Mysore):** On a point of order, Sir.....

**Shri Bogawat (Ahmednagar South):** I wish to move my amendment No. 2 in list No. 1.

**Mr. Chairman:** Then there is one amendment by Shri Somana. But is it not the same as the one by Shri V. G. Deshpande?

**Shri S. S. More:** But can Shri Deshpande move his amendment?

**Shri V. G. Deshpande:** I can move it.

**Shri S. S. More:** On a point of order, Sir. He has accepted membership of the Select Committee and we assume that when his name was mentioned, he had given his consent to work on the Select Committee. By consenting to work on the Select Committee, he knocks out the bottom of his own motion. He cannot move his motion.

**Mr. Chairman:** It is for him to say whether he wants to remain a member of the Select Committee.

**Dr. Ram Subhag Singh (Shahabad South):** He has already accepted the membership of the Select Committee.

**Shri S. S. More:** He is a member of the Select Committee.

**Mr. Chairman:** Yes, as the hon. Member has accepted nomination to the Select Committee, I suppose he is agreeable to the principles underlying the Bill.

**Shri V. G. Deshpande:** I may submit one thing.....

**Shri C. K. Nair (Outer Delhi):** But the House has not accepted it....

**Mr. Chairman:** There is no point in asking whether the House has accepted it or not. When a Member gives his consent to work on a Committee.....

**Shri V. G. Deshpande:** What I am saying is that I accept the principle. But other things should not be forced on me. I accept the principle of the Bill. That is taken for granted by being a member of the Select Committee. But is there any legal bar to my moving a motion that public opinion should be ascertained before this Bill is sent to the Select Committee?

**Mr. Chairman:** This is the convention of the House; if a member accepts membership of a Select Com-

mittee, he cannot be allowed to move a motion of this nature. I hope the hon. Member is agreeable to serve on the Committee.

**Shri V. G. Deshpande:** If it is not admissible, then I will not move it.

**Mr. Chairman:** So far as the motion by Shri Bogawat is concerned. I am afraid I shall have to rule it out, as the names of the persons are not indicated.

**Shri Bogawat:** I have moved the motion only to have the names of the Lok Sabha Members who are the representatives of the voters.

**Mr. Chairman:** He has not indicated them.

**Shri Bogawat:** I said I would give the names at the time of making the motion. 33 names.

**Mr. Chairman:** I now see here the names. So, there are two motions—one by Shri Bogawat and the other by the hon. Home Minister.

**Shri N. Somana (Coorg):** I am moving my amendment.

**Shri D. C. Sharma (Hoshiarpur):** I have already moved my amendment.

**Shri Bogawat:** I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Shri Narayan Sadoba Kajrokar, Shri T. Sanganna, Shri Pannalall Barupal, Shri Naval Prabhakar, Shri Ajit Singh, Shri Ganeshi Lal Chaudhary, Shri Bahadurbhai Kunthabhai Patel, Shrimati Minimata, Shri Motilal Malviya, Shri Dodda Thimmaiah, Shri Rameshwar Sahu, Shri M. R. Krishna, Shri Ram Dass, Shri Nemi Saran Jain, Pandit Algu Rai Shastri, Shri Shree Narayan Das, Shri S. V. Ramaswamy, Shri Resham Lal Jangde, Shri Balwant Nagesh Datar, Shri P. T. Punnoose, Shri

[**Shri Bogawat**]

Mangalagiri Nanadas, Shri P. N. Rajabhoj, Rt. Rev. John Richardson, Shri A. Jayaraman, Shri V. G. Deshpande, Shri B. S. Murthy, Shri Vijneshwar Missir, Shri R. Velayudhan, Shri N. M. Lingam, Shri Mohanlal Saksena, Shri N. C. Chatterjee, and Dr. Kailas Nath Katju with instructions to report by the 30th September, 1954."

**Mr. Chairman:** Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Shri Narayan Sadoba Kajrolkar, Shri T. Sanganna, Shri Pannalal Burupal, Shri Naval Prabhakar, Shri Ajit Singh, Shri Ganeshi Lal Chaudhary, Shri Bahadurbhai; Kunthabhai Patel, Shrimati Minimata, Shri Motilal Malviya, Shri Dadda Thimmaiah, Shri Rameshwar Sahu, Shri M. R. Krishna, Shri Ram Dass, Shri Nemi Saran Jain, Pandit Algu Rai Shastri, Shri Shree Narayan Das, Shri S. V. Ramaswamy, Shri Resham Lal Jangde, Shri Balwant Nagesh Datar; Shri P. T. Punnoose; Shri Mangalagiri Nanadas, Shri P. N. Rajabhoj, Rt. Rev. John Richardson, Shri A. Jayaraman, Shri V. G. Deshpande, Shri B. S. Murthy, Shri Vijneshwar Missir, Shri R. Velayudhan, Shri N. M. Lingam, Shri Mohanlal Saksena, Shri N. C. Chatterjee, and Dr. Kailas Nath Katju with instructions to report by the 30th September, 1954."

**Shri R. K. Chaudhuri:** On a point of information from the hon. Minister. Why is it that we are always having 49 Members in the Joint Select Committee? Why not one more or one less? The number 49 indicates in Ayurvedic Shastra a very dangerous mentality. From my own experience of 49 Members has not been very satisfactory.

**Dr. Katju:** I shall bear that in mind in future.

**Shri N. Somana:** I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1954."

My amendment is that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1954. At the outset, I must make my position very clear that it was not with a view to have any dilatory tactics that I have placed this motion before this House. I thought, as the hon. Minister has stated, that this Bill does not go so far as the country would have liked it to go. I would like to state that this Bill is only in the nature of a negative provision and there is absolutely no provision which provides for a positive action on behalf of the Government. I therefore suggest that it is necessary to take the opinion of the country as to what positive measures the Government could take in regard to this measure of removing this curse from our land. The hon. Home Minister while moving the motion, has admitted that there must really be a change of heart and a change of attitude on the part of the so-called upper classes towards their brethren, and unless that is there, no measure of this kind will ever help. My humble submission is that if that is to be done, as I submitted, there must really be positive measures which would certainly create an atmosphere in this country, which would create a society which would certainly look upon this curse as a curse and would try to remove it for ever. I am submitting my reasons for this. Such Bills and such Acts have been passed in some States. Especially in the State from which I come, an Act was passed in 1949, and I may respectfully submit that that Act has become a dead letter. As a matter of fact, no prosecution of any kind was ever undertaken under that Act and today, the position is

that the Harijans will or can attend no temple in the country, nor do the restaurants and hotels in the country give admission to those down-trodden brethren of ours. So, I feel that even if we pass this Bill into an Act this curse will not be removed. It will again be a dead letter and I am sure the provisions of this Act will not be brought into force in any part of our country.

**An Hon. Member:** What is your suggestion?

**Shri N. Somana:** I therefore suggest that there must be provision in this Bill for providing social amenities. With this view, I feel that this measure must be sent to the country to

elicit their opinion, because we know there are several associations and persons who have been working for the uplift of these brethren of ours and it is necessary that their opinion must be taken into consideration before we pass this measure into law.

**Mr. Chairman:** May I take it that the hon. Member wants to continue?

**Shri N. Somana:** Yes, Sir.

**Mr. Chairman:** Then he may continue tomorrow.

The House now stands adjourned till 8-15 A.M. tomorrow.

*The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Friday, the 27th August, 1954.*

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