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Title: Combined discussion on statutory resolution regarding disapproval of Food Safety and Standards (Amendment) Ordinance, 2008 (No.6 of 2008) and Food Safety and Standards (Amendment) Bill, 2008 as passed by Rajya Sabha.

MR. DEPUTY-SPEAKER: Now we will take up items no. 25 and 26 together.

Shri Mohan Singh - Not present

Shri Bachi Singh Rawat - Not present

Prof. Rasa Singh Rawat.

श्री लक्ष्मीनारायण पाण्डेय (मंदसौर) : उपाध्यक्ष महोदय, सांविधिक संकल्प पर मेरा पाइंट ऑफ ऑर्डर है।

उपाध्यक्ष महोदय : ठीक है। आप बताइए कि आप क्या कहना चाहते हैं।

श्री लक्ष्मीनारायण पाण्डेय : उपाध्यक्ष महोदय, आर्डिनेंस के बदले जो विधेयक लाया जा रहा है, इस संबंध में मैं कहना चाहता हूँ कि जब यह विधेयक पारित होकर अधिनियम बना था, तब राष्ट्रपति जी की स्वीकृति मिल गई थी, लेकिन मंत्रालय को इसका गजट नोटीफिकेशन करना चाहिए था, जो उसने नहीं किया। जब इस अधिनियम का नोटीफिकेशन नहीं हुआ, तो यह इनफोर्स ही नहीं हुआ। जो एक्ट इनफोर्स ही नहीं है, उसे अमेंड करने का क्या मतलब है? मैं चाहूँगा कि इसका स्पष्टीकरण होना चाहिए।

उपाध्यक्ष महोदय : मंत्री जी कुछ कहना चाहते हैं?

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMADOSS): The Act is in force. Certain Sections have been notified. Sections 4 to 10, Sections 87, 88, 91 and 101 have been notified.

DR. LAXMINARAYAN PANDEYA : The full Act was not notified. ...(*Interruptions*) The Act was not in force, as per my knowledge.

आज जब पूरा बिल लागू ही नहीं है, तो इसमें अमेंडमेंट नहीं लाया जा सकता है?

श्री गणेश सिंह (सतना) : उपाध्यक्ष महोदय, जब पूरा कानून सरकार ने लागू नहीं किया, तो फिर उसमें संशोधन लाने की क्या जरूरत है?

MR. DEPUTY-SPEAKER: No. He has explained his position.

Prof. Rasa Singh Rawat.

श्री गणेश सिंह : उपाध्यक्ष महोदय, मंत्री जी को इस बारे में स्पष्टीकरण देना चाहिए।

श्री लक्ष्मीनारायण पाण्डेय : उपाध्यक्ष महोदय, जब यह कानून देश में लागू नहीं हुआ, तो फिर इसमें संशोधन कैसे लाया जा सकता है?

उपाध्यक्ष महोदय : प्रो. रासा सिंह रावत जी, अब जो कहना चाहें, वह कह सकते हैं।

प्रो. रासा सिंह रावत (अजमेर): उपाध्यक्ष महोदय, आपने मुझे इस पर बोलने की अनुमति प्रदान की, इसके लिए आपको धन्यवाद। आपने मुझे इसके डिस-एपूवल की आज्ञा दी है, तो मैं कहना चाहता हूँ कि डिस-एपूवल का सबसे बड़ा कारण तो यही है कि जब किसी वृक्ष का मूल ही नहीं है, तो उसके पत्ते कहां से आएंगे? जब वर्ष 2006 में यह एक्ट मूल रूप से पास हुआ और जब मंत्री जी स्वयं लिख रहे हैं कि यह विधेयक खाद्य सुरक्षा और मानक अधिनियम, 2006 का संशोधन करने के लिए है। यह इन्होंने इसमें स्वयं लिखा है। वर्ष 2006 में यह एक्ट बना था और पार्लियामेंट ने इसे पारित कर दिया था, लेकिन उसके बाद 19 अगस्त, 2007 तक यह लागू ही नहीं हुआ। इसके कारण सुप्रीम कोर्ट को टिप्पणी करनी पड़ी। मैं बताना चाहूँगा कि जस्टिस ए.के. माथुर और दलवीर भंडारी जी की बैंच ने गैर-सरकारी संगठन सेंटर फॉर पब्लिक इंटेरेस्ट लिटीगेशन की ओर से दायर जनहित याचिका पर सुनवाई करते हुए, इस मामले में केन्द्र सरकार की कड़ी आलोचना की। उसने केन्द्र सरकार से पूछा था कि जब संसद से अधिनियम पारित हो चुका और पिछले साल अगस्त में जब राष्ट्रपति महोदय की स्वीकृति मिल चुकी थी, उसके बावजूद इसे लागू क्यों नहीं किया गया? अदालत ने एडीशनल सॉलीसीटर जनरल मोहन पारासरन को निर्देश दिया कि वे इस मामले में सुनवाई की अगली तारीख 5 सितम्बर तक बताएं कि इसे नोटीफाई क्यों नहीं किया गया। ...(*व्यवधान*) मैं बता रहा हूँ कि एक साल तक तो लागू नहीं हुआ। मैं पूछना चाहता हूँ कि यह कौन सी तारीख को नोटीफाई हुआ, सदन को मंत्री जी पहले यह बताने का कष्ट करें?

उपाध्यक्ष महोदय : प्रो. रासा सिंह रावत जी, पहले आप अपना अमेंडमेंट मूव करें।

प्रो. रासा सिंह रावत : उपाध्यक्ष महोदय, मैं आपकी आज्ञा से प्रस्ताव करता हूँ:-

"कि यह सभा 7 फरवरी, 2008 को राष्ट्रपति द्वारा प्रख्यापित खाद्य सुरक्षा और मानक (संशोधन) अध्यादेश, 2008 (2008 का संख्यांक 6) का निरनुमोदन करती है। "

DR. ANBUMANI RAMADOSS: Sir, I would like to request the hon. Member – since we will be taking up both the agenda items, I could very clearly explain at that point of time elaborately, now, I will explain what has been happening.

उपाध्यक्ष महोदय : मंत्री जी, पहले आप बिल को कंसीडरेशन के लिए मूव कीजिए। उसके बाद बोलिए।

DR. ANBUMANI RAMADOSS: I beg to move:

"That the Bill to amend the Food Safety and Standards Act, 2006, as passed by Rajya Sabha be taken into consideration."

Sir, the Parliament enacted the Food Safety and Standards Act, 2006, with a view to consolidate the laws relating to food safety in the country.

Sub-Section (4) of Section 5 of the said FSS Act empowers the Central Government to appoint the Chairperson and Members, other than the ex-officio members of the Food Authority on the recommendations of the Selection Committee. Sub-Section (5) of Section 5 of the FSS Act prohibits holding of any other office by the Chairperson and members of the Food Authority. This Food Authority is the central of nuclei of this entire Food Act.

The Central Government was of the view that the members of the Food Authority may also be appointed on part-time basis since it may not be possible to appoint eminent persons as members of the Food Authority for the reason that they would be holding some other office or appointment in some industry or organization of consumer forums which they represent. Therefore, Section 5 of the FSS Act has been amended. Section 7 (1) of the FSS Act was also amended to take out the members from the purview of the provisions which restrict the appointment of the members to a maximum of 62 years of age so that we can get more experience and expertise from different parts of the country.

In order to expedite the selection and subsequent appointment of Chairperson and Members of the Food Authority, it was thought necessary to promulgate the Ordinance on 7th February, 2008. The Food Safety and Standards (Amendment) Bill, 2008 seeks to replace the Ordinance.

This is a small Ordinance and this is pertaining to firstly age and secondly part-time or whole-time members, I move that this Bill may be taken into consideration.

श्री. लक्ष्मीनारायण पाण्डेय : उपाध्यक्ष महोदय, रूल बुक के रूल 71 और 72 के अन्तर्गत फिर आपत्ति है कि जब पूरी तरह से कोई एक्ट प्रभाव में ही नहीं है, तब उसमें अमेंडमेंट नहीं लाया जा सकता है। जैसा माननीय मंत्री जी ने कहा कि उन्होंने एक्ट के कुछ सैवशन्स को गजट में नोटीफाई किया था। कृपया मेरी बात सुन लीजिए। Please here me.

उपाध्यक्ष महोदय, माननीय मंत्री जी ने स्वयं स्वीकार किया है कि एक्ट के कुछ सैवशन्स को उन्होंने गजट में नोटीफाई किया था। The whole Act is not notified in the Gazette. Why then is it permitted? वे कह रहे हैं कि हम 2006 के एक्ट के कुछ प्रॉवीजन्स को रिप्लेस करने के लिए हम अमेंडमेंट ला रहे हैं। जब एक्ट ही प्रभाव में नहीं है, तो उसमें अमेंडमेंट कैसे लाया जा सकता है, कृपया इसे स्पष्ट करें?

DR. ANBUMANI RAMADOSS: Sir, I have already informed the hon. Members that the Sections which I have already mentioned, have all been notified on October 15th 2007. ...(*Interruptions*)

DR. LAXMINARAYAN PANDEYA : Where is the Act?

DR. ANBUMANI RAMADOSS: That will come subsequently. You should understand that the basis of this Act is the Authority. First you have to form this Authority for the Act to be implemented and enforced. Without having an Authority, you cannot enforce the Act. That is why, we are bringing this Amendment.

श्री गणेश सिंह : उपाध्यक्ष महोदय, जब सरकार ने इस कानून को लागू ही नहीं किया, तो इसमें संशोधन कैसे लाया जा सकता है, इसकी क्या जरूरत है? पहले इसे लागू करिए, फिर संशोधन लाइए।

उपाध्यक्ष महोदय : कानून तो बन चुका है।

श्री गणेश सिंह : लागू तो नहीं हुआ।

उपाध्यक्ष महोदय : कमेंसमेंट का मतलब यह नहीं है कि वह बिल एक्ट नहीं बना।

DR. LAXMINARAYAN PANDEYA : The Act is not in force wholly. Some sections are in force, but not the whole of it.

DR. ANBUMANI RAMADOSS: We are bringing in an amendment to the Section which has been enforced.

SHRI BRAJA KISHORE TRIPATHY (PURI): No.

DR. LAXMINARAYAN PANDEYA : That is not the question.

SHRI BRAJA KISHORE TRIPATHY : It was not notified. The procedure is that once the Bill is passed and the consent is given by the President, then it will be notified properly. So, the Government has not notified this Act and so, it was not operational. So, when the Act is not in operation, how can an amendment be made to that? That is the question.

DR. ANBUMANI RAMADOSS: I very clearly like to bring this fact to the hon. Members that we have notified certain Sections of the Act, and the Act need to be enforced by the Food Authority. It took a little time to bring in the Food Authority because we have to have expertise from different parts of the country involved in this. [\[MSOffice32\]](#)

15.00 hrs.

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This is the highest regulatory body for the food in this country and that is why the Prime Minister has given this task...*(Interruptions)* and we have enforced sections in that. We are trying to bring in amendment to those sections so that it is easier to facilitate for setting up of this Authority.

श्री गणेश सिंह : उपाध्यक्ष महोदय, राज्य सभा में माननीय मंत्री जी ने स्वीकार किया है कि हमने इसे लागू नहीं किया है। यह तथ्य गलत नहीं है। मंत्री जी ने स्वयं स्वीकार किया है।...*(व्यवधान)*

MR. DEPUTY-SPEAKER: Please listen to me now.

If the date of commencement of an Act has not been notified, it does not thwart the Bill seeking to amend such an Act. The original Act is on the statute book and the Act was passed by the Parliament. Parliament has the power to amend the Act.

As far as the question of bringing the original Act into operation is concerned, it has to be decided by the Executive to whom the power has been given under the original Act.

प्रो. गंगा सिंह रावत (अजमेर): माननीय उपाध्यक्ष महोदय, खाद्य सुरक्षा और मानक संशोधन विधेयक, 2008 की मंशा तो बहुत अच्छी है और इसी मंशा की दृष्टि से मैं इसका विरोध नहीं करना चाहूंगा, लेकिन जैसा हमारे कई साथियों ने कहा कि सरकार की मंशा इस संबंध में स्पष्ट नहीं दिखाई देती है। एक छोटी सी बात, जैसा माननीय मंत्री जी ने अभी स्वीकार किया कि कुछ सदस्यों को पार्ट टाइम करना है, वह फुल टाइम नहीं हो सकते हैं और किसी का कार्यकाल घटाने के लिए, आपने स्वयं स्वीकार किया कि बहुत छोटा सा संशोधन है। छोटे से संशोधन के लिए अध्यादेश लाने की क्या जरूरत है?

15.02 hrs.

(Dr. Laxminarayan Pandey *in the Chair*)

यह जो संशोधन लाया गया है, मैं इसकी तरफ ध्यान आकर्षित करना चाहूंगा, इन्होंने स्वयं लिखा है कि यह अमेंडमेंट 7 फरवरी, 2008 को प्रवृत्त हुआ समझा जाएगा और नीचे लिखा है कि खाद्य सुरक्षा और मानक अधिनियम, 2006, जो मूल अधिनियम है, उसमें सदस्य के अंतर्गत, इन्होंने खाद्य प्राधिकरण का जो ट्रिब्यूनल गठित होगा, उसका कोई अंशकालिक सदस्य और अध्यक्ष भी है, एक तो इसे वर्तैरिफाई किया है। दूसरे में, धारा 5 में संशोधन किया है कि अध्यक्ष और सदस्य जिसके अंतर्गत खाद्य प्राधिकरण के पदेन सदस्यों से भिन्न अंशकालिक सदस्य भी हैं, वयन समिति की सिफरिशों पर केंद्रीय सरकार द्वारा नियुक्त किए जा सकेंगे। यानी पार्ट टाइम भी और फुल टाइम भी। सदस्य दोनों प्रकार के हो सकते हैं और खाद्य प्राधिकरण का अध्यक्ष कोई अन्य पद धारण नहीं करेगा। ये छोटी सी तीन बातें हैं और छोटी सी बातों के लिए दो साल तक सरकार कान में तेल डाले बैठी रही और बहरे कानों पर जूं नहीं रेंगना।

महोदय, इसी संसद में एक बार कोकाकोला का सवाल उठा था। इस विषय पर ज्वाइंट पार्लियामेंटरी कमेटी बनी थी। पेप्सी तथा दूसरी बोटलों में मिलावट पाई गई और इसके लिए कौन जिम्मेदार है, कौन-कौन से कैमिकल्स पाए गए, उसकी जांच के लिए, एक प्रकार से बहुत भारी हुड़दंग हुआ था और उस समय सरकार ने आश्वस्त किया था और तब उस समय फूड सेफ्टी एक्ट वगैरह मानक का स्टैंडर्ड तय करने के बारे में सारी बातें तय हुई थीं। लेकिन मुझे समझ में नहीं आता है इस सरकारी कछुआचाल के बारे में, इसलिए मैं चाहता हूँ कि जब मंत्री जी अपना उत्तर दें तो बताएं कि यह एक्ट वर्ष 2006 में पास हुआ और आज वर्ष 2008 चल रहा है, कब आपने कौन-कौन सी धाराओं को नोटिफाई किया, यह स्पष्ट करने का कष्ट करें। क्या ऐसा हो सकता है कि कानून पूरा लागू हुआ ही न हो और उसकी एक-दो धाराओं को इन्होंने नोटिफाई कर दिया हो और उसी में

आज संशोधन ला रहे हों।

महोदय, आप सिंहासन पर बैठे हुए हैं। हम आपसे भी आश्वासन चाहेंगे। जिस आसन पर आप बैठे हुए हैं, वह लोकतंत्र की गरिमा की रक्षा करने वाला है। पार्लियामेंट द्वारा जो बिल पास होने के बाद एक्ट बना, लेकिन लागू नहीं हुआ और लागू होने से पहले ही इसमें संशोधन आ गया, यह क्या बात है? आप कहेंगे कि कैसे सरकार ने अपने प्लानों में उतर दिया है। यह पूछा गया था कि क्या यह सच है कि खाद्य सुरक्षा मानक अधिनियम 2006 अभी तक लागू नहीं हुआ है और फिर उसके बाद इसके कारण पूछे थे। तब सरकार ने जवाब दिया कि यह अधिनियम उस तारीख को लागू होगा, जब खाद्य प्राधिकरण के गठन के पश्चात केंद्र सरकार अपने राज-पत्र में अधिसूचित करेगी। यह बिल अभी लागू ही नहीं हुआ है, यह कह रहे हैं कि नोटिफाई किया है, मैं समझता हूँ कि पता नहीं यह सूचना कहां तक सही है, आप इसे मातूम करें। सरकार ने स्वयं टाल दिया है, हालांकि यह जवाब 16 मार्च 2007 का है। मंत्री जी स्वयं कह रहे हैं कि खाद्य प्राधिकरण के गठन के बाद केंद्र सरकार इसे राज-पत्र में अधिसूचित करेगी। यह वर्ष 2007 की बात है। अब एक साल बाद गठन करने की बात समझ में नहीं आई। जब गठन हुआ ही नहीं, तो पहले ही नोटिफाई कैसे कर दिया?

महोदय, खाद्य सुरक्षा एवं मानक अधिनियम 2006 के तहत खाद्य प्राधिकरण का गठन करने के लिए मंत्रिमंडल सचिव की अध्यक्षता में एक संवाहन दल का गठन कर लिया गया। इन्होंने यह जरूर किया कि संवाहन दल का गठन कर लिया, लेकिन नोटिफाई करने वाली बात शायद मंत्री जी जैसे ही कह गए हैं, यह कहां तक सत्य है, वे स्वयं बताएं। लेकिन 16 मार्च 2007 को सदन में दिए गए उत्तर में स्पष्ट रूप से लिखा है। इसके बाद 23 नवम्बर 2007 एक पत्र और पूछा गया कि उच्चतम न्यायालय ने कथित रूप से केंद्र सरकार द्वारा खाद्य सुरक्षा अधिनियम 2006 को अधिसूचित न किए जाने और एक वर्ष पूर्व राष्ट्रपति जी द्वारा स्वीकृति प्रदान करने के बावजूद भी इसे लागू करने में विफल रहने पर उसे फटकार लगाई है। दूसरा था, कि यदि हां, तो सरकार ने खाद्य और पेय पदार्थों में मिलावट को रोकने के लिए अब तक क्या कदम उठाए हैं? यह पूछा गया था। सरकार ने जवाब दिया है कि खाद्य सुरक्षा और मानक प्राधिकरण की स्थापना और अधिनियम के कार्यान्वयन में महत्वपूर्ण अन्तर मंत्रालयी समन्वय शामिल है। इसमें एक मंत्री, दूसरे मंत्री, एक विभाग, दूसरे विभाग, इसमें कई विभागों को शामिल कर लिया है। इन्होंने उतर दिया है कि सभी सम्बद्ध मंत्रालयों के सचिवों सहित मंत्रिमण्डल सचिव की अध्यक्षता में खाद्य सुरक्षा और मानक अधिनियम 2006 के आधार पर स्वायत्त खाद्य सुरक्षा और मानक प्राधिकरण की देखरेख करने के लिए एक परिचालन समूह का गठन किया गया है। वही बात कही गई है, इसमें कोई नोटिफिकेशन नहीं किया गया है, केवल परिचालन समूह गठित कर दिया गया है। खाद्य प्राधिकरण की बात तो आज होगी, आज जब सारा सदन इसे पास करेगा, तब खाद्य प्राधिकरण का गठन होगा।

महोदय, समस्या बहुत महत्वपूर्ण है, दो साल हो चुके हैं, हम सब कहते हैं कि उपभोक्ता के हितों की रक्षा हो, शुद्ध खाद्य पदार्थ मिले, सही तोल, सही मोल, सही बोल और सही माल मिले। बाजार के अंदर उचित दाम, उचित माल मिले। यह तो सरकार का कर्तव्य है, इसके लिए फूड इंस्पेक्टर भी हैं। लेकिन मिलावट का बोलबाला है, दूध में मिलावट, कोकाकोला में मिलावट, पेप्सी में मिलावट, मसालों में मिलावट, मावे में मिलावट, मिठाइयों में मिलावट, दवाइयों में मिलावट, हर चीज नकली और मिलावटी है। सरकार दो साल से कुम्भकर्णीय निद्रा में सोई हुई थी और दो साल तक चेती नहीं, अब चेती है। मैं चाहूंगा कि आप, आसन की तरफ से सरकार को थोड़ी फटकार लगाएं कि वयों इतना विलम्ब किया गया और इस प्रकार का विधेयक पहले ही वयों नहीं लाया गया?

दूसरी बात मैं कहना चाहता हूँ कि पार्ट टाइम छोटी सी बात है, जैसा मंत्री जी ने बताया। कोई आपातकाल लागू हो रहा हो, संकट आ गया हो, देश की सुरक्षा खतरे में पड़ गई हो, भारतीय संविधान में इसका प्रावधान है कि आर्डिनेंस ला सकते हैं। लेकिन वह विदेशी खतरा हो, कोई अन्य खतरा हो, लेकिन ऐसी कोई अनहोनी बात नहीं हुई। एकदम मंत्री जी की नींद जमी, जब जाने, तब सवेरा, क्या करें? तब इन्होंने अध्यादेश का सहारा लिया। 25 फरवरी से सदन प्रारम्भ होने वाला था और लिखा है कि 7 फरवरी को लागू होगा। इसमें कितने दिन का टाइम था, केवल 15 दिन का। इतने छोटे समय के लिए आर्डिनेंस लाना, मक्खी को मारने के लिए तलवार का प्रयोग, धन्य हैं [33]।

इसलिए कि सरकार की जो यह प्रवृत्ति है, सरकार की ढिलाई है, सरकार की कुम्भकर्णीय प्रवृत्ति और सरकार की ऐन टाइम पर जगने की बात है और अध्यादेश जैसी महत्वपूर्ण चीज का दुरुपयोग करने की बात है, हर चीज में आर्डिनेंस लाने की बात में हम जानना चाहेंगे, अगर कमेटी से यह 2006 में पास हो गया और इतना समय हो गया तो आखिर इसके विलम्ब का क्या कारण था, इसके बारे में बतायें।

बाकी तो इस बिल में जो बातें हैं, खाद्य प्राधिकरण का गठन हो, इसके केस वगैरह, जो भी फूड इंस्पेक्टर मिलावट के नमूने वगैरह बाजार से लाते हैं, ताकर उनकी जांच होती है और जांच करके जो दोषी पाये जाते हैं, उन दोषी व्यक्तियों के विरुद्ध कार्रवाई होनी चाहिए, इससे कोई इंकार नहीं करेगा, क्योंकि सारे देश में नाना प्रकार की बीमारियां हो रही हैं, कभी हैजा फैलता है, कभी उल्टी होने लग जाती है, कभी दस्त होने लग जाते हैं, जो बड़े-बड़े स्वायत्तशासी निकाय हैं, वे दूषित पानी पीलाते हैं, मिलावट के ऐसे घोटाले हो रहे हैं कि उनके विरुद्ध तो कार्रवाई होनी ही चाहिए, इससे कोई इंकार नहीं करेगा। मैं सरकार की अध्यादेश प्रवृत्ति की निन्दा करता हूँ और इसीलिए मैंने निरनुमोदन प्रस्ताव पेश किया है।

बाकी बिल के प्रावधान से मैं सहमत हूँ, सरकार की भावना पर तो मुझे शंका है कि बहुत सुरती से यह बिल लाई है, लेकिन जो बिल लाई है, वह ठीक है। something is better than nothing. अगर इस प्राधिकरण का गठन हो जायेगा तो कम से कम उपभोक्ताओं के हितों की रक्षा होगी, मिलावट नहीं होगी।

मैं एक बात जानना चाहूंगा, जो मेरा अधिकार है कि पेप्सीकोला के बारे में जो इसी सदन में कमेटी बैठी थी, जोइंट पार्लियामेंटरी ग्रुप बैठा था, उसकी सारी रिपोर्ट आई, उसके बाद क्या कार्रवाई हुई और अभी तक कार्रवाई क्यों नहीं हुई? क्या सरकार बड़ी-बड़ी कम्पनियों के दबाव में आ गई थी और दबाव में आकर सरकार ने कोई कदम नहीं उठाया। तभी सुप्रीम कोर्ट की, माननीय सर्वोच्च न्यायालय की फटकार भी इनके ऊपर पड़ी और उसमें आया है कि मैलाफाइड इंटरेशन थी। अगर आपकी आज्ञा हो तो मैं एक लाइन पढ़ दूँ। इसमें आया है कि राष्ट्रपति जी की मंजूरी मिल गई और प्रकाशित हो गई इसे तो लागू करने में देरी क्यों हो रही है। अदालत ने कहा कि सी.पी.आई.एल. के वकील का यह आरोप सही मातूम हो रहा है कि सरकार इस अधिनियम को लागू करने में कतरा रही है। जस्टिस माथुर ने कहा, आरोपों का औचित्य है, आपकी जानी-बूझी निष्क्रियता इस तरह के आरोप लगाने का मौका दे रही है और सरकार बाजीगरी कर रही है। सुप्रीम कोर्ट के ऐसे शब्द हैं कि सरकार बाजीगरी कर रही है।

दूसरे बाजार में फूड इंस्पेक्टरों की बहुत कमी है और काम बहुत लम्बा-चौड़ा है, क्योंकि दुकानें बहुत खुल गईं। आजकल गन्ने का रस खुला बिक रहा है, खाने की खुली चीजें, मिठाई वगैरह बिक रही हैं। अब होली का त्यौहार आ रहा है, बारावफात आ रही है, गुड फ्रूड आ रहा है, इसलिए दूध के अन्दर मिलावट और सारी चीजों की मिलावट रकनी चाहिए, उपभोक्ताओं के हितों की रक्षा होनी चाहिए और फूड इंस्पेक्टरों की नियुक्ति ज्यादा हो, राज्य सरकारों से पूछकर इनकी संख्या बढ़ाई जाये, उनकी सुविधाएं भी बढ़ाई जायें।

यह मंत्री जी जरूर बतायें कि इस अधिनियम के बनने के बाद कितने लोगों के खिलाफ आपने इस खाद्य अपमिश्रण अधिनियम के अन्तर्गत कार्रवाई की है? जो पहले फूड

एडवोकेट कानून बना हुआ था, उसके अन्तर्गत कितने लोगों को सजा मिली है, इसके बारे में बतायें? बाकी सब लोग भी विलम्ब के कारण बता ही देंगे।

आपने समय दिया, उसके लिए मैं आपका बहुत आभारी हूँ, लेकिन मैं फिर स्पष्ट कर दूँ कि हमारी पार्टी इस बिल का समर्थन करती है। इस नाते कि अच्छे उद्देश्य के लिए प्राधिकरण का गठन होना चाहिए, लेकिन सरकार की जो निष्क्रियता है, उसकी तरफ ध्यान दिलाने के लिए निरनुमोदन का प्रस्ताव मैंने दिया है।

MR. DEPUTY-SPEAKER: Motions moved:

"That the House disapproves of the Food Safety and Standards (Amendment) Ordinance, 2008 (No. 6 of 2008) promulgated by the President on 7 February, 2008."

"That the Bill to amend the Food Safety and Standards Act, 2006, as passed by Rajya Sabha be taken into consideration."

SHRI K.S. RAO (ELURU): Sir, I stand to support this Bill. The reason being I heard the objections raised by some of the Members on the other side. While they are in favour of the Bill, their grievance is that it was not implemented and that without implementation how can you bring an amendment.

The earlier Act of 2006 says that the Chairperson or members other than ex-officio members of the Food Authority shall not hold any other office which means necessarily they have to be full-time members. So, the implementation of the entire Act will have to be done only by the Safety and Standards Authority of India which contains 22 members. This Act was assented to by the President on 23rd August, 2006 and when they started making arrangements to constitute this Authority, the experts – not just ordinary citizens nor the Members of Parliament nor any other officer from any walk of life – were required who can check the standards and quality. It requires enormous knowledge. They wanted to fix up the standards on scientific basis and not on traditional basis and not on the basis of the standards that are available in the village or in the district of a State in the country. They wanted to adopt the standards of international level.

Now we are not dealing with it locally. We are exporting a lot of commodities and we are importing a lot of commodities. We have got an instance where a marine industry which used to earn thousands of crores of rupees had a set back on the plea that the American Government said that this particular prawn or shrimp had got some ingredient which is not good for health. So, they stopped the entire import. Similarly our poultry products were subjected to scrutiny at one time for the simple reason that the food that is given to the poultry is contaminated or is containing something not good for the human life. So, that means they go into such a minute aspect and analysis that even a decimal change can create an alarming situation. You and me may not be bothered about a small change in the food or a little contamination in the water that we drink. But there are other countries which are very particular about these small changes. For example, my friend, Shri Rasa Singh Rawat was telling that when some newspapers informed us that there is some residue of pesticides in the cold drinks, it created an alarming situation in the entire country. Everybody was bothered how much it would affect his health. So, they did tests and all. Therefore, the Minister has to be more careful in making provisions about it. When he felt that identifying the right person of a right standard and quality to head this as members, he felt that this amendment is required. So, that is how he came up with this amendment.

I am happy that all the Members have unanimously said that the Act is good and that it has to be implemented. We are also for it. Now for implementing this Act, he found that there are some implications in it which are coming in the way of its effective implementation. So, he came to us for an amendment. In the meantime, because the House was not in Session, he went for an Ordinance. Otherwise, he would not have gone for it. As he says if there were to be some bad intentions in delaying the implementation of the Act, he could have waited for another year more. There was no need for him to bring an Ordinance. There is no need to bring an amendment today.

So, the member cannot say that there is a *mala fide* intention in bringing this Act or in delaying its implementation. So, I do not find any substance in the allegation except that because they are sitting in Opposition Benches, they have to necessarily make some allegation and find fault. On that ground, they made this allegation but I do not find any substance in it.

The very purpose of bringing an Act is to maintain standard and quality and the Act also has repealed about eight laws which were existing earlier and made an integrated Act by which the complexity of the law and delay in observing various laws have been reduced. That is also an advantage. They wanted to operate only through one account. The purpose of it is a major thing. The interest of the consumer is the criteria and particularly to avoid contamination, adulteration, insecticide and pesticide residue. Sometimes some colours are very attractive but that colour or that chemical is found hazardous to health. So, that attraction or visibility cannot be accepted because health hazard is there. [\[R34\]](#)

The provisions of this Bill are meant not only to regulate the manufacturers, but also to take care of the aspects like how it is

being stored; how it is being distributed and how it is being processed. All these things require minute standardisation. This Act will definitely help in regulating the quality and standard of every food.

My only apprehension is that if the provisions of this Act were to be implemented on the street vendors, the small traders, then it would be very difficult for them to sustain it. They are small time people who are not aware the details of these provisions and they depend entirely on traditional ways of preparing food. My humble appeal to the hon. Minister is that – I do not intend to say that any adulteration in food should be accepted even if it were to be done by the hawkers and small traders – the Government should not be harsh on them and instead they should book the big traders and manufacturers who are doing such adulteration wilfully and with full knowledge. If a manufacturer were to produce a product in a big way, then he has to keep in mind the prescribed standards and be careful to see what is good, what is bad and what is hazardous for health. He has to spend money on the product that he is passing on to the consumers. The consumers are capable of taking that burden to the extent. But when it comes to the street vendors, if they were to take this burden, then they will suffer. I would like to request the hon. Minister to ensure that the Food Inspectors, the Food Officers do not harass the small traders and the small vendors.

Apart from this, the general principles and provisions of the Bill are good. There is a provision for severe punishment in the Act for using any hazardous material which may lead to the death of a person. In the event of death the punishment prescribed is seven years imprisonment, or even life imprisonment with a penalty of Rs. 10 lakh. Let there not be any consideration or softness where it is found that a manufacturer has resorted to some wrong means in producing an adulterated food. That manufacturer should be punished mercilessly. Some wrong-doers must be punished at that level and then only others will be cautious and all of us will get quality food.

My last point is about supply of water. The water that is being supplied by the civic bodies is out of the purview of this Bill. I think, the hon. Minister should find some way to ensure that the water that is being supplied by the civic bodies must be in accordance with the standards and levels fixed by them.

Sir, with these few words, I support this Bill. The intention of the Government should not be misunderstood by the Opposition. First an Ordinance was brought and immediately a Bill has been brought forward to replace that Ordinance.

*SHRIMATI MINATI SEN (JALPAIGURI) : Thank you Chairman, Sir. I take the floor to speak on Food Safety and Standards Amendment Bill 2008. You have given me the opportunity to speak and I am grateful to you for that. This Bill was enacted in 2006. It has been reintroduced with certain amendments. Here, neither my party nor I stand to oppose the Bill. Whether the Chairman of the Committee will be a whole timer or a part timer; whether his retirement age will be 62 or 65, that is immaterial to me. Two years have passed after the setting up of the Committee. The work of the Committee was to take care of food quality, manufacturing, storage, distribution, sale, import and availability of safe food. The goal which was to be achieved by the Committee is still out of reach.

India is a country plagued by malnourishment and the aspect of quality control of food is a square peg in a round hole. So many years have passed since independence; it is a free country now with a free government and free people who had expected that the government would provide relief to them. But our experiences say that instead of relief and satisfaction, inconvenience has increased manifold. Today we are trying to hide our helpless faces behind masks. A poet says that there were numerous holes of various sizes and dimensions on the floors, so I bought a carpet, ten by ten, to cover them.

According to the Arjun Sen Gupta Report, the per day earning of 77% workers of the unorganized sector, 88% of Dalits, 80% of the Tribal, OBC, Muslim community is only Rs.20/-. We are 49th in the World food nutrition index and we are thus front runner among the hungry countries. Our rank in Human Development index is 127. When we travel by bus or tram in Kolkata, the conductor says – "Move ahead". We are moving but not towards the front, we are going back. The National Health Survey Report says – "Every second child under three years of age is under weight and three out of five women are anemic".

* English translation of the speech originally delivered in Bengali.

In India 59% people don't have brick built houses, 58% people don't get to drink potable water, 55% people don't have sanitary facilities, 32% people are deprived of electricity. The Government has divided them among APL, BPL and ANTYODAYA. Poor people don't have any caste, creed or colour. There is further division of poor, not poor, not so poor, and non-poor. Under such criteria will they be allowed to purchase food-grain at subsidized rates? Will lakhs of women involved in the self help groups get loans? Will they ever received proper medical aid in case of ailment?

Like heaping of sorrow upon sorrow, there is sky-rocketing price hike. Why was the universal public distribution system not implemented? Why are essential commodities not supplied at the same rate throughout the country? Condition of the impoverished people is miserable. Above all, the UPA Government has lowered the quota of paddy, wheat, sugar in some states. The states which are not ruled by the same party that rules the Centre, suffer more. Kerala and West Bengal are thus bearing the brunt. The commitments of the Common Minimum Programme have not been followed up.

The Government has a responsibility to look after the citizens of the country. For that, political will and a class outlook are essential. But the political intention and outlook of this Government are not favourable to the poor people. The Government has to ensure food, health, education, shelter, clothing to the common man as these are his basic rights.

What is the Infant Mortality rate in our country? It is 63 per thousand live births; Maternal Mortality rate is 407 per one lakh live births. Malnutrition rate is 52.5%. M.S.Swaminathan Research Foundation had recommended the formation of National Nutrition Authority. It had also asked to give emphasis to nutrition security and look after the human consumption of protein, vitamin and the calorie intake by our children. But no proper mechanism has been followed for that.

India has taken a leap in the field of technology but we are not being able use that technology for food and medicine. How many food testing laboratories are there in this country? Even the existing laboratories do not have adequate infrastructure, experts, scientists or technologists. They are merely a carpet-knight.

Even after so many years of independence, there is rampant adulteration in crops, food grains, pulses, tea, coffee, medicine. Black marketers, middle men, hoarders are flourishing day-by-day. In India, about 30% spurious drugs are sold. In the International fake drug market, 38% is contributed by India and Delhi is a hub of such activities. So many people suffer from diseases like TB, Malaria, Cancer, etc. But the medicines are so costly that common people cannot afford those. Due to unholy nexus among the MNCs, Doctors and traders, the condition is deteriorating. There is a total lack of monitoring and inspections by the Government in the medicine sector. Who will check this menace?

Coca-Cola Company, a multi-national, was selling soft drinks laced with pesticides. A Joint Parliamentary Committee was set up to probe into this but its report is still not public. There is a flourishing business of fast-food, junk food which use chemical preservative. They cause harm to human health, especially to children.

We want food, we want shelter and clothing, we want to breathe in open air, we want a bright and healthy life and for that we need courage in our hearts, faith in ourselves, belief in our might. Only then the objective behind this Bill will be achieved. Once again, on behalf of my party I support this Bill and end my speech here.

श्री रेवती रमन सिंह (इलाहाबाद) : सभापति महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। सन् 2006 में फूड सेफ्टी एक्ट बना था। उसके बाद फिर एक आर्डीनेंस प्रमलगेट किया गया जबकि स्वस्थ परम्परा यह है कि नॉर्मली कोई भी आर्डीनेंस प्रमलगेट न किया जाए। लेकिन पता नहीं क्या बात है कि इन्फार्मेशन ब्रूंडकारिस्टिंग मंत्री ने भी एक आर्डीनेंस पहले प्रमलगेट किया था, उसके बाद बिल लाए। यह स्वस्थ पार्लियामेंटी पद्धति है कि यदि बहुत ही बाध्यकारी हो, तभी आर्डीनेंस प्रमलगेट करना चाहिए। जब हाउस शुरू होने वाला था तब आर्डीनेंस की क्या जरूरत थी? माननीय मंत्री जी ने जो बिल पेश किया, सन् 2006 के एक्ट में जो अमेंडमेंट किया है, आप कोई भी एक्ट बना लें लेकिन जब तक उसे ठीक ढंग से लागू नहीं करेंगे, तब तक आम आदमी को कोई फायदा होने वाला नहीं है। आप संसद में कानून बनाते हैं और बाहर उसकी घञ्जियां उड़ जाती हैं, उसका कोई पालन नहीं होता, कोई मॉनीटरिंग नहीं होती। मैं मंत्री जी से कहना चाहता हूँ कि आज अगर आप देखें, हमारे देश में पचास हजार करोड़ रुपये की फेक ड्रग्स चल रही हैं, जिनके खाने से बहुत से लोग बीमार होकर मर जाते हैं, बहुत लोगों को गंभीर बीमारी हो जाती है। मुझे अफसोस के साथ कहना पड़ रहा है कि साठ साल की आजादी के बाद भी हम फेक दवाइयों को रोक नहीं सके हैं, वे आज भी बाजार में धड़ल्ले से बिक रही हैं। हम यहां क्यों नहीं प्रावधान करते कि जो ट्रेडर्स इस तरह

की फेक ड्रग्स बनाते हैं, उन्हें फांसी की सजा मिलनी चाहिए जिससे देश की जनता के सामने एक सबक आए कि इस तरह के काम करने वाले बवशे नहीं जाएंगे।

मैं मंत्री जी के ध्यान में लाना चाहता हूँ कि आज खाद्य पदार्थ में जितनी मिलावट हो रही है और जिस तरह की घातक चीजें मिलाई जा रही हैं, वह बहुत चिन्ता का विषय है। एक अप्रैकन नेशनल यहां आया था। मैंने उससे पूछा कि आपके यहां भी बहुत गरीबी है, क्या आपके यहां भी मिलावट होती है? उसने कहा कि नहीं, हमारे यहां गरीबी के बाद भी कोई मिलावट नहीं होती। यह सवाल ईमान का है। क्या पूरी दुनिया में बिना ईमान वाले राष्ट्र हम ही हैं जहां दवा, खाद्य पदार्थ, पेय पदार्थ आदि कोई ऐसी वस्तु नहीं है जिसमें मिलावट न हो रही हो?

मंत्री जी, मैंने आपकी रिपोर्ट पढ़ी है। आपने सैम्पल लिए हैं। कितने थोड़े सैम्पल लिए जा रहे हैं। उसमें कितने लोगों को पनिश किया गया है, कितने लोगों को जेल भेजा गया है, इसका कहीं कोई ब्यौसा नहीं है। आज खाद्य पदार्थों में जितनी मिलावट हो रही है, बाजार में कोई वस्तु शुद्ध नहीं है। चरबी और हड्डी मिलाकर देसी घी बनाया जा रहा है। डालडा में भी मिलावट है। सरसों के तेल में भी मिलावट है। इतना ही नहीं, ऑक्सीटोन सुई लगाकर गाय, भैंसों का दूध निकाला जा रहा है। इसका हर शहर में थड़ले से प्रयोग हो रहा है, गांवों में भले ही न फैला हो, लेकिन हिन्दुस्तान के हर शहर में यह पद्धति जारी है। क्या मंत्री जी इसे रोक पाएंगे? अब सब्जियों में भी इंजेक्शन लगाया जाता है। लौकी एक दिन थोड़ी बड़ी होती है, लेकिन इंजेक्शन लगा देते हैं तो दूसरे दिन वह काफी बड़ी हो जाती है। आपने एक्ट में जो प्रोवीजन किया है, पता नहीं यह सब्जियों को भी देखेगा या नहीं? हमारे फ्रूट्स में भी जहर फैल गया है और बहुत से देश हमारी सब्जियां और फ्रूट्स लेने से इंकार कर रहे हैं।[\[N35\]](#) हमारे यहां सब्जी दुनिया में सबसे ज्यादा पैदा होती है। फल में भी हम चाइना के बाद शायद दूसरे या तीसरे नम्बर पर हैं। जब हम शुद्ध पदार्थ नहीं बना पाएंगे, हम शुद्ध चीज नहीं सप्लाई कर पाएंगे, तो हमारे देश का हैल्थ हैजर्ड होगा और उसके साथ-साथ हमारा देश दुनिया में बिना ईमानवाला देश बन कर रह जायेगा।

मैं माननीय मंत्री जी का ध्यान एक बात की ओर आकृष्ट करना चाहता हूँ कि आज बाजार में जो सामान बिक रहा है, उसमें 95 परसेंट सामान एडल्ट फेटिड है। माननीय मंत्री जी, आपने एक्ट में जो प्रावधान किया है, क्या उससे आप इसे रोक पाएंगे? आप क्या इस बात से आश्वस्त हैं कि इसे रोकने में आप सक्षम हो पाएंगे? मैं आपके इस एक्ट के समर्थन के लिए खड़ा हूँ, लेकिन जो बातें हम देख रहे हैं, उस ओर आपका ध्यान आकर्षित करना चाहते हैं कि इस पर और भी कड़े कानून बनने चाहिए। वे कानून बने ही नहीं, बल्कि लागू भी होने चाहिए।

आज देश के 83 प्रतिशत लोग केवल 20 रुपये में रोज अपना गुजारा करते हैं। इस बारे में हम मंत्री जी और प्रधान मंत्री जी भी लिखते हैं। अगर किसी गरीब आदमी को कैंसर हो गया, हार्ट की बीमारी हो गयी, किडनी फेल हो गयी, तो वह दवा नहीं करा सकता, क्योंकि हर आदमी लोक सभा के मੈम्बर के पास एप्रोच नहीं कर सकता। अब प्रधान मंत्री कोष से उसे केवल 20 या 30 परसेंट पैसा ही मिलता है। संभवतः माननीय मंत्री जी के फंड से उन्हें यह पैसा मिलता है। मैं माननीय मंत्री जी से पूछना चाहता हूँ कि क्या आपने उसके लिए कोई अलग से प्रावधान किया है? क्या ऐसे गरीब लोगों के लिए, जिसकी आबादी हमारे देश में 83 प्रतिशत है और जिनकी आमदनी आठ रुपये से लेकर 20 रुपये तक है, क्या उनके लिए माननीय मंत्री जी अपने बजट में अलग से कोई प्रावधान करेंगे या सेंटर बजट, जो अभी पास होने वाला है, उसमें इस बात का प्रावधान करेंगे कि ऐसे जरूरतमंद लोगों की बीमारी का पूरा खर्चा, पूरी दवाई का प्रबंध सरकार ऐज ए वेल्फेयर स्टेट के नाते करे।

हमारा भारत गणतंत्र एक वेल्फेयर स्टेट है। लेकिन हमें अफसोस के साथ कहना पड़ता है कि इंग्लैंड, यू.के., अमेरिका आदि तमाम देशों में आज हैल्थ एश्योरेंस है। लेकिन अगर हमारे यहां हैल्थ एश्योरेंस की कोई स्कीम है, तो वह नाकाफी है, क्योंकि उसका सीधा फायदा आम लोगों तक नहीं पहुंच रहा है।

मान्यवर, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूँ कि जब वे जवाब दें, तो जो बातें हमने उठाई हैं, उन बातों का निराकरण करें जिससे यह संसद संतुष्ट हो जाये। अभी माननीय सदस्या पेय पदार्थों में मिलावट के बारे में बता रही थीं। इस संबंध में एक ज्वाइंट पार्लियामेंट्री कमेटी बनी थी। हमें आज तक यह नहीं मालूम कि उसकी क्या रिपोर्ट आई? उसी तरह आज बहुत तरह के मिनरल वाटर निकले हुए हैं। उनका कोई स्टैंडर्ड नहीं है और न ही उनकी जांच पड़ताल होती है। खासतौर से रेलवे स्टेशनों और प्लेटफार्मर्स पर पेय पदार्थ या पेय जल मिलता है, वह शुद्ध नलके का पानी होता है। उस पर कॉर्क लगाकर बेच देते हैं। यहां पर लालू प्रसाद जी बैठे नहीं हैं। मैं उनसे आग्रह करना चाहता हूँ कि रेलवे जो नीर देता है, उसे आप रेलवे की तरफ से क्यों नहीं डिब्बों में सप्लाई करते? यह व्यवस्था रेलवे की तरफ से होनी चाहिए न कि प्राइवेट वेंडर्स के थू होना चाहिए, जो वहां सप्लाई करते हैं।

इन्हीं शब्दों के साथ मैं आपको धन्यवाद ज्ञापित करता हूँ और उम्मीद करता हूँ कि जब माननीय मंत्री जी जवाब देंगे, तो सभी माननीय सदस्यों और हमने शंकाएं उठायी हैं, उनको संतुष्ट करने का काम करेंगे।

SHRI BRAHMANANDA PANDA (JAGATSINGHPUR): Mr. Chairman, Sir, I extend my hearty thanks for giving me an opportunity to speak on the Food Safety and Standards (Amendment) Bill, 2008. We are living in an unsafe world. The drinking water, the medicines and most of the food articles which we are consuming now-a-days are all unsafe for the human beings. In such a situation, the hon. Minister has brought forward a dynamic Bill for the greater interest of the common people of the country. It is no doubt a Bill to be welcomed and we all welcome this Bill.

1.545 hrs.

(Shrimati Sumitra Mahajan *in the Chair*)

At the outset I would like to highlight the points for his kind consideration. To ensure food quality I would like to know whether we have got sufficient laboratories for their testing. Secondly, I would like to know whether adequate number of food inspectors are there to test all those food items. Let me come to my third point. As a criminal practitioner, I have conducted more than thousand cases during my 31 years of practice, before I was elected to this august House. My experience is that some cases come to the Supreme Court. In most of the cases the accused were acquitted on the ground that the prosecution has to prove that there is proper storage. In case the prosecution failed to prove that there is no proper storage, on that score alone the benefit will go to the accused. Then, when the inspector inspects these food articles, they should conform to certain norms. On the basis of his analysis, the public analysis report is prepared and that becomes the basis for initiating the case, if it is found that food articles are not fit for human consumption. These things must be confirmed by the food inspector. Now, we find that we do not have enough food laboratories to ensure quality of food.

My respectful submission in this august House is that many laws are being introduced. These laws are very sweet and are in the interest of the common people of the country. But in spirit, these laws are not enforced. The interest of the common people are never safeguarded. It is found that businessmen are often booked in such cases. These people, through different sources of power, finally get escaped. They influence the inspector. Suppose the food item is taken for testing to the laboratories, it is noticed that in the mean time the ingredients are changed and something else is introduced there, which conforms to the public analysis report and finally they escape. That is also noticed during my experience in case of drugs and other cases. I was conducting a case where a gentleman was selling ghee mixed with mobile oil. It was mentioned in front of the shop that pure ghee is available. But below that, in small letters, it was written that it is only meant for lighting the lamps. Food Vigilance staff went there, raided the shop and everything was seized. Two special Public Prosecutors were engaged to conduct the case. Ultimately, it was found that it was not kept for human consumption. So, the benefit went to the accused. In such circumstances, my respectful submission before this august House is that enforcement of law should be in the spirit of the law. We can find out some way if that is enforced appropriately and equitably. Unless stringent punishment is awarded, unless speedy trial is provided under the law, we cannot control these types of offences which are mounting up in different parts of the country.

Coming to spurious drugs, its origin is from U.P., and it spread to my State. In Kantabanji, huge quantity of spurious drugs were seized. [\[MSOffice36\]](#)

It was found that all those articles were stored by big businessmen and by influencing the local police, by influencing the local leaders and by influencing other agencies that they could be able to sell the spurious medicines in the market. Suppose, I am murdering one person, but a person who is selling these spurious drugs, is killing a number of persons everyday; so, in such circumstances, whether death penalty is going to be provided under these laws so that the rigours of law can be felt by persons. This is to be studied.

Sir, I welcome these laws which are introduced for the greater interests of the common people and not to safeguard the interests of a few persons, those who are availing all opportunities in their life. A person living in the interior part of the village does not get good medicines, not good food and even adequate drinking water which he takes every day is also not safe.

Sir, as it was noticed recently that some wheat was imported from Australia and it was found that the same did not conform to the standards. So, what is the remedy available under the law to find out and on what basis, we can prosecute the guilty? Unless we find out the remedies, it will not be of any use. We will only feel proud that very dynamic laws have been introduced in this august House, but it will have no effect on the people. So, businessmen, blackmarketeers, hoarders and those in the habit of minting money by adopting such nefarious things should be taken into account. That is why I would like to pose a point in this august House. Adulteration is a health hazard. So what is the agency and how to overcome such health hazards which are now mounting up in the country?

Now, you say that we will have 350 laboratories throughout the country. But I would like to state here that not a single laboratory has been set up in any State. In my State also, there is not a well-equipped laboratory for testing all these articles.

Thirdly, I would like to say that prohibitory colours should not be used in preparing food items. Now-a-days, it is noticed that these packaged items are rampant in the country. Most of the packaging is being done by the big businessmen by engaging their employees. In such cases, no safety and no standard has been prescribed for them. It is not known who is the person actually inspecting to find out the safety and standards of these articles.

So, in such circumstances, when the hon. Minister is going to introduce the law, he should keep in mind that its enforcement must be done in spirit and must be in reality, failing which any law which will be introduced will not serve the interests of the common people. Moreover, *aam aadmi* for whom we people are crying in this august House will suffer for years

together. Six decades have passed, but no safety and standards have been prescribed to provide safe drinking water, safe food and anything safe for the interests of the common people.

Madam, with these few words, I extend my hearty thanks for giving me this opportunity to participate in the discussion.

डॉ. लक्ष्मीनारायण पाण्डेय (मंदसौर) : सभापति महोदया, अध्यादेश के स्थान पर यह विधेयक लाया जा रहा है, इसके संबंध में पहले मेरी एक आपत्ति थी, जो कि अभी भी है, आपत्ति यह है कि जब पूरा अधिनियम जो पूर्व में पारित किया गया था और जिस पर राष्ट्रपति जी द्वारा हस्ताक्षर किए गए थे, उसे पूरा का पूरा गजट में प्रकाशित किया जाना चाहिए। किन्तु संभवतः स्वास्थ्य मंत्रालय द्वारा स्वयं से संबंधित कुछ धाराओं को प्रकाशित कराया गया और शेष को छोड़ दिया गया। मैं कहना चाहता हूँ कि यह पूरा अधिनियम एक ही है, इसके हिस्सों को अलग-अलग नहीं किया जा सकता है। निश्चित रूप से यह एक तुट्टि है, अभी भी अगर कोई वैधानिक संशोधन इसमें हो सकता है तो करके इस तुट्टि को दूर करना चाहिए, अन्यथा इसके बारे में आपत्तियां उठेंगी।

यह विधेयक केवल सीमित प्रयोजनों के लिए लाया गया है। अध्यक्ष और सदस्य, जिसके अंतर्गत खाद्य प्रशिक्षण के पढ़ने सदस्य और उनसे भिन्न अंशकालिक सदस्य हैं, वयन समिति की सिफारिशों पर केन्द्रीय सरकार द्वारा नियुक्त किए जा सकेंगे। इसका दूसरा प्रयोजन यह है कि अध्यक्ष 65 वर्ष की आयु प्राप्त करने के पश्चात पद धारण नहीं कर सकेगा। बहुत सीमित प्रयोजन हेतु हुए भी, इस प्रसंग का लाभ लेते हुए मैं कहना चाहूंगा कि मूल अधिनियम में कुछ बातें कही गयी हैं। जिसमें स्वास्थ्यपद स्थायी की उपलब्धता, उसके विनिर्माण, भंडारण, वितरण, विक्रय और आयात, इन सभी को शामिल किया गया है। इसमें आपके लिए यह बातें कही गयी हैं कि आप किस प्रकार का स्वास्थ्यपद स्थायी उपलब्ध कराते हैं, उनके विनिर्माण के लिए आपके पास क्या उपबंध हैं, भंडारण की क्या स्थिति है, जो चीजें आप आयात करते हैं, वह स्वास्थ्यपद है या नहीं, इन सभी चीजों का विनिश्चय करना आपका काम है। जैसा कि माननीय सदस्यों ने आशंकाएं व्यक्त की हैं कि आज बाजार में जिस प्रकार की वस्तु मिल रही हैं, उनकी गुणवत्ता ठीक नहीं है, वे स्वास्थ्य के लिए हानिकारक हैं और उनके ऊपर आपके मंत्रालय का कोई नियंत्रण नहीं है। फिर चाहे इसका नियंत्रण फूड इंस्पेक्टर के जरिए हो या भले ही इसके लिए आप राज्य सरकारों पर कुछ काम डाल दें, लेकिन केंद्र सरकार का भी भी कुछ कर्तव्य बनता है और केंद्र सरकार के अधीन भी बहुत बड़ा क्षेत्र है। उस क्षेत्र में उपयुक्त प्रयोगशालाएं नहीं हैं जहां पर वस्तुओं का ठीक से परीक्षण हो सके और साधनयुक्त प्रयोगशालाएं स्थापित हों। आज पेयजल को देखिए जो पैकड होता है, जिस पर आईएसआई का लेबल लगा होता है, उसमें भी कटाव और कचरा मिलता है। क्या कभी आपने इसको चेक किया है और रोकने के लिए प्रयास किए हैं? इसी तरह अन्य बहुत सी स्थानों की वस्तु, जैसे हल्दी, धनिया, तैल, आटा इन सभी में मिलावट हो रही है, उनकी रोकथाम के लिए आपके द्वारा कदम दिये जाते हैं कि यह राज्य सरकारों का विषय है। लेकिन आपके कानूनों में इस प्रकार का प्रावधान होना चाहिए कि आप इन चीजों को रोक सकें।

आपने अपने उद्देश्य में कहा है कि हम मानक स्तर पर अच्छा खाद्य मिल सके, इसकी गारंटी देते हैं और देश में रहने वाले सभी लोगों को एक मानक के अनुसार ठीक कैलोरी वाला खाद्यान्न मिल सके। मैं जानना चाहूंगा कि आज देश की आबादी की आधे से ज्यादा संख्या गरीबों की है, क्या उनके बच्चों को स्वास्थ्य मंत्रालय के द्वारा निर्धारित मानकों के अनुरूप ठीक, उपयुक्त कैलोरी युक्त पोषक आहार मिलता है? अगर नहीं मिल रहा है, तो उसके लिए आप उत्तरदायी हैं, आपने उसके लिए क्या प्रयास किए हैं? इस विधेयक लाकर कुछ बातों की पूर्ति करना चाहते हैं, लेकिन उससे क्या होगा। माननीय सदस्य श्री रेवती रमण सिंह जी ने ठीक कहा है कि केवल कानून बनाने से काम नहीं चलेगा। आपके पास खाद्य अपशिष्ट कानून के अंतर्गत कितने लोगों के खिलाफ मुकदमें चलाए गए, कितने लोगों को आज तक सजा हुई है, उन मुकदमों का क्या परिणाम आया, उसको ठीक ढंग से लागू क्यों नहीं किया जा रहा है? आपके पास कानून अभी भी हैं, आज भी व्यवस्थाएं हैं, लेकिन उन व्यवस्थाओं का आप लाभ नहीं उठा पा रहे हैं। अभी भी जो परिस्थितियां बनी हुई हैं जिसमें यह विषय आपके मंत्रालय के साथ ही बहुत कुछ कृषि मंत्रालय से भी संबंधित है। कृषि मंत्रालय ने भी फूड सिविलिटी के बारे में बड़ी-बड़ी बातें कही हैं। उन्होंने वर्ष 2012 तक, अगली पंचवर्षीय योजना में फूड सिविलिटी मिशन के तहत घोषित किया है कि हम अगले पांच वर्षों में 10 लाख मीट्रिक टन गेहूं, 8 लाख मीट्रिक टन चावल, 2 लाख मीट्रिक टन पल्सेज का अतिरिक्त उत्पादन करेंगे। आज हम बाहर से आयात कर रहे हैं, आयातित गेहूं इतना सस्ता है कि आज जानवर भी उसको खाने से मुं मोड़ लेता है। क्या इसके बारे में आपने कभी ध्यान दिया है? [R37]

16.00 hrs. [R38]

मैं चाहूंगा कि जब मंत्री जी अपना जवाब दें तो इस बारे में भी कहे कि क्या स्थिति है। आज स्थिति बदलती जा रही है, आपको इस ओर ध्यान देना चाहिए। आज के समाचार पत्रों में भी कहा गया है कि जिस तेजी से हिमखंड पिघल रहे हैं, ग्लोबल वार्मिंग हो रही है, उससे वर्षा और बाढ़ का खतरा हो सकता है। इस दृष्टि से प्रकृति पर प्रतिकूल प्रभाव पड़ रहा है और हमारे स्वास्थ्य पर भी प्रतिकूल असर पड़ रहा है। आज जो फल और सब्जियां पैदा होती हैं, उन पर भी विपरीत असर पड़ रहा है। आज केमिकल्स के जरिए सब्जियों का उत्पादन बढ़ाने का प्रयत्न हो रहा है। ये भी हमारे स्वास्थ्य पर विपरीत असर डालेंगी। आज पैकड फूड बाजारों में काफी मिलता है। इसमें भी केमिकल्स का काफी प्रयोग होता है, जिससे हमारे शरीर पर विपरीत असर पड़ता है।

ये सब विषय स्वास्थ्य मंत्रालय के अंतर्गत आते हैं और इन पर ध्यान देकर इन पर प्रतिबंध लगाने की कोशिश होनी चाहिए। अभी हमारे एक माननीय सदस्य ने कहा कि आज औषधियां भी बाजार में नकली मिल रही हैं। यह बात सही है। औषधियों के व्यापार में करीब 50 प्रतिशत दवाएं नकली बनाकर बेची जा रही हैं। आप कहेंगे कि इन पर रोकथाम राज्य सरकार का विषय है, लेकिन मैं आपसे कहना चाहता हूँ कि केंद्र सरकार इस सम्बन्ध में आगे आए और कड़ा कानून बनाकर आपको हस्तक्षेप करके इसे रोकना चाहिए।

आज ग्लोबल वार्मिंग के कारण प्रकृति पर विपरीत असर पड़ रहा है, उससे हमारा उत्पादन भी काफी प्रभावित हो रहा है और साथ ही साथ मानव जीवन पर भी उसका अनुकूल असर नहीं पड़ रहा है। आज डिब्बा बंद खाद्य वस्तुओं की उपलब्धता काफी हो रही है। लोग भी घड़ले से इन्हें खरीद रहे हैं, जबकि उनमें गुणवत्ता की काफी कमी है। इस बारे में भी आपको निश्चित रूप से ध्यान देकर कार्यवाई करनी चाहिए। मैं चाहूंगा कि आज जो स्थिति है, उसे रोकने के लिए जो हम राष्ट्रीय खाद्य सुरक्षा मिशन के तहत काम कर रहे हैं और नेशनल डवलपमेंट काउंसिल ने भी प्रस्ताव दिया है, उस पर विचार करना चाहिए। आपने इस बारे में लगभग लगभग देश के 305 जिलों को विहित किया है, जिन पर काम हो रहा है। इनमें आंध्र प्रदेश, छत्तीसगढ़, मध्य प्रदेश और असम प्रमुख हैं। इन जिलों में अगली पंचवर्षीय योजना के अंतर्गत कुल मिलाकर कितना खाद्यान्न बढ़ सकेगा, इसका प्रयास किया जाएगा। आप 16 राज्यों के 305 जिलों में कृषि मंत्रालय के साथ मिलकर जो काम करने जा रहे हैं, मैं चाहूंगा उस पर आपको अधिक ध्यान देना होगा। खाद्यान्नों की सुरक्षा के बारे में आपको विशेष रूप से ध्यान रखना होगा। आज लोगों में खाने की आदतों के बारे में भी परिवर्तन हो रहा है, उस पर भी ध्यान देना चाहिए। इस बिल में मल

धाराओं में दो संशोधन करने की बात है, उस पर हमें कोई आपत्ति नहीं है। लेकिन कुल मिलाकर जिस चीज की आज आवश्यकता है और जो स्थिति बन रही है, उस पर नियंत्रण पाने के लिए आपको निश्चित रूप से ठोस कार्रवाई करने की आवश्यकता है।

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Madam, I rise to support the Food Safety and Standards (Amendment) Bill piloted by the hon. Minister of Health Dr. Ramadoss. The Minister concerned is very much health conscious. It has been proved widely. He has already launched a crusade against the smokers. We the smokers have already been ostracized in Parliament premises by his relentless campaign. So, when a Bill is piloted under his concern, we are all very optimistic that the implementation will also be done in a right manner.

Some confusion was raised about the technicalities of the Bill. However, on March 14, 2008, in respect of Question No.1640, it was stated by the Ministry concerned:

"The setting up of Food Safety and Standards Authority and implementation of the Act involves significant inter-Ministerial coordination. A Steering Group consisting of Secretaries of all relevant Ministries has been constituted for overseeing the setting up of an autonomous Food Authority on the basis of the FSSA Act, 2006. Sections 4 to 10, (inclusive) Section 87, 88, 91 and 101 of the FSSA, 2006 have been notified with effect from 15th October, 2007 to enable setting up of the said Authority which would take up further steps for implementing the Act. The setting up of the Authority is in its final stage."

It is common knowledge that when we go for constructing one edifice, first, we have to prepare a plan. Later, we have to mobilize funds. Third, we have to make the estimate and fourth, we have to identify the implementing agencies for getting it done. So, already, it has been enacted but the foundation remains in the setting up of the Food Authority because the Food Authority itself will take a pivotal role. Without having the Food Authority, the contents of the Bill and the intentions of the Bill could not be materialized.

How much have we been civilized can be determined by the quality of food that we consume. It is really regrettable that even after acquiring the growing status in the comity of nations, we are really lagging behind in the context of quality of food. In the year 2006, the Food Safety and Standards Bill was passed in Parliament by the Ministry of Food Processing. But this time, again, an amendment Bill is going to be passed under the stewardship of the hon. Health Minister. Naturally, what I would like to point out is that any hydra-headed incumbency cannot be deemed sufficient for implementing this kind of an important Bill as it involves various segments of food, manufacturing, processing, import, etc. So, first of all, what I propose is that the entire Food safety and standard mechanism should be brought under one umbrella so that the food security and standards could be implemented in a very precise manner. Otherwise, it will be only written on the paper.

In this country, even in Delhi which is our National Capital certain things happen. I would like to refer to one report from the *Times of India* which says:

"Horse dung in *dhania* powder, petroleum products in Khoya and a liberal dose of artificial colour to make your salad look more attractive. The festive season is boom time for perpetrators of food adulteration offences. Not one of the 27 Sub-Divisional Magistrates in the city have collected the mandatory 20 to 24 food samples per month from their respective areas in the last ten months."

You will be astonished to know that as no common man has ever lifted a sample and sent it for testing in the last 10 years, the Government of Delhi has decided to give wide publicity to the provision. What does it mean? For prevention of adulterated food, the laws are in vogue since 1958. But still the common people are unaware that they have the right to consume good quality food and if anybody tried to do adulteration they have the right enshrined in the existing laws so that they can protest against adulteration and whereby they can also protect themselves from being adulterated.

The Food Safety and Standard Act has already repeated eight existing laws in relation to food safety and standard because multiplicity of laws and regulations impede the growth of the food processing sector where we are enjoying great potential. So, the law was enacted, but here in the amendment the Government has sought to make a little provision under Section 5 of the Food Safety and Standard Act as sub-section (5) prohibits holding of any other offices by the Chairperson and Members of the Food Authority. Which led to difficulties in constituting the Food Authority. So, in order to constitute a viable Food Authority

which needs to be hassle free, the Government brought this small amendment. Then, the Central Government was of the view that the Members of the Food Authority may also be appointed on part-time basis since it would not be possible to appoint eminent persons as Members of the Food Authority for the reason that they would be holding some other office or post in some industrial organisation which they represent. So, in order to insert dynamism in setting up of the Food Authority, the amendment including section 7 (1) of the F.S.S. Act have been sought for. Therefore, we should all support this amendment.

Madam, I would like to draw the attention of the hon. Minister that since December last year, the State of West Bengal has been ravaged by bird flu. It has hogged limelight and when it assumed alarming proportions, the Government of West Bengal had started culling operations by employing lay persons who were not imparted any training for scientifically culling the chickens. Thereafter, the Government has imposed a ban on rearing chickens in those areas which had been affected by bird flu. The Government had declared that they would do the mopping up operation and after finishing the mopping up operation they lifted the ban and allowed the people to consume chicken. Even the Minister of Animal Husbandry of the Government of West Bengal himself organised a chicken festival so that chicken could gain popularity again among the people. But meanwhile, the entire economic structure in rural parts of West Bengal got dismantled. But now we find that bird flu has relapsed in various parts of the State. According to the prescription of the World Health Organisation, in areas which have been affected by bird flu, rearing of chicken cannot be allowed for three months, but who will pay heed to it when the Government itself is asking people to consume chicken? Before rearing of chicken can be started again, it is imperative to adhere to the prescription suggested by the World Health Organisation. So, what is the duty of the common people when the State Government is indifferent to the alarming situation?

Madam, many hon. Members here have raised the issue of quality of water consumed by the people. My district Murshidabad and eight other districts of West Bengal have been infected by arsenic contamination. So, the vegetables and fruits that are grown there by extracting water from underground contain arsenic which deposits on plants and we have to consume arsenic infected fruits and vegetables.

I would like to draw the attention of the hon. Minister that India is a signatory to the CODEX Alimentarius Commission and India is also a signatory to the Sanitary and Phytosanitary Agreement under WTO. But India has been flooded with genetically modified food. So, I would like to know whether the Government has any mechanism to check the genetically modified imported food which is coming to our shores everyday. I would also like to know whether our quarantine officials and our port officials are equipped enough to deal with the microbiological contamination and genetically modified food that are flooding our country. Before supporting the Bill, I would also like to warn the Minister that without having a precise implementing agency we would not be able to achieve the desired results.

SHRI SURESH PRABHAKAR PRABHU (RAJAPUR): Madam, when we passed the Food Safety and Standards Act in 2006, if that particular Bill had been drafted properly, this amendment would not have been required now. That particular Bill which turned into Act in 2006 should have contained a simple provision. When we are thinking of appointing people from the industry, it is obviously understood that they would be holding some offices. If we are to appoint some unemployed people, that is understandable, but when it is very clearly mentioned in the Act itself that persons from the industry and from various other fields would be appointed, when the original Bill was drafted, it should have incorporated all these provisions.

However, I have moved a Statutory Resolution opposing the imposition of the Ordinance for the simple reason that I have always felt that an Ordinance should be issued in a very exceptional situation where nothing can wait till the Parliament is summoned. In this particular case, I really do not know as to what was the great emergency which necessitated the Government to issue an Ordinance. Therefore, I oppose the promulgation of this Ordinance.

Madam, since the Government has issued the Ordinance, I would like to know from my friend, the Minister of Health, as to whether they have taken all the steps necessary to appoint and operationalise the authority. If they have not done so, then even the purpose of issuing the Ordinance itself gets defeated. So, I would like to be enlightened as to whether there was an emergency which forced the Government to come out with this Ordinance.[\[R39\]](#)

[T\[r40\]](#)hen, have they appointed the persons, who are going to be appointed? It was not possible to appoint them because the Act prohibited from doing so. Therefore, I would like to know whether it has been done and if it has been done what is the base on which such appointments have been made. This is very important for us to know because the Ordinance was already issued.

Madam, this particular Bill is essentially trying to look at three amendments to the Act. In fact, it is one amendment really. The amendment is so that the people holding other office can be appointed on the authority. As they are looking at the amendment, probably they have decided to relax the age and extend it to 62 years. But this is the third amendment which is following out of that, amending the definition sections itself. So, basically, they are amending one basic amendment.

As per the appointment committee, which is coming under section 6 and in which it is stated, the Cabinet Secretary would be heading the appointment committee. This is in the Act itself. Therefore, something like this, when they are going to find out people from the industry, which they have mentioned here, they are going to find out people from NGOs, which they have mentioned here, they are going to find out people who are good scientists, who are going to be appointed here, the committee's composition is essentially Cabinet Secretary, as they have already mentioned, which are the officers who will be appointed.

In fact, I would request the hon. Minister, though now it is part of the law, you cannot make changes, but whenever they are making a search committee of this type and particularly when they want to find out a talent available in the country, they should not be restricting themselves to such types of the provisions in the Act itself. Now, even if they want to do they cannot change it because the Bill is now being passed. Of course, I am also responsible for this because we have done it in the collective wisdom of this House. But, my request would be that if they want to have a search committee, they can empower the Government to decide who will be in the search committee.

Madam, I was looking at the definition section, section 3 sub-section J. If you look at it, this particular law is really welcome. In fact, we all have supported it and I even welcome the amendment. But at that particular time, we never realised about this particular amendment, which I am seeing now, mentions, 'only those food articles, excluding those which are used by animals'. There the hon. Minister has stated that the animal foods are exempted. Does he mean to say that the animal life is not important as human life?

Therefore, I would urge the hon. Minister to look at this provision in section 3(j) that he should really try to make sure that even this Act does not cover it, maybe he needs to really bring a legislation to make sure that even the animal food, which is consumed by the animals and which is packaged food, is included in this. In this particular section, the hon. Minister has not even talked about the packaged food, he has talked about a very broad spectrum, a broad definition of what food really means. In fact, section 3(j) defines what really food is. In that he has already mentioned this. So, my request would be that he should also try to cover, in some form or the other, the animal food as well.

Madam, what is really important is, when we are really doing it in this particular manner and when particularly we are going to set standards, which is the basic purpose of this law, we must go in for voluntary compliance. We should not do it in a way that we will have now more inspectors, who will be running around and trying to find out.

The hon. Minister may please talk to all the associations, manufacturers and try to set such standards, which will be very stringent; set standards in a way what could be implemented in next six months, what could be implemented in next two years and what could be implemented in next five years. So, there should be a phase-wise application and he should set up a good regulatory mechanism. If they find somebody who is not following the standards, they should take stringent action against him. But I would urge upon him to try to involve all those who are actually involved and they may call it SRO, Self-Regulatory Organisation or something like this. I would request the hon. Minister to really do it.

Madam, labelling is extremely important which is going to be a part of this. In fact, today, I was surprised to read, in either Hindustan Times or the Times of India, a very big news item saying that if you are consuming wine then your brain will be affected. Till yesterday, we were told that if you take a glass of wine everyday, your heart is protected. So, now your heart is fine, but your brain is in problem. So, we would really like to know from the hon. Minister that he must come out with labelling in way that will bring out all these facts in a proper manner because the wine industry says that you drink wine and keep fine, but now wine is not fine and risky whisky and all that. Then how do you really survive. Of course, I do not take alcohol, but we should try to bring out something for the knowledge of all the consumers because labelling is extremely important.

I read somewhere the statement of the hon. Minister that all the processed food will now contain information like how much is the content of HDL, LDL and items like that. If that is what it is, then I would request him to come out with that very soon. All processed food must contain that information because now-a-days, we cannot just help to just play with the food which really is going to cause problems later on.

Madam, neutraceutical is another important aspect of it. Pharmaceutical industry is growing and so is neutraceutical industry at the same time. But we really need to set very high standards even now. I know this is not really part of this particular Bill, but the drugs which are manufactured, which are sub-standard, which are spurious are really in a way very harmful to patients who consume them. So, I think, along with this, there is a need to bring out a proper understanding whereby all the food items,

neutraceutical, pharmaceutical will be covered by this.

Most importantly, I know the limitation of the Central Government. We do not have an apparatus to work in all the States. So, essentially, you can set standards but adherence to the standards will be again the responsibility of the State Governments. So, I think, the hon. Minister must take steps to strengthen the State machinery. In fact, I made this point when I was speaking on the Budget. In fact, there is no provision for strengthening various State machineries. When they are creating such regulatory framework at national level, they are expecting that this will happen since they have passed a law. It is not going to happen. Therefore, the States will have to be strengthened. I would request the hon. Minister to tell us how the State strengthening machinery would take place.

Mostly importantly and lastly, Madam, we really need to act at source, where it is manufactured because it becomes very difficult at the other end, that is, distribution. So, they must find out how many factories will be permitted to manufacture such types of products which are covered by this law. Same is the case with pharmaceuticals. You know, there are some States which are very notorious, which manufacture spurious drugs and the same drugs are then distributed all over the country. In fact, there are some shops in Delhi where somebody will tell you outside not to go to these shops because they sell spurious drugs. It is also known very well. So, at the distribution end, it is very difficult to control, you must try to control it at source and definitely it is required.

My last request to the hon. Minister would be to tell us in how much time he is going to set standards for all major items and that too as I requested to do in a phased manner, that is, first, it will not be as stringent, second will be more stringent and third will be very stringent. I think, we should try to do that as quickly as possible and I would request the hon. Minister to enlighten the House about the time frame in which this will happen.

DR. R. SENTHIL (DHARMAPURI): Thank you Madam, I rise, on behalf of the Pattazhi Makkal Katchi Party, to support the Food Safety and Standards (Amendment) Bill, 2008.

This short Bill has got only two very important objectives. One is to fix the age of the chairperson at 65 years. It is too obvious to justify and I think, it does not need any explanation. The other objective is to include part-time members to be members and chairperson.

This is a very important amendment, Madam. As many of our hon. Members have earlier pointed out, we need specialists, in fact, technocrats in this highly specialized agency and the members of the authority are basically experts from farming, manufacturing and food processing technologies. Hence, when you make it mandatory that they have to be full-time members, you will not be getting experts.

Here, I want to make an analogy with the Medical Council of India. In Medical Council of India Act, if you want all the members to be full-time members, obviously you will not be having experts because the Medical Council of India members are experts in their own field with their own commitment. But as part-time members, they contribute a lot to the specialized field. Like-wise, here also, only specialists must be there. I think, this amendment fulfils that objective and hence, I support this Bill.

Madam, I also want to put on record my thanks to the hon. Minister and his officials for helping out the SAGO manufacturers of Tamil Nadu. The PFA provides for certain limitations on certain substances in the SAGO, like cyanide and chloride. There was some confusion in interpreting the norms and there was some problem faced by the SAGO industries. I did go to the hon. Minister to help them out immediately help them. I thought, it was my duty to record my thanks[\[r41\]](#).

Madam, many hon. Members in the Parliament today mentioned the problems of junk food and packed food. In 1937, George Orwell mentioned in his novel: "We may find in the long run that tinned food is a deadlier weapon than the machine-gun." Madam, 70 years later, he could not have been more correct. That is rapidly becoming truth. What is more surprising is that food habits are changing very rapidly. In 1987-88, rural India spent 26 per cent on cereals; but in 2004, it was spending only 16 per cent. In the same period, spending on processed food and beverages went up from 4 per cent to 6 per cent. Likewise, a very poor person who has an income of only Rs. 225 per month, spends Rs. 6 on processed food and his richer counterparts who earn Rs. 950 per month spend Rs. 100 on packaged foods. This being the scenario, the NSSO data mentioned one very important fact that with the advent of the fast food culture, people eat more packaged food and fast food like pizzas,

burgers, chips, and drink soft drinks. There is an exponential increase in the amount of fat consumed by the rural and urban poor.

This being the case, we should look at what is happening in India. The incidence of diabetes is increasing rapidly. We now have the highest number of diabetics in the world. If the present trend continues, by 2025, 25 per cent of the Indians will be diabetics. This being the scenario, we need some very strict legislation to check the junk food. Our hon. Minister has always been voicing this concern in all the fora he is attending. As our Members are suggesting, I think, not only we should be displaying the various components of the food, their calorific value and other facts, but also like having a pictorial warning for cigarettes, we should be having a pictorial warning on junk food highlighting the problem of the junk food.

With these few words, I welcome this Bill.

श्री हंसराज गं. अहीर (चन्द्रपुर) : सभापति महोदया, मैं सरकार द्वारा सदन में लाए गए खाद्य सुरक्षा और मानक (संशोधन) विधेयक, 2008 पर बोलने के लिए खड़ा हुआ हूँ। खाद्य सामग्री के निर्माण, भंडारण, वितरण हेतु अलग-अलग कानून होते हुए भी वर्ष 2006 में जब खाद्य सुरक्षा और मानक बिल लाया गया था, तब सरकार द्वारा कहा गया था कि यह सम्पूर्ण समग्र व अनिवार्य विधेयक है लेकिन दो वर्ष के अन्दर ही संशोधन विधेयक लाया गया तथा 7 फरवरी 2008 को इसके लिए अध्यादेश लाया गया। बजट सत्र के तीन सप्ताह रहते हुए यह बिल लाने की जरूरत क्यों पड़ गई, सरकार ने इतनी जल्दबाजी क्यों की, इसका मंत्री जी जवाब दें।

इस संशोधन विधेयक के माध्यम से सदस्य की पुनः परिभाषा कर, इसे अंशकालीन सदस्य के रूप में परिभाषित किया जाना और धारा पांच को निरस्त किया जाना ताकि अध्यक्ष तथा पदेन सदस्य के लिए अन्य पदों को धारण करने हेतु एक नया रास्ता बन जाए, वे अन्यत्र भी पद पर रह सकें, ऐसा प्रयास किया गया है। इनके अपने लोग जो अन्यत्र पदों पर आसीन हैं, उन्हें पिछले द्वार से पदों पर आसीन करने का प्रयास, इस संशोधन विधेयक के जरिए किया गया है। आप जिन का सदस्यों के रूप में चयन करेंगे, वया वे इस क्षेत्र में विशेषज्ञ होंगे या उन्हें इसका काफी अनुभव होगा, इसके बारे में अवश्य बताया जाए।

महोदया, स्वास्थ्य मंत्रालय अति महत्वपूर्ण मंत्रालय है। इसके द्वारा एक छोटी सी बात जिस की बहुत जरूरत नहीं थी, अध्यादेश लाकर अमेंडमेंट लाया गया है। हमारे साथियों ने कहा कि फूड द्वारा लोगों को जहर दिया जा रहा है, जिससे अनेक समस्याएं निर्माण हो रही हैं। दवाइयों से लेकर खाने की चीजों में अत्यधिक रासायनिक उर्वरकों का उपयोग करके उत्पादन बढ़ाया जाता है जिससे कई बीमारियां पैदा रही हैं। घरों में जो खाद्य पदार्थ बनते हैं, उनसे जो पौष्टिक आहार और विटामिन्स मिलने चाहिए, वे नहीं मिल रहे हैं। हर घर में छोटे बच्चे हैं, उन पर इसका विपरीत प्रभाव पड़ रहा है। मैं पढ़ रहा था कि हैदराबाद की नेशनल इंस्टीट्यूट ऑफ न्यूट्रिशन संस्था द्वारा जो अभ्यास किया गया, उसमें पाया गया कि शहरों में अनेक बच्चों में विटामिन ए, बी-1 और सी की कम मात्रा पायी गई है और नियासिन, फोलिक एसिड, आयोडिन, आयरन इत्यादि कम पाए गए। अनाज, सब्जियों और फलों में रासायनिक उर्वरकों का ज्यादा प्रयोग होने से काफी दुष्परिणाम सामने आ रहे हैं और उनसे आने वाली जेनरेशन काफी प्रभावित हुई है। विधेयक के माध्यम से इन सारी बातों पर विचार होता तो अच्छा होता। हम जो चीजें घरों में यूज करते हैं और बच्चों को खिलाते हैं, उनसे कई बीमारियां हो रही हैं।

मेरे पूर्ववक्ता ने सिंथेटिक दूध के बारे में कहा है। हम ऐसी खबरें टेलीविजन में भी देखते हैं और अखबारों में भी आती हैं कि बच्चों को दूध द्वारा जहर पिलाया जा रहा है। साफ्ट ड्रिंक्स में भी रासायनिक पदार्थों का प्रयोग करके युवा पीढ़ी और बच्चों की जिन्दगी के साथ खिलवाड़ हो रहा है, इस पर अंकुश और नियंत्रण लगाने के लिए अगर बिल में उल्लेख होता तो हम सब सहमत होकर इसका समर्थन करते। बिल द्वारा जो भी दुरुस्त करने का प्रयास हुआ है, हम उसका समर्थन करते हैं लेकिन इसमें कुछ ऐसे संशोधन भी लाए जाएं जिससे सामान्य जनता, देश के बच्चों को लाभ हो।

DR. KARAN SINGH YADAV (ALWAR): Madam Chairman, I rise to support this amendment which has a very specific and a limited purpose and it is replacing an already promulgated Ordinance.

This Bill was piloted and navigated by our hon. very dynamic and young Health Minister who is so concerned about the health issues whether it is smoking or something else. I was happy that one of the earlier learned speakers was talking about the adulteration and spurious drug which has been magnified and put in the Press out of proportion. Of course the menace is there. But I know that the Health Minister piloted a Bill about drugs and pharmaceuticals which is under consideration of the Standing Committee on Health. I am sure, when that Bill comes at the passing stage, most of the people from the Opposition would be very much satisfied and would thank the hon. Health Minister who is going to bring another good piece of legislation. Like his other commitments, I must thank him that he has piloted, tabled many other Bills like Clinical Establishment Bill where for the first time in the country somebody has thought of regularizing the medical establishment. The major cause or concern is that there are half-baked kinds of nursing homes where there are no facilities; there are no properly trained doctors and no nursing staff. We need to regulate; we need to have some kind of a monitoring system.

This is another Bill which the hon. Health Minister has tabled and is under the consideration of the Health Committee, that is, the Paramedical and Physiotherapy Bill. So far in this country, nobody has thought about regulating the services of paramedical staff, technicians, radiographers, perfusionists, opticians and the whole lot of people who support in the medical treatment of a man. [r42]

[h43]

One of the most important Bills is waiting to be passed in Parliament. I wish it comes in the next Session. I would like to submit to the hon. Health Minister that the Medical Council (Amendment) Bill would revolutionize the trend of medical education in this country. I would just like to take this opportunity to congratulate the young and dynamic Health Minister who, for the first time, has thought of all aspects of health-related problems, and when he got this particular Bill passed in Parliament, everybody endorsed with one view that it was high time that the country thinks about the adulteration in food.

Madam, we are ashamed when we read in the newspapers day in and day out about this. Only two or three days back, they have busted a factory where adulterated vegetable or adulterated ghee is being produced. Just now, one learned Member was talking about adulterated milk. That is some thing which we want to give to our children in the purest form. But there also, there is adulteration of chemicals. Even in the milk, which comes from cows and buffaloes, there also we have adulteration. A dose of oxytocin is being given to a cow or a buffalo so that it can produce large quantity of milk, and that gets mixed up with those deadly chemicals. This is a time that one should have thought about it. This Act, which was passed in 2006, by constituting this Authority of Food Safety, would fill up that gap.

The purpose of this Bill is just to seek permission of this House so that the members could be part-time. I can certainly understand the people who are technocrats, who are scientists, who are experts in their fields, may not be too happy to be associated with the Food Safety Authority on a full-time basis. So, I think, that latitude one has to give to a person who cannot be totally bound down. But what is expected is that there is a good infrastructure in terms of the Authority, good infrastructure in the State, good laboratories in the State, good analytic experts in the States, and they can take the samples. Above all, one needs to sensitize the public. They must know that there is a Department and there is an authority which has come up. If the people send proper samples to the representatives of the Authority, then their complaints can be taken care of.

I am sure that with this kind of legislation, the future is very bright and we will see that our countrymen get unadulterated food, unadulterated milk, unadulterated ghee, unadulterated *masalas* and unadulterated sweets during the festival time.

With these few words, I support this Bill and thank the hon. Health Minister for having brought this Bill before this House.

SHRIMATI C.S. SUJATHA (MAVELIKARA): Madam Chairman, I rise in support of the amendments to the Food Safety and Standards Bill 2005.

The Bill envisages consolidation of eight laws governing the food sector. Further, it establishes food safety and standard authority to regulate the sector. This is a welcome initiative by the Government of India.

This law intended to enforce through State commissioners for food safety and local level officials. It actually provides heightened accountability to every manufacturer to identify any food article so as on distributor and the seller. The text of the Act and its efficacy is in its implementation at the ground level. There I am concerned in the provision of entrusting the enforcement to the local level officials because, it eventually open a new space for rampant corruption.

Madam, Universal Standardization of every food product and its ingredients is very important in ensuring food safety. Fool-proof monitoring and uncompromising enforcement is a pre-requisite for the same. Experience shows that big companies are still in a position to maneuver with every loopholes in the law to continue with their vagaries in adulterating food items is a day to day experience in India. The enthusiasm and the energy in this exercise to enact a competent law with regard to food safety should be with that goal. But I am forced to express my apprehensions in this regard considering the prevalent lacunae and lapses in the administration mechanism in our country. Basically this is an issue dealing with the life and health of the common people in India. We should bear it in mind that the present day market psyche is lead by the profiteering without any respect to ethical and moral values. The controversy over the aerated drinks is a case in point. There are many other examples. Even the vegetable, fruits and other articles we eat are not free from exposure of lethally chemicals and pesticides. Hazardous chemicals are being used for the colorings of fruits and vegetables. Dangerous substances are added to give more colour and weight in spices etc. without any control and regulation.

Before concluding I want to mention some key issues involved in this legislation. They are:

1. The unorganized sector such as street vendors may have difficulty in adhering to the law with regard to specification on ingredients, traceability. But both organized and unorganized food sectors are required to follow the same food law.
2. Quality standards of potable water using in preparing or manufacturing food should be ensured through competent and required safety standards.
3. This Bill excludes plans prior to harvesting and animal feed from the purview thus the Bill does not control the entry of pesticides and antibiotics into the food at the source.
4. The power to suspend the license of any food operator is given to a local level officer. This offers scope for harassment and corruption.
5. The Bill envisages that the State governments have to bear the cost of implementing the new law. However the financial memorandum does not estimate these costs.

With these words I conclude and thank you very much.

श्री शैलेन्द्र कुमार (चायल): माननीय सभापति महोदया, आपने मुझे खाद्य सुरक्षा और मानक (संशोधन) विधेयक, 2008 पर बोलने का मौका दिया, इसके लिए मैं आपका आभारी हूँ। जैसा इस विधेयक में दिखाया गया, कि सबसे पहले जो खाद्य सुरक्षा मानक अधिनियम, 2006 है, उसमें संशोधन लाकर माननीय मंत्री जी ने सदन में प्रस्तुत किया है। इन दो वर्षों में ऐसी कौन सी बाध्यता थी कि इसे 2008 में लागू करने की जरूरत पड़ी? इसमें कहीं न कहीं कोई मकसद तो जरूर होगा, यह सम्मानित सदस्यों की चिंता रही है। हमारे संविधान में भी उल्लिखित है कि सबको अच्छा स्वास्थ्य, शिक्षा और खाद्य सामग्री मिले और यह हर सरकार की जिम्मेदारी भी है। इसमें खास तौर से स्वास्थ्यपूढ़ खाद्य की उपलब्धता की बात कही गई है और इस विधेयक में भंडारण, वितरण और विक्रय की व्यवस्था पर भी विशेष निगाह रखने के बारे में कहा गया है।

16.49 hrs.

(Shri Balasaheb Vikhe Patil in the Chair)

इस व्यवस्था के लिए खाद्य प्राधिकरण के गठन की भी बात कही गई है जिसमें चेयरमैन की उम्र 65 वर्ष से कम और सदस्य की उम्र 62 वर्ष रखी गई है। मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूँ कि इसमें ऐसे लोगों को रखा जाए जो विशेषज्ञ हों। [r44] तब जाकर इस बिल का मकसद और महत्व बढ़ेगा। दूसरी बात जो अभी सुरेश प्रभु जी कह रहे थे कि हम मनुष्य के बारे में तो सारी व्यवस्थाएं करते हैं लेकिन यह भी देखा जाना चाहिए कि मनुष्य के अतिरिक्त पशु-पक्षियों तथा जानवरों का आपस में समन्वय और मिलन कैसे हो उसके बिना कोई जीवन नहीं चल सकता। अभी कुछ माननीय सदस्यों ने दूध के बारे में कहा कि दूध में बहुत ज्यादा रासायनिक मिलावट होती है। एक जानवर ही दूध देता है, उसके बाद उस दूध को मनुष्य और बच्चे पीते हैं जिससे उनका स्वास्थ्य अच्छा होता है। जिस प्रकार से मनुष्यों के बारे में व्यवस्था की गई है, उसी तरह से जानवरों, पशु-पक्षियों के बारे में भी, उनके स्वास्थ्य लाभ इत्यादि की व्यवस्था होती, तो मेरे ख्याल से अच्छा होता।

दूसरी बात, जिन वस्तुओं का भी निर्माण हो रहा है और जहां पर निर्माण हो रहा है, वहां हमें विशेष निगरानी रखनी होगी कि वहां किसी प्रकार की मिलावट तो नहीं होती है। हमें वहां की वस्तुओं की वर्गीकृति और मात्रा पर विशेष ध्यान देना होगा। मेरे ख्याल से अगर हम ध्यान देंगे, तो इस विधेयक की मंशा तभी पूरी हो पाएगी। मैं ज्यादा कुछ न कहकर इतना ही कहना चाहूंगा कि इस विधेयक में जो प्राधिकरण की व्यवस्था की गई है, उसमें एक्सपर्ट लोगों को जरूर रखें, तब जाकर इस बिल का मकसद पूरा हो पाएगा। इन्हीं बातों के साथ मैं इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

श्रीमती सुमित्रा महाजन (इन्दौर): सभापति महोदय, इस अधिनियम में जो संशोधन रखा गया है, मुझे बहुत ज्यादा इस बारे में नहीं कहना है लेकिन कभी-कभी लगता है कि वास्तव में जो फूड सेफ्टी से संबंधित अधिनियम है, मनुष्य जो अन्न खाता है, यह केवल उसी से संबंधित है, ऐसा नहीं है। ओवरऑल लगता है कि मनुष्य से लेकर सामान्य जीव जन्तु तक यह संबंधित है क्योंकि इसमें एनीमल फूड भी कहीं न कहीं शामिल है। इतना ही नहीं, कहीं न कहीं पूरे वातावरण को यह प्रभावित करता है क्योंकि जिस तरीके से कई बार वित्तीय सामने आते हैं, जैसे अभी बीच में आया था कि गाय या भैंस को इंजेक्शन लगाकर दूध बढ़ाने की बात आती है, उससे क्या-क्या हो सकता है, इसमें सरकार की एक गंभीरता दिखनी चाहिए, लेकिन वह कहीं नहीं दिख रही है। आज जिस प्रकार से एक छोटा सा संशोधन आप ले आये हैं, वह भी लगता है कि अभी पूरा नहीं है। इसके बाद एकाध और संशोधन लैबलिंग को लेकर आ सकता है। लेकिन आज भी जो संशोधन आप लाए हैं, मुझे नहीं मालूम कि मन में कुछ बात रखकर कि किसी को हटाना है, ऐसा कुछ मन में आया, सुप्रीम कोर्ट की थोड़ी सी डांट पड़ी और फिर हम जल्दी में ले आये कि कुछ तो करके दिखाया है - कोई बात नहीं है, लेकिन इसमें एक बात और भी ध्यान में रखते, जो हमेशा हम भूल जाते हैं कि अगर कोई भी ऑथोरिटी बनाते समय ध्यान में रखनी चाहिए कि इसमें क्या इसमें कोई एक्सपर्ट, साइंटिस्ट या फूड टैक्नोलॉजिस्ट हैं और उनकी डिजीजन मेकिंग में अहम भूमिका है या नहीं है, क्योंकि केवल ऊपरी तौर पर ही नहीं, ये सारी की सारी बातें कहीं न कहीं हर चीज को अफैक्ट करने वाली बातें हैं और

इस बात को हमें ध्यान में रखना चाहिए। कई बार ऐसा होता है, क्योंकि मैं भी जब मंत्री थी तो एक बात समझ में आई कि जैसे न्यूट्रीशन बोर्ड बना, न्यूट्रीशन बोर्ड में कोई न्यूट्रीशन एक्सपर्ट ही नहीं हैं, सिर्फ अधिकारी बैठे हुए हैं। इससे कोई क्या समझेगा? ठीक है, मैं अधिकारियों के प्रति भी सम्मान रखती हूँ, लेकिन तकनीकी रूप से भी उस बात को समझने वाला व्यक्ति भी होना चाहिए, जिस बात को हम वास्तव में लागू करना चाहते हैं।

एक बात जो और ध्यान में आती है, मेरी समझ में नहीं आता कि मोनीटरिंग फूड वर्किलिटी का जो मूल अर्थ है, क्योंकि अब प्रीवेंशन ऑफ फूड एडल्टरेशन एक्ट भी कहीं न कहीं इसमें समाहित हो गया है। इसलिए मोनीटरिंग ऑफ फूड वर्किलिटी के लिए हम क्या कर रहे हैं, पूरे इंप्रूवमेंट के बारे में हम क्या एक्शन ले रहे हैं और यह इंप्रूवमेंट राज्य स्तर तक ही जाता है। उसके लिए कुछ नहीं है और हम एक छोटा सा संशोधन इसमें ले आये हैं। इसमें सरकार की कहीं गंभीरता नहीं दिखाई पड़ती है। हालांकि मुझे तो बहुत बड़े-बड़े हैं, लेकिन गूढ़क स्तर तक हम इसके साथ कैसे न्याय करेंगे - एक छोटे से उपभोक्ता को सही चीज कैसे मिलेगी, एक उपभोक्ता को न्याय कैसे मिलेगा, इस पर भी हमें ध्यान देना चाहिए। हो सकता है कि यह अधिनियम लागू होने के बाद छोटे-छोटे खोमचे वालों को भी रजिस्टर कराना पड़ेगा, यानी अपने-अपने व्यवसाय की रजिस्ट्री उनको करानी पड़ेगी। यह बात ठीक है कि हर स्तर पर वर्किलिटी फूड मिलना चाहिए। लेकिन मैं आपके माध्यम से माननीय मंत्री जी को बताना चाहूंगी कि मुझे कई बार लगता है कि एक छोटे से स्टॉल पर अगर कोई गर्म-गर्म पकौड़े तल रहा है तो वे पकौड़े जंकड फूड की तुलना में ज्यादा सेफ हैं, इसलिए इस ओर भी ध्यान देना आवश्यक है। मेरी समझ में एक बात नहीं आती कि आप किसे बचाना चाहते हैं? आपने ही एक पृष्ठ के उतर में जो कहा था और उसमें कहा था कि "Final Notification regarding regulations for labelling and disclosing the ingredients of the contents" इसके लिए आपने शायद कोई कमेटी भी बनाई और फिर आप कह रहे हैं कि एक प्रीवेंशन शुरू करने के लिए आप अलग से कुछ अमेंडमेंट और कुछ नोटिफिकेशंस लाएंगे। मैं जानना चाहती हूँ कि किस बात से हम कतरा रहे हैं? Why we are not doing it? किसका हमें डर है? कौन सा हमारे ऊपर प्रेशर है क्योंकि अब इतनी एमएनसीज आ रही हैं और एक प्रकार से जो हमारा बाजार है, वह पूरा भर रहा है। हम पर अनेकानेक चीजें थोपी जा रही हैं, इसलिए मैंने कहा कि यह सम्पूर्ण वातावरण को प्रभावित करने वाली चीजें हैं। ठीक है, यह तो छोटा सा संशोधन है। अब आपने क्यों विन्यास, क्या करा, यह आप भी जानते हैं। इसमें मैंने जो बात कही कि कोई एकाध साइंटिस्ट, किसी चीज को समझने वाला टैक्नीकल व्यक्ति जरूर होना चाहिए। यह आप रख रहे हैं या नहीं रख रहे हैं, इस बारे में भी आप सोचें। यह संशोधन तो आप करें, क्योंकि 65 साल हो या कितनी उम्र हो, ठीक है कि कुछ सोचकर ही आपने निर्णय लिया होगा, लेकिन यह निर्णय भी पहले क्यों नहीं हो पाया? एक साल तक इस पर विचार करने के बाद आपके ध्यान में बात नहीं आई तो लगता है कि मैंने शुरू में जो बात कही, मुझे आरोप नहीं लगाना है मगर व्यक्ति सामने आने के बाद संशोधन सूझता है, ऐसा कभी-कभी फिर मन में आता है, हो सकता है कि ऐसा नहीं हो। मैं आरोप नहीं लगा रही हूँ, लेकिन ऐसा जब होता है तो मन में कुछ बातें आ जाती हैं। इन चीजों की तरफ हम थोड़ा सा ध्यान दें और सरकार को इस संबंध में गंभीर होना चाहिए क्योंकि यह एक्ट ऐसा नहीं है, कल को इस मुद्दे पर एक नोबल इश्यू भी बन सकता है। इस बात को हमें थोड़ा सा ध्यान में रखना चाहिए। इतना ही मेरा निवेदन है।

*SHRI M. SHIVANNA (CHAMRAJANAGAR) : I am grateful to you for giving me an opportunity to participate in the discussion on the Food Safety and Standards (Amendment) Bill, 2008 that has been brought before the Parliament. I congratulate the Hon. Minister for Health and Family Welfare for this.

In the modern world, the Food Safety and Standards are very important. When we are having a global competition, in order to compete and to lead a happy life, we should have good health. To ensure good health, our food materials should be of good quality with care for maintaining standard. Unfortunately, now-a-days, we are not getting quality food and pure drinking water.

I come from a rural area. I am healthy as I got quality food right from my childhood days. In good old days foodgrains were grown without using fertilizers and pesticides. That is why the quality of food was very high. But now, the longevity has come down from 100 years to 60-65 years. Our children are not getting real quality food; drinking water is also not available as pure one. As a result, our people including children and women are suffering from various diseases. Diseases related kidney and liver are on the increase due to non-availability of pure drinking water and rampant contamination. Even though, we are having many laws to prevent substandard type of food being sold, we are not taking care to maintain quality and standard. The tasty powder they sell is nothing but poison. It does not dissolve. It will affect the kidney.

Many a times poor people like vendors or shopkeepers, who are selling pakoda, gobi Manchurian and other food items on the roadsides are caught. But the persons and industries, who are involved in producing spurious food items are left free. Therefore, such industrialists should be punished and their industries should be sealed. Therefore, the Government should enforce the laws of the land properly. Recently, I have come to know that the Government proposes to give

*English translation of the speech originally delivered in Kannada.

mid-day-meal to all the deserving school children in the country. I would suggest that packed-meal should not be distributed to the students as we cannot ensure quality of such foods.

I support this Bill on my own behalf and on behalf of my J.D. (S) Party. Let me congratulate the Hon. Minister for bringing this Bill. With these words, let me conclude.

श्री गणेश सिंह (सतना) : सभापति महोदय, आपका बहुत-बहुत धन्यवाद कि आपने मुझे अपनी बात रखने का अवसर प्रदान किया। इस संशोधन विधेयक पर हमारे कई काबिल माननीय सदस्यों ने अपने अपने विचार रखे हैं। खाद्य सुरक्षा और मानक अधिनियम, 2006 में संशोधन के लिये यह विधेयक लाया गया है। जब 2006 में यह विधेयक बना लेकिन इसे देश में लागू नहीं किया गया। हालांकि सदन ने उसे पारित किया, महामहिम राष्ट्रपति जी ने उसका अनुमोदन कर दिया था, उसके बावजूद यह कानून नहीं बन पाया और देश में लागू भी नहीं हो पाया। मुझे इस संबंध में यह कहना है कि उस समय देश में कुछ ऐसी परिस्थितियां बनी थीं कि जब यह विधेयक बना तभी बाजार में बड़े पैमाने पर मिलावट का काम हो रहा था, मिलावट पर रोक लगाई जा सकेगी इसीलिये यह प्रभावी अधिनियम लाया गया था। लेकिन मैं नहीं जानता कि किन कारणों से यह कानून लागू नहीं हो सका?

सभापति महोदय, माननीय स्वास्थ्य मंत्री जी ने राज्य सभा में 16.03.2007 को एक माननीय सदस्य के पृष्ठ के उतर में बताया था कि अधिनियम के अनुसार खाद्य प्राधिकरण गठित होने के पश्चात् केन्द्र सरकार इसे राजपत्र में अधिसूचित करेगी। मैं माननीय मंत्री जी से जानना चाहता हूँ कि ऐसा जवाब देने की वया जरूरत थी, जब इसे लागू ही नहीं करना था? फिर यह कहा गया कि मंत्रिमंडल स्तर की सचिव की अध्यक्षता में एक समिति का भी गठन किया जायेगा। उस समिति का गठन भी हो गया। उस समय कुछ शीतल पदार्थों में कीटनाशक दवाओं की मिलावट की जानकारी मिली। इस प्रकरण की जांच के लिये एक संयुक्त संसदीय समिति का गठन किया गया कि वह जांच करेगी। जांच रिपोर्ट आने पर स्वास्थ्य मंत्रालय पर जिम्मेदारी डाली गई कि वह इस के बारे में कार्यवाही करे लेकिन दुर्भाग्यवश कोई कार्यवाही आज तक नहीं हो सकी। इस बीच में सुप्रीम कोर्ट में एक जनहित याचिका दायर की गई। सुप्रीम कोर्ट ने भारत सरकार के ऊपर इतनी जबरदस्त नाराज़गी जाहिर की और कहा कि जब फूड सिक्यूरिटी एक्ट संसद द्वारा बनाया गया है, फिर उसे पूरे देश में लागू क्यों नहीं किया गया? सुप्रीम कोर्ट ने उस समय के सॉलिसिटर जनरल से कहा था कि वह भारत सरकार से पूछकर 5 सितम्बर तक जवाब दे कि किन कारणों से इस एक्ट को भारत सरकार ने लागू नहीं किया है? फिर भी न जाने किस वजह से अध्यादेश के द्वारा विधेयक में संशोधन लाने का काम मंत्री महोदय ने किया है। वह अपनी जगह ठीक हैं लेकिन मुझे नहीं लगता कि इसकी जरूरत थी। सब से ज्यादा जरूरत आज इस बात की है कि एक बार जब कानून बन गया तो उसे तत्काल पूरे देश के अंदर लागू करना चाहिये था। अगर उसके बाद जरूरत होती तो उसमें संशोधन निश्चित तौर पर करने का काम किया जाना चाहिये था।

सभापति महोदय, मैं कहना चाहता हूँ कि यह विषय केवल स्वास्थ्य मंत्रालय का नहीं है। इसमें खाद्य एवं उपभोक्ता मामलों का मंत्रालय भी शामिल है। यह विषय न केवल इन्सानों का बल्कि जानवरों के साथ भी जुड़ा हुआ है, जैसा माननीय सदस्यों ने कहा है। हमारे देश में चिंता इस बात की है कि देश में मिलावट को कैसे रोका जाये? वर्तमान में बहुत सी वस्तुओं में मिलावट हो रही है। लेकिन प्रभावशाली कानून हमारे पास नहीं है जिसके चलते हम अपराधी को सजा दिलाने में कामयाब नहीं रहे। राज्य सरकारें निश्चित तौर पर अपना काम कर रही हैं लेकिन वहां भी कानून इतना प्रभावी नहीं जिससे कि मिलावट को रोकने का काम कर सके। ऐसे कई उदाहरण हमारे सामने आये हैं। मैंने एक बार सदन में यह सवाल उठाया था कि सेना के पास जो पैट्रोल जाता है, उसके टैंकर में पानी मिला हुआ था जो पकड़ा गया था। यह बात देश के तमाम अखबारों में उस समय छपी थी। मुझे नहीं मालूम उस पर क्या कार्यवाही सरकार ने की? गाजियाबाद में 25 किंचंतल खोसा सिन्थेटिक दूध मिलावट वाला पकड़ा गया, मुझे नहीं मालूम, सरकार ने उस पर क्या कार्यवाही की? रेलवे द्वारा 'रेल नीर' बनाया जाता है, उसमें कई बार शिकारतें आई हैं लेकिन मालूम नहीं आज तक उस पर क्या कार्यवाही की गई है? कई बार उपभोक्ता वस्तुओं- जैसे घी में चर्बी की मिलावट, मसाले में घोड़े की तीद और हल्दी में गेरूआ रंग मिला हुआ पाया गया है। इस देश में न जाने कितनी चीजों में मिलावट का काम किया जा रहा है? सरकार कोई प्रभावी कानून बनाकर उस पर कार्यवाही करे लेकिन सरकार चुप बैठी रहती है। आज देश के सामने एक बहुत बड़ी चुनौती है कि अगर हम उपभोक्ताओं को ववालिटी की चीजें नहीं दे सकते हैं, तो हम उन्हें क्या दे सकते हैं? लाखों बच्चे बीमार हो रहे हैं क्योंकि देश में इतनी नकली दवायें बन रही हैं। लेकिन कोई कोई कारखाना इसलिये बंद नहीं किया गया क्योंकि वे नकली दवायें बना रहे थे। समाचार-पत्रों में छप गया, जांच कमेटी बन गई, उसकी रिपोर्ट भी आ गई लेकिन उस पर कार्यवाही कुछ नहीं। मुझे नहीं लगता कि इस गम्भीर स्थिति से लोगों को बचाने का काम हो पायेगा।

सभापति महोदय, आज जरूरत इस बात की है कि इस देश में एक मजबूत कानून बने। पैंप्सी कोला के बारे में कई बार शिकारतें आई हैं। [s45]

[rep46]

पहले आप बंद कर देते हैं और फिर उसके बाद उसे चालू करा देते हैं। फिर न जाने कुछ दिनों बाद उसमें गुणवत्ता कैसे ठीक हो गई। सुप्रीम कोर्ट का इशारा, पैंप्सीकोला को बंद करने के बाद फिर चालू करने की अनुमति देना और सन् 2006 में बनाए हुए कानून को लागू न करना, कहीं न कहीं इस बात का इशारा करता है कि बड़े-बड़े पूंजीपति लोग सरकार को अपनी गिरफ्त में ले चुके हैं। इसीलिये ऐसे जनहित के जो कानून बने हैं, वे लागू नहीं हो पा रहे।

सभापति महोदय, मैं आपके माध्यम से निवेदन करना चाहता हूँ कि विदेश से जो गेहूं आयात किया गया, जो लाल गेहूं गरीबों को दिया जा रहा है, वह गेहूं मानव उपयोग के लिए है ही नहीं। मेरे प्रदेश के मुख्य मंत्री, श्री शिवराज सिंह चौहान ने खुद एफसीआई में छापा डाल करके उस गेहूं की सेम्पलिंग कराई। उस सेम्पलिंग की रिपोर्ट आई कि यह गेहूं मानव उपयोग के लिए नहीं है। तभी भारत सरकार के एक मंत्री जी ने बयान दिया कि मध्य प्रदेश के मुख्य मंत्री जी को अधिकार नहीं है कि एफसीआई में जाकर ऐसे अनाज का सेम्पलिंग कराए। मैं पूछना चाहता हूँ कि आखिरकार भारत सरकार करना क्या चाहती है? आज हम घटिया स्तर का गेहूं विदेश से आयात करके उपभोक्ताओं को दे रहे हैं, क्या उन पर रोक नहीं लगाई जानी चाहिए?... (व्यवधान) मुंबई के भीतर 60 सेम्पल लिए गए और इन 60 सेम्पलों में तकरीबन 55 सेम्पल मानव के उपयोग के नहीं पाए गए। निम्न स्तर के गेहूं के ऐसे प्रमाण सामने आए, तब भी इसे रोका नहीं गया। आज पूरे देश में मिलावट का बाजार पूरी तरह से फलफूल रहा है। भारत सरकार की जवाबदारी है कि इस मिलावट के बाजार को बंद करे और आम उपभोक्ताओं को शुद्ध और अच्छी वस्तु उपलब्ध कराने का काम करे। आपने मुझे बोलने का समय दिया, इसके लिए आपको बहुत-बहुत धन्यवाद।

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have great regard for the Health Minister.

MR. CHAIRMAN : Not only you, everybody has great regard for him.

SHRI VARKALA RADHAKRISHNAN : But I will have to state some hard facts. Now it has become a practice for this Government to issue an ordinance for anything and everything, whenever the House is not in Session, and that too on the eve of the Session. Here is a case that ordinance came into effect on 7.2.08 while the House was convened on 25.2.08.

MR. CHAIRMAN: Now, what is its relevance?

SHRI VARKALA RADHAKRISHNAN : The Session commenced on 25.2.08. I presume that the Central Cabinet might have taken the decision to convene the Budget Session well in advance. After taking the decision to convene the Budget Session, is it proper to issue an ordinance?

MR. CHAIRMAN: When the Bill was being introduced, at that time the merit of issuing the ordinance should have been raised.

SHRI VARKALA RADHAKRISHNAN : Sir, it is violation of constitutional propriety and democratic norms.

Now I would tell you what the emergency was. I have gone through his statement of reasons. Now in the statement of reasons, he has stated that the circumstances prevailed and the circumstances existed for issuance of ordinance. I do not know what circumstances existed. I do not presume that the circumstances which existed in AIIMS are applicable here also. Here, there is no Dr. Venugopal who has appeared on the scene! Then, what was the temptation to issue an ordinance, within those 18 days. I simply put it to you. He has not mentioned a word, not made a whisper ...(*Interruptions*)

MR. CHAIRMAN; At the time of introduction, this should have been discussed. Already the Bill is introduced and we are at passing stage.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : It is too much. By no stretch of imagination, we can presume that there was an exigency which forced the Government to resort to Article 123 of the Constitution. That is one thing.

Take the other things also. This is an amendment to the Food Safety and Standards Act, 2006 passed by this House. That Bill was moved and piloted by him only and that Bill was passed here. Now he has come with an amendment to the original Bill which we had passed in 2006. Probably due to oversight, it might have been left that the presence of eminent persons in the Food Authority is essential. That situation was there and existed when the original, principal Act was passed. Probably he might have forgotten. So, he could not take eminent persons as members of Food Authority as no full-time officer will come because they will be connected with some other organization. Due to this reason, the eminent persons may not be coming forth for this purpose. The Government thought it better to convert 'full-time' into part-time'. That is the gist of the Bill. Even assuming it for the argument sake that the Minister might have forgotten that aspect, then the view of the Government changed. What was the necessity to issue an ordinance? He could have waited till 25.2.08 and we could have passed an ordinary, normal Bill.

MR. CHAIRMAN: Now we are not discussing the constitutional validity; we are discussing the amendment.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : Please hear me. Do not get agitated. You are thinking of something else. Do not think about that. ...(*Interruptions*) I am a supporter of this Government. There is no doubt about it. So, you do not get agitated. ...(*Interruptions*)

MR. CHAIRMAN: I am not getting agitated.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : He could have contemplated that thing when the principal Act was passed. That he did not. Human-beings make errors. So, I am prepared to accept that due to omission, he did not mention about part-time members in

the Committee. Now after some time, the Government was of the view that part-time eminent members should be in the Committee. It is all right. I have no objection to it. For it, is it necessary to take away the powers of this House? This is a Bill to replace an ordinance and we have the present Bill here and we have no other go. Now nothing can be said because it was moved in Rajya Sabha and passed there. So, it is fantastic to assume that we can make amendments. We cannot. Our hands are tied. Rajya Sabha has already approved and passed the Bill. We will have to pass it here also. Where is the scope for discussion? Can we make an amendment or can we adopt the Statutory Resolution? Now the Statutory Resolution will become a farce, since the Bill has already been passed by Rajya Sabha. ...(*Interruptions*)

MR. CHAIRMAN: Do you have any objection to the amendment? Already the Bill is passed in Rajya Sabha.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : What is the meaning of discussing the Statutory Resolution here when it has been passed in the Upper House.

MR. CHAIRMAN: At the time of its introduction, nobody raised the question of validity. Do you have any objection to the amendment?

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : The hon. Member will have to withdraw the Statutory Resolution. Can the Resolution be adopted? No. ...(*Interruptions*)

MR. CHAIRMAN: Shri Radhakrishnan, are you supporting the amendment?

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : Sir, this is a committed legislation and our hands are tied.

I accuse the Government. I do not have any grudge against the Health Minister. I appreciate his services. ...(*Interruptions*)

MR. CHAIRMAN: You can guide them for future.

SHRI VARKALA RADHAKRISHNAN : I appreciate the services of the Health Minister, but I advise him not to be a party to such unparliamentary practice. After convening the Session, do not issue any ordinance. Now, this House was convened on 25.2.08. You have issued an ordinance on 7.2.08. That is what I had to say. My dear Ambumani, do not be a party to such things and do not issue ordinance after the Government has taken a decision to convene the Session of Parliament, and that too just 18 days before that.

This is what I have to say. This will go on record. It will become a precedent for the future generation. When you are not here and I am also not here, the future generations will get to know what these people were doing. ...(*Interruptions*)

MR. CHAIRMAN: This is a good suggestion. Your argument is valid for future also.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : This makes it explicitly clear that they are issuing ordinances even after convening the House. This is too much.

With these words, I fully support the Bill. There is no doubt about it. I have no objection to it. It is very essential that eminent persons should come in Food Authority, but I think that the way it was done is not appropriate.

MR. CHAIRMAN: You have put forth your arguments.

...(*Interruptions*)[\[SS47\]](#)

MR. CHAIRMAN: Mr. Radhakrishnan, you have already put forth your arguments.

The next speaker is Shri Prabodh Panda. I would request all the hon. Members to kindly conclude their speeches within five minutes each because there are six more hon. Members who wish to speak on this issue. Thereafter, the hon. Minister has to

reply to the discussion, and we have to pass this Bill today. Therefore, please cooperate with the Chair by being brief while making your speeches.

SHRI PRABODH PANDA (MIDNAPORE): Thank you, Mr. Chairman, Sir. I stand to support the Food Safety and Standards (Amendment) Bill, but I would like to make some comments and observations with regard to this amendment while supporting this Bill.

In this august House when the original Bill was moved for adoption, at that time, several Members including myself participated in the debate and we said that this Bill is not sufficient as so many things are to be discussed in it. We all felt that there should be a complete Bill, but that suggestion was not accepted and considered at that point of time, and the Act was enacted.

There is a Sanskrit proverb that says : "किन् वयां विर्यने धेनवा या न सुते न दुग्धतम्।" It means, what is the use of a cow that does not give milk or even produce a calf? After a long gap the Government could realize that this Act is not sufficient, and that an Amendment was required to it. Accordingly, this Ordinance was promulgated, and now it has been passed by the Rajya Sabha. Now, we have nothing more to say and only to put the rubber stamp on this Amendment Bill.

I would like to ask this, through you, from the hon. Minister. Does he feel that even this measure is sufficient? Does it give sufficient teeth to this Act? What are the constraints and main problems in it? There are insufficient numbers of laboratories. Even the small markets are extending to the block and village levels, and the food materials are being sold in different parts of the country in villages and even in blocks, small towns, and footpaths also. I think the Minister has visited the city of Kolkata where on the footpaths itself huge number of small sellers sell food articles. What would be the mechanism to maintain food safety and standard there? It has to be judged and assessed as to what sort of mechanism has to be there.

They will again come in this House as it would require further necessary amendment to this Act. I think that we should sit and discuss this matter in detail, and bring some comprehensive amendment. On the other hand, we could repeal this one and bring a new one so that sufficient teeth would be given to it.

The issue of contaminated food articles is not only related to the restaurants â€¦! ...(*Interruptions*)

MR. CHAIRMAN: Hon. Member, you have already taken more than five minutes. Please conclude your speech.

SHRI PRABODH PANDA : What about the poor people and the ordinary people who purchase food materials from streets and small shops? What would happen to them? The farmers also sell their products including fruits in the market, and in most of the cases they are contaminated and spurious.

17.25 hrs.

(Dr. Laxminarayan Pandey *in the Chair*)

As regards soft drinks, when the NDA Government was in office and Madam Sushma Swaraj was the Minister, at that time the problem of residue of pesticides in drinks came to light. A Joint Committee was set up, and they had made certain recommendations. What happened to them? How did the Government respond to them? What had happened after it? Who was responsible for this contamination? What sort of measures has been taken against them? This is not known to us, and we are quite in the dark about it.

I am not against this sort of amendment, but I think that this is not sufficient. The idea is very good, and all that you want to do and the object is also very good, but more needs to be done in your actions and operations. I would say that a comprehensive Act should be brought so that sufficient teeth are given to it, and such mechanism should be extended to the ground-level also. Further, more and more laboratories should be set up not only in the capital cities, districts, towns, and block levels, but even in the Panchayat-level also so that the purpose will be served to a great extent.

With these words, I once again support this Bill, but I want to record my reservations and my comments in this regard.

श्री राम कृपाल यादव (पटना) : सभापति महोदय, मैं खाद्य सुरक्षा और मानक (संशोधन) विधेयक, 2008 के पक्ष में बोलने के लिए खड़ा हुआ हूँ। देश में बड़े पैमाने पर खाद्य पदार्थों में मिलावट हो रही है। उसे कारगर ढंग से रोकने के लिए और हमारे मानक ठीक हों, यह मंत्री जी की सोच है और वे इस बिल के माध्यम से इन चीजों को कारगर

ढंग से लागू करना चाहते हैं। इस प्रकार से देखें, तो मंत्री की जी सोच आम लोगों को रहत देने की है।

महोदय, हम सब लोग जानते हैं कि कानून तो बहुत सारे बनाए जाते हैं, लेकिन कानून बनें और उनका इम्प्लीमेंटेशन सही ढंग से न हो, तो सारे कानून बेकार हो जाते हैं, हम लोग ऐसी व्यवस्था में जी रहे हैं, हमें आमतौर पर देखने को मिलता है कि बड़े पैमाने पर खाद्य पदार्थों में मिवावट के कारण वे असुरक्षित हो रहे हैं। हर किसी चीज में आपको मिवावट नजर आएगी। सब्जी, दाल, चावल, गेहूं, घी, दूध, कोल्ड ड्रिंक्स और चॉकलेट्स आदि जितनी भी इस प्रकार की खाद्य सामग्रियां हैं, इनमें मिवावट अमूमन देखने को मिलती है।

महोदय, मिड डे मील, सरकार का बहुत लोकप्रिय कार्यक्रम है, लेकिन अनेक केसेस ऐसे देखने में आए हैं कि बच्चों ने मिड डे मील खाया और वे बीमार पड़ गए। आमतौर पर यह देखने को मिलता है और पूछ: आए दिन समाचारपत्तों में इस प्रकार के समाचार पढ़ने को मिलते हैं। मैं समझता हूँ कि निश्चित तौर पर आज जिस प्रकार से खाद्य पदार्थ असुरक्षित हो रहे हैं, उन्हें हम केवल नियम बनाकर ठीक नहीं कर सकते हैं। हमें नियमों को कारगर ढंग से लागू भी करना पड़ेगा। जब तक हम नियमों को कड़ाई से लागू नहीं करेंगे, तब तक खाद्य पदार्थों में मिवावट जारी रहेगी। खाद्य पदार्थों में मिवावट का परिणाम आज यह हो रहा है कि देश में बड़े पैमाने पर लोग बीमार पड़ रहे हैं। पानी में भी मिवावट हो रही है। अभी हमारे साथी, गणेश प्रसाद जी बोल रहे थे और बता रहे थे कि पानी में भी मिवावट हो रही है। मैं समझता हूँ कि इस बिल को लाने की सरकार की मंशा ठीक है और सरकार चाहती है कि आम लोगों को खाद्य सुरक्षा प्रदान की जाए। मैं समझता हूँ कि इसको कैसे और कारगर ढंग से लागू किया जाए, इस बारे में सरकार को अवश्य विचार करना चाहिए।

महोदय, देश में प्रयोगशालाओं की कमी है। मुझे जानकारी है कि प्राथमिक तौर में, बिहार में, मेरी कांस्टीट्यूंसी पटना में भी एक प्रयोगशाला स्थापित की गई है। मैं उसे देखने गया, उसकी स्थिति बहुत खराब है। वहां ठीक प्रकार के उपकरण नहीं हैं। वह प्रयोगशाला जीर्ण-शीर्ण अवस्था में है। अब मुझे पता नहीं कि सरकार ने उसके मॉडर्नाइजेशन हेतु कोई कदम उठाया है या नहीं। [r48]

[r49]

जहां तक मुझे जानकारी है, जितने आदमियों की आवश्यकता प्रयोगशाला में है, उतने आदमी वहां उपलब्ध नहीं हैं। मैं समझता हूँ कि यदि आपने प्रयोगशाला खोली हुई है तो उसकी कारगर ढंग से मॉनिटरिंग होनी चाहिए, उसके लिए साधन मुहैया करवाइए, आदमी मुहैया करवाइए। लेकिन उसका काम केवल बाजारों से सैंपल कलेक्शन करने का है। आपकी स्टैण्डर्ड प्रयोगशालाओं से यह मालूम चलता है कि कहां किस चीज की मिवावट है?

महोदय, माननीय सदस्य चर्चा कर रहे थे कि खुले में मिलने वाली चीजों और जंक फूड से खास तौर से बीमारियां हो रही हैं। उन पर हमारा कोई नियंत्रण नहीं है। मैं समझता हूँ कि आप निश्चित तौर पर ऐसा प्रयास करें, ऐसा व्यापक कानून बनाएं, अन्य कानूनों में संशोधन करने की जरूरत हो तो उसमें संशोधन कीजिए। इसमें राज्य सरकार का भी दायित्व बनता है। कानून बनता है, लेकिन राज्य सरकार को इम्प्लीमेंट करना है। आप केन्द्र की तरफ से कुछ नहीं कर सकते हैं। आप कानून तो बना देंगे, लेकिन लागू करने का काम राज्य सरकार का है। केन्द्र सरकार और राज्य सरकारों को बैठकर के, मैं समझता हूँ कि आप मंत्रियों के साथ बैठक लिया करते होंगे, उसमें किस तरह से इस कानून को सरजमीं पर लाया जाए। खाद्य में बड़े पैमाने पर मिवावट के कारण हम अस्वस्थ हो रहे हैं। जिस तरह से ब्लड प्रेशर और डायबिटीज़ आम लोगों को हो रहा है, उसका मूल कारण मिवावट है। यदि मिवावट होती रही, तो हम स्वस्थ नहीं रह पाएंगे। खाद्य पदार्थों को उपजाने के लिए तरह-तरह के फर्टिलाइज़र और रसायनों का उपयोग हो रहा है। लेकिन इसके साइड इफैक्ट क्या हैं, इसकी जांच करने की आवश्यकता है। मैं समझता हूँ कि जब तक हम इन सब चीजों पर गौर नहीं करेंगे, ध्यान नहीं देंगे, तब तक आदमी मौत के घाट उतरता जाएगा और बीमारियों का अम्बार लगा रहेगा।

महोदय, क्या कोई भी आदमी आज स्वस्थ है? पहले के जमाने के लोग, आज भी 70 साल, 80 साल और 90 साल तक जी रहे हैं। लेकिन जब से खाद्य में मिवावट होनी शुरू हुई है, शुद्ध भोजन नहीं मिल रहा है और जब शुद्ध भोजन प्राप्त नहीं होगा, तो निश्चित तौर पर बीमारी आमंत्रित होगी। आज तो 10-11 साल के बच्चों को भी हार्ट की प्रोब्लम हो रही है, डायबिटीज़ हो रही है। अब तो गांव भी असुरक्षित हो गए हैं। वहां हवा, पानी तो ठीक मिलते हैं, लेकिन वहां भी खाद्य में मिवावट आ गई है। हर जगह मिवावट आ गई है। शहरी वातावरण में जीने वाले लोग तो बीमारी से ग्रस्त हो ही रहे हैं, लेकिन गांव में भी ये सब चीजें जा रही हैं। इसलिए इन सब चीजों पर माननीय मंत्री जी, चूंकि स्वास्थ्य मंत्रालय जैसा महत्वपूर्ण मंत्रालय आपके पास है, इसलिए आपकी जिम्मेदारी बनती है एक सौ करोड़ की आबादी के स्वास्थ्य की रक्षा करना, उसके लिए जो भी कारगर कदम उठा सकते हैं, आप उठाइए। हम इस बिल का समर्थन करते हुए, इस विश्वास के साथ कि निश्चित रूप से यह बिल कानून बनेगा, सरजमीं पर आएगा और जो खाद्य असुरक्षा पैदा हो गई है, उसको ठीक करने का आप काम करेंगे। इन्हीं शब्दों के साथ इस विधेयक का पूरजोर समर्थन करते हुए, मैं अपनी बात समाप्त करता हूँ।

श्री रामदास आठवले (पंढरपुर) : सभापति महोदय, खाद्य सुरक्षा और मानक संशोधन विधेयक, 2008 का समर्थन करने के लिए मैं अपनी पार्टी की ओर से बोलने के लिए खड़ा हुआ हूँ...(व्यवधान)

सभापति महोदय : क्या आप अपनी सीट पर जाएंगे या यहीं से बोलेंगे?

श्री रामदास आठवले : महोदय, इन्होंने मुझे आगे आने के लिए बोला...(व्यवधान)

MR. CHAIRMAN : You have to take the permission to speak from there; otherwise, you have to go back to your allotted seat.

श्री रामदास आठवले : महोदय, मैं तो वहीं था, लेकिन इन्होंने मुझे आगे आने के लिए बोला। आप कहेंगे तो मैं वहां चला जाता हूँ।

SHRI BRAJA KISHORE TRIPATHY (PURI): Sometimes, Ministers are also not speaking from their own seats.

श्री रामदास आठवले : महोदय, मुझे यहां से बोलने की अनुमति प्रदान की जाए।

MR. CHAIRMAN: Now that you have requested me, I permit you to speak from there. Please go on.

श्री रामदास आठवले : सभापति महोदय, रूल के मुताबिक ही हाउस चलना चाहिए और मैं सबसे ज्यादा रूल का पालन करने वाला सदस्य हूँ।

महोदय, डॉ. अबुमणि रामदास, इनका नाम रामदास है और मेरा नाम भी रामदास है और हेल्थ मिनिस्टर होने के नाते बहुत अच्छा बिल लेकर आए हैं। मिलावट के संबंध में पहले भी कानून बने हैं, लेकिन मिलावट करने वाले जो व्यापारी होते हैं, उन पर सख्त कार्यवाही करने की बहुत आवश्यकता है। मिलावट होने से लोग बीमार भी हो जाते हैं, इसलिए इस संबंध में कानून बनाने की बहुत आवश्यकता है। खाद्य प्राधिकरण के अध्यक्ष का कार्यकाल 3 वर्ष का है, इसमें सदस्य हैं, लेकिन इसमें एससी तथा एसटी वर्ग के सदस्य भी बनाने की आवश्यकता है।

महोदय, स्कूलों में भी छात्रों को जो खाद्य पदार्थ दिए जाते हैं, उनमें भी बहुत मिलावट होती है, इसलिए मेरा कहना है कि यह बिल बहुत महत्वपूर्ण है और जैसे राधाकृष्णन जी ने कहा कि यह बिल पहले लोक सभा में आना चाहिए था, लेकिन यह पहले राज्य सभा में प्रस्तुत हुआ। यह बिल पहले लोक सभा में मंजूर होने के बाद राज्य सभा में जाना चाहिए था। यह बिल बहुत महत्वपूर्ण है तथा मैं इस बिल का समर्थन करता हूँ।

SHRI K. FRANCIS GEORGE (IDUKKI): Sir, this Bill was mainly brought in to fix the tenure of the Chairperson of the Food Authority, and the full-time and part-time members and also, of course, to replace the Ordinance which was issued earlier. This Food Safety and Standards Act, 2006 was only implemented in bits and pieces. It was admitted by the hon. Minister. We are at a loss to understand why it is taking so much of time to implement such an important law which affects, of course, the health of our citizens and mainly the generations which are coming up.

Sir, the hon. Minister is on record in January, when the U.S. Health Secretary visited, when he said that it would take at least two to three years to form this particular Authority which we are discussing now. The main aim, of course, I hope is to form this Food Authority which will oversee the enforcement of this very important piece of legislation.

Sir, a critical component of this legislation is that of the insistence on the declaration and labeling of the ingredients of the food items. This legislation, we hope, will provide for a better and stricter regime, to check adulteration of food and beverages and will insist that all food items will be labeled as to the details of its ingredients and its contents. That is the only way a consumer can get information on the ingredients of a particular food item and also to make an informed judgment about its purchase.

Sir, it is very important that labeling is properly done. Adulteration is now spreading like a virus. We do not know which food item is not adulterated in this country. That is the case with imported food items also, specially that of GM foods which is being imported in large quantities into this country. In fact, a sizeable portion of the processed food imports contain products of GM crops and its derivatives. The countries which export them, mainly the US and the European countries, do not distinguish or segregate between GM and non-GM varieties or insist on its labeling. The consumer is at a loss, totally uninformed about the contents of food that is being produced and marketed in this country and also being imported in large quantities and measures.

So, Sir, the main point is how we will give teeth to this Authority that is going to be formed. I am sure that the Minister is going to explain all that. [\[r50\]](#)

When we discuss adulteration, certain alarming information has to be shared with the House. People were mentioning about milk adulteration. We feed our young children with milk. It has come to light that after diluting the milk with water, to give it the original fatty look insects like earthworms, leeches and centipedes are being put into milk. It is a very dangerous situation. That is the milk which we are feeding our children with. We know it very well because we are deficient in milk. In fact, milk comes from Tamil Nadu and there have been complaints. I am not making any accusation. Milk produced in Kerala also is being adulterated. It is not a question of any particular State.

We do not have enough testing facilities. Merely forming an Authority is not going to help. We must have modern testing facilities. When we form an Authority and insist on labelling, it can in a way indirectly help the farming sector also. I would like to cite the case of vanilla in this regard. Vanilla is used in ice creams to give it taste and flavour. Ice cream is consumed mostly by kids and younger generation. Vanilla is a very critical component of ice cream. Synthetic vanillim is being used in large quantities in our ice cream industry. Natural vanillim is good for health but it is slightly expensive. Synthetic vanillim is a by-product of petroleum. It is carcinogenic and dangerous to health. All children cutting across the age and financial barriers consume ice cream. So, slowly we are injecting poison into their bodies.

A suggestion which came from the association of vanilla producing farmers that the Government should insist on the manufacturers putting a label on the ice cream about the kind of vanillim used in their ice cream. I would request the hon. Minister to immediately issue orders to that effect. If it is done, it can indirectly help our farmers. Vanilla which used to fetch a

very good price once has absolutely no takers now. We made a lot of efforts and now finally Amul has decided to use natural vanillim in its ice creams. If this labelling condition is enforced and this information is given as to whether synthetic vanillim is used or natural vanillim in various products, people would naturally prefer products containing natural vanillim. So, it can do good to our health and indirectly help our farmers. I would request the hon. Minister to immediately pay attention to this fact.

I would like to congratulate the Minister for coming up with this amendment Bill, though a little belated, for setting up this Authority. These rules should be very strictly enforced so that it will help our countrymen.

Mention was made about promulgation of Ordinance. In fact, it should be avoided to the maximum extent possible. There is nothing wrong in using this power in unavoidable circumstances. I am sure that our dynamic Minister will take care of all these suggestions.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Chairman, I do not have anything to say to oppose the spirit of the Bill. However, I would like to question the Government as to why it failed to implement the Food Safety and Standards Act which was enacted in 2006? Why has the Government acted in such a lethargic fashion in this regard? This concerns the consumers of the country; it concerns the children of the country; it concerns the exports and imports of the country and it concerns everybody. It has varied applications in our country. The Act of 2006 was a very good legislation. This amendment has been brought to create the Food Authority and to give it a permanent Chairman and a panel of members so that it could be effective.

I am sorry to state here that this Government has reduced the budget for consumer awareness by about Rs.10 crore from 2005-06 and 2006-07. The budget for consumer awareness has to be increased so that more consumers can come to know about the standards of food safety and about how safe is what they are consuming. That is a part of the labelling.

I thank the Centre for Science and Environment that they conducted tests and put out the result, during NDA Government, on pesticide residues in soft drinks. It is the irony of fate that the judgment which came out later said that the water which those companies use has got natural pesticide residues. With the excessive use of chemicals and pesticides in agriculture, today even the ground water contains a lot of pesticides. This has to be corrected. This requires proper infrastructure throughout the country. In every District of the country we should have water testing and food testing laboratories so that the consumers at the grassroots level get to consume the right kind of food.

Our friend from RJD Shri Ram Kripal Yadav was mentioned about food poisoning in mid day meal scheme. The hon. Minister of Health must assess what the calorie intake in a mid day meal for a child should be and what nutritive value a child requires for healthy growth of his body and mind. These things have to be taken into consideration.

Animal feed, which is excluded from the original Bill, should be included in the Bill. We feed our animals which in turn give us milk and milk products for the consumer. There are new diseases which are coming to light like bird flu, chikungunya, foot and mouth disease in poultry and animals. Residues of pesticide are found in meat also. A lot has to be done. Ours is a big country of 110 crore people. We have to protect the poor people living in Scheduled areas. We all know what happened in my District Kalahandi. Last year there were diarrhea deaths in that District. Because people there drank contaminated water, hundreds of people died. I thank the Minister for taking immediate steps to control the situation. He sent a Central team there for which I am thankful.

There is another problem that has arisen in my District which I would like to mention. I have given a notice for that under 'Zero Hour'. That relates to brain malaria. That does not come within the ambit of this Bill. So, I will raise it during the 'Zero Hour'. I hope that the Minister will take proactive action in solving that problem.

SHRI J.M. AARON RASHID (PERIYAKULAM): Mr. Chairman, Sir, food adulteration is a very serious crime. People who are involved in such cases are playing with the health of the people of this country. Law in this regard should be made very strict and people indulging in this crime should be brought to book.[\[KMR51\]](#)

Suitable number of Food Inspectors, Sanitary Inspectors should be appointed to keep regular checks in the food market. Mixing of artificial colours, chemicals and essence should be regulated as per the norms and guidelines of the Government. The CFTRI centres should be opened in every district of the country to monitor foodstuff. Health Departments of the State Governments should be given more powers and proper education should be given to the officers and wide publicity should be given about the

impact of food adulteration, public health and the prevention of food adulteration laws also.

Selling of foodstuff in open areas - they are selling *vada*, *dosa* and *idli* and also 'cut fruits' – should be banned as it spreads many diseases. Imported food items and fast food items should be regularly checked because now a days, markets are full of imported food items and fast food without unhygienic packaging. Nutritional value of the food items should be given more importance.

Food is the necessity of life. The basic fact is that people love eating food in their homes. But sometimes, once in a day or a week, we consume food outside our homes. No wonder the food we get outside is very tasty and mouth-watering, at the moment when we eat but the consequences we face will be for life. Now a days, Blood Pressure is rising, Sugar diseases are rising; Even 13 year old boy is dying due to cardiac arrest. This is a very important issue and hence, I want to bring it to the attention of the Union Government Minister.

Food served outside is a source of income for *dhabawallas* or roadside vendors. Food is something which concerns the whole nation, right from the farmers to the *Chatwala*. But the primary concern which arises here is this. What we consume is safe for the body or not? I want to know whether it is healthy for the body or not. We have to discuss this aspect of food served outside by *Dhabas*, hawkers, roadside stalls, *Rehdiwalas*. In India only, we are allowing freely to sell outside. In foreign countries like Singapore, Malaysia and United States, they are providing shops to those who open shops outside and the food items are properly checked by the authorities concerned.

We consume food made on the roadside every other day but we never think about the conditions in which the food is prepared. The other important point is, the BPL people and those people whose profession is at the lower level, they consume more from the roadside. Autorickshaw drivers puller, and lorry drivers only take roadside food served on the highways. There is no doubt that food served at such places is of sub-standard quality and unhygienic. Pulses, grains and oil used are all of below quality and very cheap to buy. Not only that, owners of such eateries use today's food for tomorrow to earn extra profits. If the prepared items of today are not sold, they sell them for the next day at the cost of human lives. The conditions in which the food is cooked is pathetic as well. The food is usually cooked in open with complete disregard to the fact that it is on the road with thousands of vehicles plying and spewing smoke or they are cooked near a *nullah*, which is very unhygienic and which becomes a cause many a time for an epidemic in the past.

The Government should pass a resolution for the strictest implementation of food standards so that this grave threat can be stopped. Sub-standard foodgrains and pulses are yet another important point. I would suggest that if the food grains and pulses are of substandard level, it should be curbed at the production level itself. For that, we have to compensate the farmers so that they do not bear any loss and they would be able to meet the shortfall. The State Governments should be given more authority by the Centre to use foreign exchange for the import of food grains depending on the situation through the State Trading Corporation, NAFED, etc.

MR. CHAIRMAN : Kindly conclude. You are reading from the written speech.

SHRI J.M. AARON RASHID (PERIYAKULAM): In 2006, the Food Safety and Standards Act had received the Assent of the President of India. The objective of the Act was to bring all the laws relating to food under a single Act, that is, the Food Standard and Safety Act, 2006 (FSS Act). This will result in setting up of a Central Food Authority which will regulate and monitor the manufacture processing, distribution, sale and import of food so as to ensure safe and wholesome food.

MR. CHAIRMAN : Please conclude now. You are reading the whole speech. It is not permissible.

SHRI J.M. AARON RASHID : The Government have to appoint the Food Commission of Safety and effectively and efficiently implement the Act. District Committees should also be constituted by the State Governments to check this menace. The other initiatives of the Act are analysis of food through recognition and accreditation of laboratories, research institutions, etc. I would take only a minute.

It also provides setting up of food safety, appellate tribunals on the lines of Consumer Courts for adjudication of matters under the FSS Act.

MR. CHAIRMAN : You have made your point. You are reading the whole speech which is not permissible.

SHRI J.M. AARON RASHID : With a few lines, I would end my speech.

The Central Government shall have the power to issue directions to the food authority for obtaining reports and returns of its operations

MR. CHAIRMAN : I am calling the other hon. Member, Shri Braja Kishore Tripathy.

SHRI J.M. AARON RASHID : Sir, I will complete in a minute.

It shall have the power to make rules with respect to the services and recruitment for the food authorityâ€¦. ...(*Interruptions*)

MR. CHAIRMAN : Now, I am calling another Member and your speech will not go on record.

(Interruptions) â€¦*

SHRI J.M. AARON RASHID : Food should be made available to all the citizens of the country ...(*Interruptions*) Though 'food' is a State subject, the Central Government should give suitable directions so that people may live in good health without any diseases, without BP, without sugar diseasesâ€¦.

MR. CHAIRMAN : Shri Braja Kishore Tripathy. It will not go on record, Shri Aaron Rashid.

(Interruptions) â€¦*

* Not recorded

SHRI BRAJA KISHORE TRIPATHY (PURI): Mr. Chairman, Sir, we are discussing the Food Safety and Standards (Amendment) Bill, 2008.

MR. CHAIRMAN : Regarding sticking to the time, I am seeking your cooperation also.

SHRI BRAJA KISHORE TRIPATHY : The Supreme Court had reportedly pulled up this Government for not notifying the Food Safety Act, 2006 and failing to implement it despite the Presidential Assent to this Act a year ago. This Act is meant for regulating packaged food products, including cold drinks.

Sir, at the moment, just merely six per cent of the samples lifted by Prevention of Food Adulteration Inspectors failed in laboratory tests is definitely an indication of collusion between the officials and the traders. The lackadaisical approach of this

Government to the enforcement of food laws does little to protect either the consumer or the consumers' interest or their health.

Through you, I would like to draw the attention of the Minister and to the hon. House as to what food we are taking. A survey has been conducted wherein it was stated that in all the packaged food we are taking, for example, in milk, there is an addictive of Oxytocin. Our Health Minister is fortunately a doctor and he knows better. Of course, at the moment, he is not present. He knew as to what is the impact. I do not want to tell the impact. In milk, there is Oxytocin; in coffee and tea, coal tar dye; in *dal*, coal tar dye; in turmeric, lead Chromate; in sweets, Metanil yellow, Rhodamin B, in Pickles, Copper salts; in Saunf, Malachite green; in Vanaspati, Rancid, Animal Fat; in Lady's fingers, coffer Sulphate; in Brinjals, Carbofuran, in Cauliflowers, Phosphomidone II, Methyl Parathin III; in salt, Rangoli; and in Dhania powder, Horse Dung.

We can see in all the above mentioned packaged food, we are taking all these adulterated items which are harmful for the entire mankind. These are checked in the Food Adulterated Checking Laboratories. There are not enough laboratories and facilities of refrigeration across the country and at the disposal of the Government.[\[r52\]](#)

18.00 hrs.[\[MSOffice53\]](#)

There is lack of refrigeration facilities in the labs and so, whatever sample that are taken are going waste; they are not able to keep them in a proper way. We do not have sufficient number of food testing labs – this is also one aspect why the packages are not properly checked. The basic need to ensure food quality is to have the labs to check the food quality. At this moment, there is no sufficient number of food labs. I want to know what type of action the Government is taking to have sufficient number of labs in the country.

MR. CHAIRMAN : Please hear me now. The time is 6 o'clock now. We may have to extend the time. I have to take the permission of the House to extend the time up to the passing of the Bill.

...(Interruptions)

सभापति महोदय : इस विधेयक के पारित होने तक सदन का समय बढ़ाया जाए।

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI B.K. HANDIQUE): Let us dispose the Bill and then, we shall see for 'Zero Hour'.

SHRI KHARABELA SWAIN (BALASORE): It is very surprising; it is because the Government is not having any business and that is why, they are continuing with this Bill for the last 3-4 hours. It is a very strange thing. The House should be adjourned till the 15th April. Why should it unnecessarily continue with this?

MR. CHAIRMAN: Do you agree or not?

SHRI KHARABELA SWAIN : We do not agree. It is now 6 o'clock; we should take up 'Zero Hour'. ...(Interruptions) We can take up 'Zero Hour' now.

MR. CHAIRMAN: We will take up 'Zero Hour' also, but after the passage of the Bill.

...(Interruptions)

SHRI KHARABELA SWAIN : Since the Government is not having any other business, they are continuing with this for so long. ...(Interruptions)

MR. CHAIRMAN: It will not go on record.

(Interruptions)*

श्री खारबेल स्वई : सभापति महोदय, अब ज़ीरो आवर शुरू किया जाए।...(व्यवधान)

MR. CHAIRMAN: Shri Tripathy, you may continue.

SHRI BRAJA KISHORE TRIPATHY : At present, due to paucity of labs, testing of products is becoming difficult. Many small players, the small industries in the processing industry are witnessing a growth of about 10 per cent annually and they do not have the facilities for lab testing or quality testing. So, the small players do not maintain the quality standards because of paucity of testing labs.

So far as the soft drink is concerned, the recommendation of the Ganguly Committee is there on harmful effects of soft drinks, carbonated water, etc. which are to be checked. May I know whether the Government is taking any action on the recommendation of the Ganguly Committee so far as soft drink adulteration is concerned?

What is happening is this. There is no fear on the part of the defaulters because law is not so much stringent; they think that they can be free at any moment, even if they do adulteration. May I know whether the Government is also considering to make any stringent law? Maharashtra's position is ideal; it has made it cognizable and non-bailable. So, whatever Maharashtra Government has done, it should be implemented throughout the country. The offence should be cognizable offence and this should also be a non-bailable offence so that the defaulters will be scared to do adulteration.

India is reportedly importing wheat from USA, which is alleged to have the presence of dangerous weeds. Now, the Government is taking help from the USA,

* Not recorded

who is the master of adulteration and we are seeking help to set up the Food and Drug Authority. Now, the amendment has come and the Government is quite sincere to seek the help of USA to form this Authority. Otherwise, we do not have any qualified people, so, we are taking help from the US to make this Authority!

Lastly, I want to make a request to the hon. Minister. We are fortunate that the Minister is also a doctor, but we are unfortunate that he has no concern for the people. I do not know what the intention of the Government is in bringing forward this amendment. But I say that a chemical specialist and expert should head this Authority so that we could ensure that proper checking is made, and the Authority will take proper action and judicious steps.

...(Interruptions)

श्री स्वर्धेल स्वई : सभापति महोदय, ज़ीये आवर कब होगा?...(व्यवधान)

MR. CHAIRMAN: No. Let us give two minutes to 2-3 Members. Kindly cooperate with the Chair.

...(Interruptions)

DR. K.S. MANOJ (ALLEPPEY): Sir, I rise to support the Food Safety and Standards Bill. ...(Interruptions)

I will not go into the details of the Bill. ...(Interruptions) The Act was promulgated in 2006, but till now the FSS Authority should have not started functioning properly. This Act was promulgated to control or to ensure food safety and standard of food items that are consumed and sold in our country.

I would limit my deliberation to only 2-3 points. Recently in my constituency, some students in a particular school have consumed some confectionary from a shop, but they suddenly fell unconscious and developed sub-congenial hemorrhage. When the Health Inspector of the nearby PHC enquired, it was found that it was manufactured outside the State and it was outdated, but still it was sold in the shop. The Health Inspector could file a case against the shop-keeper, but not against the manufacturer. This is a thing that is happening.

There is one more thing. Everywhere and particularly in Kerala, we can see the coloured packets – *pan masala* or *pan parag* – are being sold. The Narcotic Controlling Agency says that those products do not come under their purview, and say that they are not narcotics; they are still being sold everywhere. There are some additives that are added; some stimulant materials are put in it. These materials should be brought under the purview of this Act.

Most of the multinational companies are selling the materials all over the world. But the standard of the items are substandard.

MR. CHAIRMAN: Please conclude. Shrimati Jhansi Lakshmi.

DR. K.S. MANOJ : We should standardize the quality of the materials that is sold outside.with that sold in our country.
...(Interruptions)

MR. CHAIRMAN: Please sit down. I have called another hon. Member.

DR. K.S. MANOJ : Okay, Sir. I conclude. I support the Bill.

*SHRIMATI JHANSI LAKSHMI BOTCHA (BOBBILI): Respected Sir, I had given notice to speak in Telugu. I thank you Sir, for giving me this opportunity to speak on this historic amendment brought by the UPA Government. This amendment is intended to address the mass adulteration that is taking place in almost all edible items consumed by common people. There were 5-6 amendments to this law earlier. This is a very special amendment brought by the UPA Government. I fully support this Bill and thank our Hon'ble Prime Minister and Hon'ble UPA Chairperson Smt. Sonia Gandhiji. There was a special committee constituted for this purpose with 1/3 women and this is an indication showing concern for women. I thank the Government for reserving 1/3 of 22 members committee on "Food Safety and Standard Authority of India" for women. This shows the commitment of U.P.A. Government for the welfare and empowerment of women in key decision areas. This Government is working with commitment towards strengthening our administration and governance. I specially thank Hon'ble Prime Minister, Hon'ble UPA Chairperson Smt. Sonia Gandhiji, Hon'ble Minister for Health Shri Ambumani Ramadossji and Hon'ble Minister of State for health Smt. P.Lakshmiji. I would like to mention here that there should be clear indication of quality on the packaged foods coming from industries, firms and farmers. We should also take steps to keep an eye on food processing. Existing laws should be implemented properly not only at the Centre but also at the State level. Directions should be given to State Governments in this respect. Women should be involved in ensuring quality of food. I also request Hon'ble Minister of Health to promote yoga. With the changing times, we should have a different outlook and approach dealing with junk foods and obesity.

I thank you, Sir, for giving me this opportunity.

* English translation of the speech originally delivered in Telgue.

SHRI KHARABELA SWAIN : Sir, generally she speaks in English. She has today spoken in her mother tongue, Telugu. It seems that the Government is giving an indication that elections are round the corner!

SHRI T.K. HAMZA (MANJERI): Thank you, Chairman, Sir. I would like to lay stress on only one point. This is an amendment Bill

and not an original Act. I can understand the feelings, if an Ordinance is promulgated on an original Act. This is an amendment Bill which has brought in to avoid promulgation of Ordinance.

I would like to submit one point on safety and standards of food. Though we have the Prevention of Food Adulteration Act, adulteration is going on. Even if to increase the taste if some other thing is added to the food it amounts to adulteration. Anyway, Act is there but its implementation is in a very serious condition. The adulteration is going on and that must be looked into.

Secondly, when we fix the standards, we should fix them according to the standards of Indian community. We cannot fix the standards for preparation of food as per the standards of America or England. Our own standards must be taken into consideration. We cannot impress upon our ordinary people handling food products to follow the American standards. The standards of the common people of this country may be taken into consideration while fixing the standards.

I agree and support the Bill. I congratulate the Minister for introducing this amendment Bill in the House.

श्री हरिभाऊ राठौड़ (यवतमाल): सभापति महोदय, संसद बुलाने का निर्णय लेने के बाद यह अध्यादेश जारी हुआ है, जो बहुत गलत है। माननीय मंत्री जी अपने रिप्लाय में इसे वलेरीफाई करें। हम देखते हैं कि तेल, पेट्रोल, चीनी, गेहूं, चावल, मिर्ची, हल्दी पाउडर, पानी, बीज जिसे काश्तकार बोते हैं, आदि सबमें मिलावट है। इन सब प्वाइंट्स पर बहुत से माननीय सदस्यों ने जिक्र किया है। मैं एक सीरियस प्वाइंट माननीय मंत्री जी के सामने रखना चाहता हूँ। इस बिल में जो प्रोविजन किया गया है, वह मुझे कंट्राडिक्टरी लग रहा है। इस बिल के पैरा तीन में कहा गया है कि "केन्द्रीय सरकार का यह मत था कि प्राधिकरण के सदस्यों को अंशकालिक आधार पर नियुक्त किया जा सकेगा, क्योंकि खाद्य प्राधिकरण के सदस्यों के रूप में विख्यात व्यक्तियों को नियुक्त करना इस कारण से संभव नहीं हो सकेगा कि वे किसी उद्योग/संगठन में, जिसका प्रतिनिधित्व करते हैं, कोई अन्य पद या नियुक्ति धारण कर रहे होंगे।" इसलिए खाद्य सुरक्षा और मानक अधिनियम की धारा 5 का संशोधन हो रहा है, जिसमें लिखा है कि "खाद्य प्राधिकरण का अध्यक्ष कोई अन्य पद धारण नहीं करेगा।" इसमें दो बातें हैं। पहला यह कि यह प्रोविजन मुझे टोटली कंट्राडिक्टरी लग रहा है। खाद्य प्राधिकरण का अध्यक्ष अन्य पद धारण नहीं करेगा, यह माननीय मंत्री जी को वलेरीफाई करना है। इसके साथ-साथ मंत्री जी ने अन्य पद की कोई डेफिनेशन नहीं दी है। हमारा कहना है कि अन्य पद का मतलब क्या है? आप अपने रिप्लाय में इसे भी वलेरीफाई करिये, नहीं तो यह प्रोविजन टोटली गलत साबित होगा। आप जिस उद्देश्य से यह संशोधन ला रहे हैं, वह कंट्राडिक्टरी है। मैं माननीय मंत्री जी से चाहूंगा कि वे इसे अपने उत्तर में वलीयर करें।

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMADOSS): Sir, firstly, I would like to thank all the hon. Members of the august House for supporting this amendment to the Food Safety and Standard Act, 2006.

Initially I had said that the initial Bill which was later formed into an Act was piloted by the Food Processing Ministry. After the Act was passed the Prime Minister asked the Health Ministry to implement the Act because the Food Processing Ministry was the promoting Ministry and the Health Ministry was a regulating Ministry not only here but globally that was the trend. Since then we have been trying to implement the Act and that is why we have partially notified the Act, when I said that we have notified the Sections of the Act; 4 to 10, 87, 88, 91 and 101. These Sections which are modified was for the setting up of the Authority. This entire Act depends on the setting up of the Authority to initiate the whole process. The Prime Minister had entrusted this job, as it is in the Act, to the Cabinet Secretary to form a Selection Committee to select the Members and Chairman. This Committee had 22 members excluding the Chairman. Under the Act the Committee should have a full time Chairman and his retirement age should be 65 years.

When the Cabinet Secretariat found that enlisting very prominent members who had reputations, experience, who had worked in the senior capacity in different parts at different levels not many were available. In fact, I would go to the extent of saying that even appointing the Chairman itself we were not able to get a good technocrat, a technical competent person. In fact, we have interviewed the CFTRA Chairman in Mysore, the National Institute of Nutrition in Hyderabad but they are not willing. That is the problem we are facing. [\[R54\]](#)

So we are facing some practical difficulties, even though we had to notify this. I assure the hon. Members that as soon as possible, the Government will notify other Sections of the Act. It does not mean that there is no Act available today in this country to regulate the food or adulteration and all that. The Acts are there and these Acts have not been repealed. Today some of the hon. Members have said that since this Act has not been notified, there is rampant adulteration and other problems in the country. That is not a fact. There is an Act and once this Act is fully notified, the other Acts will be repealed.

Coming to the other Acts, in fact, there are so many Acts like Prevention of Food Adulteration Act, 1954; Food Product Order, 1955; Meat Product Order, 1973; Vegetable Oil Products Control Order, 1947; Edible Oil Packaging Regulation Order, 1998;

Solvent, Extracted and De-oiled Act; Edible Flour Control Order, 1967; Milk and Milk Products of 1992; and other Acts. All these Acts are there today to regulate the entire process of food in the country. It would take some more time because we have started the process.

A lot of Members have said why an Ordinance was issued. Remember initially I said that this is a small amendment but a very important amendment but because of the urgency of that, we had to bring an Ordinance. The Ordinance was promulgated, before Parliament was summoned. It is not that after the notification, we had brought the Ordinance as Shri Varkalaji has said. Before the Parliament was summoned, we had promulgated the Ordinance because we wanted to quicken up the whole process as the hon. Members have already said.

As part of committees and structures, we have a scientific panel for food additives for pesticides, for genetically modified food, for functional and nutraceuticals as part of this, contamination is a part of this, label is a part of this and sampling is also a part of this. We have panels for all this. The Chairman of all the scientific panels are part of the scientific committee. We have both Central Advisory Committee and the Scientific Advisory Committee. This is the structure of this Authority and this Authority is a nucleus of this Act. Since this is a highest regulatory body for regulating the food of this country, that is why, we are showing this importance. Some of the Members are suspecting the intention of the Government and saying why it was delayed and all that. If we want to delay, we would not have brought this Act in the first place. The UPA Government is bold enough to bring out this Act to bring out the food authority and is also going to bring out the drug authority which has been pending for decades and decades. So, we want to regulate the entire food and drug structure of our country and that is why, we are trying to bring out these modifications.

Coming to hon. Members queries, I would just shortly go through them. A lot of Members have given a lot of inputs. I will put all these inputs to the Authority. Once the Authority is fully constituted and put in place, all these views of the Members will be put to the Authority and they will deliberate upon it and according to the merit and demerit, they will take a decision.

I would thank Prof. Rawat. He was also suspecting the intention of the Government why the Ordinance was brought which I have already clarified. He was raising the pesticide issue. This issue has been going round for some time. We had a Joint Parliamentary Committee and then other Committee was formed and then we had Dr. Ganguly Committee. Mr. Ganguly was the former Director-General of Indian Council of Medical Research. They had gone round picking up sugar and water samples. They have finally given their recommendation on what are the standards to be there and these standards were deliberated upon by the Central Council for Food Safety. They have now recommended to the Government of India and we would very shortly notify the standards for all the soft drinks. That is not a big problem at all. Some of the Members were suspecting the intention of the Government in this. The Ministry of Health today is the crusader against tobacco, alcoholism, drugs, junk food, etc. It is for better health for the youngsters in our country. I have personally written to all the Chief Ministers of the country. I have written to the Governors. The junk food including Pepsi or Coke or any other drink for that matter, it detrimental to the health of society. There are two issues which I have said. One is the pesticide issue and second is the health issue. Pesticide is a short term issue which not many Members are willing to listen to. Health is a long term issue. Pesticide issue should be regulated. In fact, it is already regulated. We have picked up nearly 300 to 400 samples of all these soft drinks from all across the country and not one is found to have pesticides more than what the permissible level of packaged water is. It is not like pesticide is rampant. There is more pesticides in vegetables, milk products and water than in soft drinks. So, let us not harp upon the pesticides issue in soft drinks. This issue has been taken care of. We should talk about health aspects of these soft drinks and carbonated drinks because it is detrimental to the health of our children. Taking cognizance to our advise, in fact, some of the schools in Tamil Nadu recently have notified that no junk food including these to be sold in any of the education institutions. I believe in Kerala and Karnataka they have taken a lot of attractive steps like this which are very appreciative.

I would like to thank Mr. Rao for clarifying some issues on the part of the Government which were raised. He also told about street vendors' problem which is again a big problem in our country because millions of people use the street food which is inexpensive and is readily available. It can save time and money but the sanitation and quality has to be maintained. We have a series of programmes running to take care of street food and how to have clean and hygienic food. It is an inexpensive food but you can have clean and hygienic food. A lot of projects are running and I think there is money earmarked for advocating them to change their procedure and practices so that it will be a healthy food and hygienic food.

As regards punishment, under the Act we are having very stringent punishment of minimum seven years and maximum life sentence and Rs.5 to Rs.10 lakh fine. In the case of death, money will go to the relative of the person who has died due to consumption of adulterated food. He has asked why water is not brought under the purview. This is a good question and I would like to ask my colleagues here in this august House to deliberate on this concept. Personally I want water to come under that. Still we have a long way to go. The packaged water is already under this. In course of time we should set standards for the water which is supplied in our houses whether it is municipality or corporation or others. It is the intention of the Government but I need consensus of the entire House to bring water into that. Personally I feel water should be part of that. It has still a long way

to go.

Shri Rewati Raman Singh spoke about adulteration and poor patients treatment and about Rashtriya Aarogya. It is a little bit digressing but we have schemes for Rashtriya Aarogya Nidhi for poor patients. The Prime Minister's Relief Fund, Health Minister's Discretionary Fund and all that Funds are there. We are trying to review the health insurance. When the National Urban Health Mission comes, we will be ensuring all the poor people, especially the slum population living in the urban areas and all will have health insurance free of cost and they would be getting better quality health care.

As regards food and vegetables, this also comes under the Act. Even though the primary food does not come because primary food is produced by agriculture. Mr. Panda talked about prosecution of cases. Under the PFA Act, there has not been much but I believe at least under this new Act, there will be more prosecutions and more enforcement. As regards death penalty, the world over they are moving away from death penalty. I do not think it is the intention of the Government to bring in capital punishment. But this punishment is stringent enough so that it will prevent or deter anybody else from going into the issues of voluntary adulteration.

Labelling is one concept which a lot of Members brought in. I have been advocating that all packaged food products in this country should have mandatory labels. On the one side, you should have all the ingredients listed according to the weight. Secondly, the nutritional value of the ingredients like the carbohydrates or fat or protein all that should be mentioned. In fact, for the last one and a half years, I have been advocating that and we had a series of discussion. The draft notification was there and nearly the final notification and then there were some other recommendations and finally we are on the verge of notifying it within three months. But before that, we have been notifying that all packaged food products sold in India should have mandatorily all these nutritional value and list of ingredients on these packets.[\[R55\]](#)

Codex Elementaris is a global standard for food. We are harmonising with the Codex Elementaris. We have to harmonise our quality standard of food. That is precisely why this Act was there. GM Food was one issue. This will be addressed. This is a scientific panel and one panel is for GM food. We are deliberating on how we could address this issue of GM food.

Shri Prabhu asked about issuance of this Ordinance and what steps have been initiated since then. Since the promulgation of this Ordinance we have moved on to appoint the full Authority. The Cabinet Secretary is responsible for that. He also asked about the Selection Committee in the Act since this Act was piloted by my colleague. Then he also talked about Section 3(j) relating to animal feed. That is yet to be addressed. This is away from the purview of this Act. This issue will be put to the Authority whenever it is formed. I would definitely like to compliment the hon. Member for bringing up this issue. He also asked about self-regulation mechanism. The Government has subsequently strengthened the capacity of all the States. We had the World Bank funded projects, projects of capacity building of drugs and food labs. We have central labs for food in almost all the States of the country. These labs are being modernised and upgraded along with equipment and manpower. They are trained and their scientific capacity is increased simultaneously. All these have been provided for and the Act has been strengthened. It is a simultaneous procedure. He also was asking about the time to set standards. I think, once the Authority is in place, I would like to assure you that we would know what all notifications will be there. I am sure the standards will be set according to the Codex Elementaris formula.

Shrimati Sumitra Mahajan asked whether there is an intention of the Government to appoint anybody of her choice. I would like to tell her that if she has any choice of candidate, then she may forward that to us, I would be happy to recommend that to the Committee and if that candidate has the competence and quality, then we would post that candidate there. We have a little dearth of these people. I would like to tell all the hon. Members that if they want to suggest the names of competent people, they may recommend their names to the Health Ministry and we would forward their names to the Committee. We should not miss out on competent persons.

Sir, I have touched upon the other issues raised by the hon. Members. There was a question on modernisation of labs. We are in the process of modernising the labs. Vanilla was one other issue. Mr. Francis George had raised this point. It will be notified within the next three months to see whether it is synthetic or natural. That will be there...*(Interruptions)* There was a suggestion about Consumer Awareness Budget. It is a suggestion well taken. The Ganguly Committee had already made a recommendation about this. We are now in the process of setting it up.

Sir, these were some of the points that the hon. Members had raised. I would like to thank them for their suggestions. This amendment will be useful for us. One more point I would like to make is about *Yoga*. We are trying to recommend to the Ministry of HRD to make *Yoga* mandatory in all schools so that our children lead a very healthy life. Now, I would like to request Prof. Rasa Singh Rawat to kindly withdraw his Resolution disapproving the Ordinance.

प्रो. रासा सिंह रावत (अजमेर): मान्यवर, देश की आम जनता के स्वास्थ्य से जुड़ा हुआ यह संशोधन बहुत महत्वपूर्ण है। इस नाते मैं अपने निरुमोदन प्रस्ताव को वापस लेता हूँ और इसे परिचालित न किया जाए। मैं मंत्री जी से जानना चाहता हूँ कि खाद्य प्राधिकरण का कब तक विधिवत् गठन हो जाएगा और इसका मुख्यालय कहाँ होगा?

DR. ANBUMANI RAMADOSS: Sir, it will be headquartered at Delhi. The process of setting up the Authority has already started. The Cabinet Secretary is responsible for that. It is the highest position and we are still pushing it. That is why there was the urgency for this Ordinance. I can assure the hon. Members that as soon as possible the Authority will be set up.

MR. CHAIRMAN : Is it the pleasure of the House that the Resolution moved by Shri Rasa Singh Rawat be withdrawn?

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Food Safety and Standards Act, 2006, as passed by Rajya Sabha be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

The question is:

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

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

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

DR. ANBUMANI RAMADOSS: Sir, I beg to move

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MR. CHAIRMAN: The House will now take up Special Mentions. I have a long list of 50 Members who have given notices to speak during the Zero Hour. So, I would request the hon. Members to be brief so that everybody could be accommodated.

Shri G Karunakaran Reddy.

SHRI KHARABELA SWAIN (BALASORE): Mr. Minister of Health, when do you propose to take up the construction of AIIMS like hospital in the State of Orissa...(Interruptions)

MR. CHAIRMAN: Shri Swain, we have already taken up the Special mentions.

...(Interruptions)

SHRI KHARABELA SWAIN : You have been giving this assurance for the last four years...(Interruptions)

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)*