

Secretary General of Rajya Sabha, of the following five Bills passed by the Houses of Parliament during the current session and assented to by the President since a report was last made to the House on the 10th April, 1992:-

1. The Public Liability Insurance (Amendment) Bill, 1992.
2. The Destructive Insects and Pests (Amendment and Validation) Bill, 1992
3. The Copyright (Amendment) Bill, 1992
4. The Indian Red Cross Society (Amendment) Bill, 1992
5. The Securities and Exchange Board of India Bill, 1992

14.24 hrs

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS

Minutes

[English]

SHRI S. MALLIKARJUAIAH (Tumkur) : I beg to lay on the Table the Minutes (Hindi and English versions) of the Second to Tenth sittings of the Committee on Private Members' Bills and Resolutions.

14.24 1/2 hrs

INFANT MILK SUBSTITUTES, FEEDING
BOTTLES AND INFANT FOODS (REGU-
LATION OF PRODUCTION, SUPPLY
AND DISTRIBUTION) BILL*

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF HUMAN RESOURCE
DEVELOPMENT (DEPARTMENT OF

YOUTH AFFAIRS AND SPORTS AND THE
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT) (KUMARI MAMATA
BANERJEE): Sir on behalf of Shri Arjun
Singh, I beg for leave to introduce a Bill to
provide for the regulation of production,
supply and distribution of infant milk substi-
tutes, feeding bottles and infant food with a
view to the protection and promotion of breast-
feeding and ensuring the proper use of infant
foods and for matters connected therewith
or incidental thereto.

MR SPEAKER : Motion moved:

"Leave be granted to introduce a
Bill to provide for the regulation
of production supply and distri-
bution of infant milk substitutes,
feeding bottles and infant food
with a view to the protection and
promotion of breast-feeding and
ensuring the proper use of infant
foods and for matters connected
therewith or incidental thereto."
(Interruptions)

[Translation]

SHRI GEORGE FERNANDES (Muzaf-
farpur) : Mr. Speaker, Sir, I have given a
notice. I want to raise two objections about
this Bill. Though we welcome this Bill but we
have two reservations. I would like to
request the hon. Minister not to move this Bill
today. There is a need to rectify two things
in this Bill.

[English]

MR. SPEAKER: You talk about the
legislative competence.

[Translation]

SHRI GEORGE FERNANDES: I am
not raising the issue of legislative compe-

433 *Infant Milk Substitutes, VAISAKHA 18, 1914 (SAKA)(Regulation of production, Feeding Bottles and Infant Foods Supply and Distribution) Bill*
tence but of discriminative provisions of the Bill. [Translation]

[English]

This is a very discriminative legislation and I will take only one minute to show why it is discriminatory.

[Translation]

Still this Bill is being introduced. I have the copy of the code evolved by the World Health Assembly in 1981 regarding the Quality and type of milk to be made available to the children. In 1985 it was also endorsed by the Governments of India.

(Interruptions)

MR. SPEAKER: It will become a regular discussion.

[English]

SHRI GEORGE FERNANDES: Sir, I am not discussing the merits, I am only pointing out how this bill discriminates the Indian manufacturers of the milk products...

MR. SPEAKER: But the same thing can be done at the time of consideration.

SHRIGEORGE FERNANDES: But it is discriminatory.

MR. SPEAKER: At the time of introduction you have to discuss the legislative competence.

(Interruptions)

SHRI GEORGE FERNANDES: They are the multinationals. It discriminates against our manufacturers. *(Interruptions)*. The whole purpose of the Bill is to favour the multinationals.

MR. SPEAKER: You have the complete freedom to speak on this Bill but only at the consideration stage.

[English]

At the time of introduction stage you shall have to consider only the legislative competence.

SHRI GEORGE FERNANDES: It is a discriminative legislation.

MR. SPEAKER: When you are discussing whether any Fundamental Right is affected because of the discrimination...

SHRIGEORGE FERNANDES: Sir, with great respect I draw your attention to Rule 72 of the Rules of procedure, which says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting..."

Sir, your permission is necessary. That is always there for which we stand up.

"...if he thinks fit, a brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question.

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon"

That is for a full discussion.

(Interruptions)

SHRI LAL K. ADVANI:(Ganshi Nagar)
There is no discussion here. He has the full right to coppers it on the ground that he has chosen and on that ground the Minister has to reply. So he has got every right to oppose. (Interruptions)

MR. SPEAKER: The points which you want to make, you can make at the consideration stage. At the time of introduction you shall have to tell us that this House is not having competence.

SHRIGEORGE FERNANDES: No, Sir that is not the rule. (Interruptions)

SHRILALK. ADVANI: If it is a question of competence of the House, then the Chair has to permit full discussion. But even without that competence issue, he can raise objections to the Bill on other grounds, to which the Minister has to reply. (Interruptions)

KUMARI MAMATA BANERJEE: Sir, I will reply.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, since 1968 we have been continuously opposing Bills of this nature. (Interruptions)

MR. SPEAKER: I have allowed you because, the points raised by you are valid.

[English]

But at what stage you want to raise the point? Now, as a matter of fact you are raising it at the time of consideration by other also at the time of consideration.

[Translation]

SHRI GEORGE FERNANDES: I would like to tell you why I am raising these points at this stage? Indeed I am a supporter

of this Bill and wholeheartedly favour it but... (Interruptions)

MR. SPEAKER: You may be a supporter of this Bill, but the points that you have raised can be made at the consideration stage also.

[English]

You are preempting him.

SHRI GEORGE FERNANDES: I want this Bill to be...

MR. SPEAKER: There is a discrimination between you and other Members. Other Members do not have the same opportunity to raise this point. Why are you trying to make the point now at this stage?

(Interruptions)

SHRI GEORGE FERNANDES: I want to oppose the Bill because there are some issues involved. Sir, I will tell any other Member who wants to raise, not to do it. I will not create any situation to discriminate any other Member.

MR. SPEAKER: No, no. Now, because you know this procedure, you are taking the opportunity and you are doing it. Let me know, and if nobody will object to you, it should be welcome and you should be congratulated. But at the time of introduction it is the legislative competence which is to be discussed.

SHRI LAL K. ADVANI: I am sorry, Sir. I respectfully submit that Rule 72 (i) says:

"If a Motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who moved the motion, may, without further debate, put the question."

437 *Infant Milk Substitutes, Feeding Bottles and Infant Foods*, VAISAKHA 18, 1914 (SAKA) (*Regulation of production, Supply and Distribution*) Bill

Now, this particular clause governs the present situation. After Mr. Fernandes has spoken, if I want to speak on the same subject, I cannot, because I have not given you notice. He has given you notice that on these grounds I want to oppose. So, he is entitled to raise it. Then the rule further says:"

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

If that was the basis, then I also would have said that I would also like to speak on this and participated in the debate. But, so far as this particular point is concerned, it is perfectly valid that having given due notice, he is entitled to raise an objection to the Bill on the grounds he has mentioned, of course, with your permission.

MR. SPEAKER: He gives me the notice and he presumes that I have permitted him. He is a senior Member. Therefore, I do not object to him.

SHRI LALK. ADVANI: Sir, even I may point out that so far as the phraseology of all these rules is concerned, the Speaker has been given immense discretion, even if it were on the grounds of legislative competence. Even then, it says that the Speaker may permit a full discussion.

MR. SPEAKER: I am not objecting to his discussion and many times we have allowed the discussion also. But what happens actually is, because he is making use of this provision, all the points which could have been made at time of consideration are being made now.

SHRI RAM NAIK (Bombay North): Sir,

the point is, he is saying that he is supporting the Bill.

SHRI GEORGE FERNANDES: I said, I welcome the legislation, but I am opposing the introduction of this Bill unless the discriminatory aspect of this Bill is removed. (*Interruptions*)

MR. SPEAKER: I am allowing you, but please hear me, You are well within your rights to raise this issue, but the Presiding Officers who are sitting here have to consider other matters also. Supposing some item is coming up at 3 o' Clock and supposing we are not giving time in between, it is not good. It is not to shut it out, but to see that others also get the opportunity to discuss this>

SHRI GEORGE FERNANDES: I will not say anything beyond the two Points that I want I want to make.

MR. SPEAKER: How much time will you take ?

SHRI GEORGE FERNANDES: I will be very brief, Sir. I will not take more than five minutes under any circumstances.

[*Translation*]

Mr Speaker, Sir, I am raising the issue of discriminatory provisions on two accounts. The Bill propose to impose some kind of a restriction on the advertisements of babyfood. Most of the babyfood manufacturing companies in India are multinational companies with headquarters in America, Switzerland and other European countries. The programmes beamed by the news agencies like CNN, BBC, ITB and others have caught the imagination of the people in India in preference to the programmes of our Doordarshan. All the multinational companies controlling the major part of the babyfood market in India will continue to

[Sh. George Fernandes]

advertise their products on the international television network. Indian manufacturers like Amul are very small. There may be other enterprises also but only one or two names are worth mentioning. All these are being asked by the Government not to advertise their products. I am against the advertising of products. I am not saying that these products should be advertised but the provisionry of this Bill are discriminatory against the Indian manufacturers because whereas the multinational companies will continue to advertise through international Chain of agencies to influence the psyche of Indians the Indian manufacturers are being forbidden to do so. Out of the total production of 60,000 tonnes of baby-food last year in the country, 40,000 tonnes of baby-food was purchased by the affluent people. Report about all this is available with the Government. What should the Small Indian Companies and Cooperatives like Amul Dairy Cooperative do in this regard? They are being discriminated.

Secondly, even the workers are being discriminated against by the Government. It has been mentioned by the hon. Minister in the Objects and Reasons of the Bill that the Government of India endorses the 1981 code of World Health Assembly. Wherein it was stated that:-

[English]

"Persons employed by the manufacturers and distributors in systems of sale incentives for marketing personnel, the volume of sales of products within the scope of this code should not be included in the calculation of bonuses. Nor should quotas be set specifically for sales of these products."

[Translation]

Now, this has been distorted. It has been completely changed. Mr. Speaker, Sir, it has been stated that:-

[English]

"No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles for infant foods shall fix the remuneration of any of his employees, including the manufacturing employees or give any commission to such employees, on the basis of the volume of sale of such substitutes, or bottles or foods made by such employees."

[Translation]

Mr Speaker, Sir what will happen here now, the Government would do nothing except abolishing the system of giving salary on piece rate to the salesmen who take the material to the distribution shop. The government want to deprive the factory workers from the piece rate salary and thus to stop all incentives to encourage them. The Government had formulated world code later on which was rectified by the Government and under which this Act has been brought. Here the matter is concerned to bonus issue and not salary. Discriminatory attitude has been adopted towards the factory workers in this. Hence two discriminations have done in it. We welcome the spirit of the Bill but at same time we would like the Government to give special consideration to these two discriminations and introduce the Bill in the House by Monday or Tuesday after making amendments into it.

KUMARI MAMATA BANERJEE: Sir, My first submission is that in 1981 the World Health Code adopted a Bill. After that, in 1983 a working Group was set up in India and following its recommendations a Bill

was introduced in Rajya Sabha in 1986. But due to the dissolution of the Government the Bill could not be passed. Again during the Prime Ministership of Shri V.P. Singh the Bill was again introduced in Lok Sabha on January 10, 1990 but after the dissolution of Lok Sabha the Bill could not be passed. In the last Parliament Shri Ram Naik brought a Private Member's Bill. He argued with me that when the international code can do it in the World Assembly then why not India. I admitted to him that the Government had committed a mistake. Shri George Fernandes has raised a question in this regard just now— I am greatly perturbed over the matter. Don't you want that the children of our country should be healthy and get nutritional food; if you really want them to get nutritional food, then you must support this Bill.

(Interruptions)

[English]

This is a very serious situation.

[Translation]

You must realise since the infant mortality rate is on the increase; it has become necessary to introduce this Bill. I would also like to submit that Shri George Fernandes has been raising the matter just to show how much concerned he is about the welfare of workers, but I have been fighting for it sincerely. (Interruptions) Production has not been banned rather the Bill makes provision to stop the advertisements in this regard because this is essential to give protection to infant milk, infant milk bottles, breast feeding and also for the good future of the country. Therefore I would like the House to support this Bill and help the Government to ensure the good future of the coming generations.

(Interruptions)

[English]

MR. SPEAKER: I think you are quite persuasive:

[Translation]

SHRI GEORGE FERNANDES: At the moment I would not speak over it.

[English]

MR. SPEAKER: It was a quite sportive and persuasive reply.

The question is:

"That leave be granted to introduce a Bill to provide for the regulation of production, Supply and distribution of infant milksubstitutes, feeding bottles and infant food with a view to the protection and Promotion of breast-feeding and ensuring the proper use of infant foods and for matters connected therewith or incidental thereto."

The motion was adopted.

KUMARI MAMATA BANERJEE: Sir, I introduce the Bill.

MR. SPEAKER: Should we meet at 3 O'Clock?

SHRI SRIKANTA JENA (Cuttack): Sir, if there is no lunch break, at least tea break should be there.