MR. SPEAKER : The question is :

"That clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(*Prevention of singing of Indian National Anthem, etc.*)

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 2, line 18,—

for "three" *substitute* "two" (7)

MR. SPEAKER : I will now put amendment No. 7 by Shri Shastri to the vote of the House.

Amendment No. 7 was put and negatived

MR. SPEAKER : The question is :

"That clauses 3, 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 3, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI MOHSIN : I beg to move :

"That the Bill be passed."

MR. SPEAKER : Motion moved :

"That the Bill be passed."

श्री रामावतार शास्त्री : अध्यक्ष महोदय, अभी मंत्री महोदय ने कहा कि यह बिल जब कानून बन जायगा तो इस का गलत इस्तेमाल नहीं होगा । मैं यही निवेदन करना चाहता हू कि हमें संदेह अभी भी है । आपने कहा लेकिन आप तो उसको इस्तेमाल में लाएंगे नही । आप की ब्यूरोक्रेसी इस्तेमाल में लाएगी । तो उन पर आप ठीक से चाबुक रखिए ताकि अगर हम ईमानदारी के साथ विधान की आलोचना करें या विधान से परिवर्तन करने की बात कहें तो वह गुनाह न माना जाय । जो लोग इस को इस्तेमाल में लाएंगे उन से हमें खतरा है। आप से तो खतरा अभी नहीं है । उन्हीं से बड़ा खतरा है । आप की जो ब्यूरोक्रेसी है उसी से ज्यादा खतरा है तो इस का ध्यान मन्त्री महोदय रखेंगें । कम से कम उन को वह आदेश तो दें कि जो सही तरीके से ईमानदारी से कोई विचार रखना चाहे तो उसे रखने दिया जाय और वह कटेम्प्ट न माना जाय । न उसे हेट्रेड माना जाय यही मेरा निवेदन है, इस बात का मंत्री महोदय ध्यान रखें और इस प्रकार का आदेश जरूर दें ।

SHRI MOHSIN : In this respect I would again say that any misapprehensions about the misuse of the flag are unfounded. Suitable instructions will be issued to see that the provisions of the Bill are not misused. At the same time, I would also appeal to the members on that side to see that only peaceful, legal means are adopted and not such steps as would create hatred or contempt.

SHRI DINEN BHATTACHARYYA (Serampore) : You have to see that the State flag is not misused. Even that day when there was a Congress demonstration I have seen so many people using that flag.

MR. SPEAKER : Kindly, do not misuse the time of the House by speaking without my permission. Now the question is :

"That the Bill be passed"

The motion was adopted.

13.30 hrs.

PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (SHRI D. P. CHATTOPADHYAYA) : I beg to move :

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration'.

This is a non-controversial Bill.

[Shri D. P. Chattopadhyaya]

13-30 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Before 1954 almost every State had its own food laws but the problem was at that time there was not any uniformity in the food laws prevalent in different States. Consequently it was decided upon in 1954 that there should be a uniform food legislation throughout the country and as a consequence of that the Prevention of Food Adulteration Act, 1954 was passed by the Parliament and it provided laws and inspection and other methods ensuring the detection of sub-standard food and punishment of the people responsible for manufacturing, preserving and selling that sort of food. But from subsequent experience it was found that the preventive and the penal measures provided in the Bill are not proving sufficiently deterrent to deter some of the unscrupulous manufacturers, suppliers and sellers and, therefore, for plugging the loopholes of the said Act it was amended in 1964. But at that time there was the gap, Sir. The Act was not applicable to Jammu and Kashmir and, therefore, it was decided that there should be some amendment of the Act so that it could be applied to the Jammu and Kashmir State as well. As you know, Sir, it has been provided in the Seventh Schedule, Entry No. XVIII of of the Constitution that when there was a necessity for application or extension of this Bill to that State concurrence of this House is necessary and, therefore, this small piece of legislation has been brought before the House so that it could be applied to that State as well. In this connection I would like to submit that on this proposed piece of legislation the State Government of Jammu and Kashmir was consulted. That State Government has gone through the proposal and they have agreed to the introduction and passing of this piece of legislation and it is in pursuance of that view and other circumstances referred to before that we are bringing it now before this House for its assent.

With these words I move that the Bill be taken into consideration.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration."

SHRI GADADHAR SAHA (Birbhum) : Mr. Deputy Speaker, Sir, the objective of the Prevention of Food Adulteration Amendment Bill, 1971, is to extend the Prevention of Food Adulteration Act of 1954 to the State of Jammu and Kashmir and to prevent the manufacture and sale of adulterated food there thereby to protect the general public health.

So far as the objective of this Bill is concerned I support this Bill but so far as the principal Act and its working is concerned what I should mention is that the very purpose of the principal Act has suffered and has been defeated. Food adulteration has neither been prevented nor reduced as yet.

On the contrary, the magnitude of the adulteration of food and medicines is most disturbing. What is most terrifying to us today is the alarming proportion and extent to which adulteration has grown. Food adulteration has become today our nation's enemy number one and affects very adversely the general public health.

Why does this sort of thing happen throughout our country ?

MR. DEPUTY-SPEAKER : We are dealing with a very limited thing. It is only about the extension of the Act to Jammu and Kashmir.

SHRI GADADHAR SAHA : What I say is connected with this Act.

This is because the principal Act itself is very defective in many respects and contains many loopholes. Firstly, the means to achieve the very noble end are very inadequate and, secondly many companies and industries have got licences in the name of other persons and their employees. These persons, who are not really guilty of the crime, are caught and punished while the real criminals escape. The licensing policy of the Government, therefore, needs to be thoroughly changed and Government should be bold, honest, impartial and careful in issuing licences.

Under the provisions of the principal Act, the authorised persons can pass a sentence of payment of fine starting with the highest limit of Rs. 2,000 down to Rs. 500 to the lowest limit of Rs. 100, and to imprisonment which

varies from the maximum term of two years down through six months to the minimum term of one month.

So far as the fine is concerned, the value of money today, in comparison with the value of money in 1954, has fallen by more than 50 per cent and, therefore, the amount of fine should be increased accordingly considerably. So far as the term of imprisonment is concerned, it is too light in relation to the crime, the nature and motive of the offence. Therefore, the term of punishment should be extended.

The number of inspection staff and testing laboratories should also be increased. The Principal Act, the extension of which to the State of Jammu and Kashmir I support, should undergo such amendment in this respect. Then and then only the purpose of the Act can be served, otherwise not.

MR. DEPUTY-SPEAKER : Before I call the next speaker I would like to draw the attention of the House that the scope of the Bill is confined to the question of extending the Act to Jammu and Kashmir. The various defects and short-comings of the principal Act can be brought in on a separate motion either to amend the Act or to discuss it. Let us not go into that at this stage.

SHRI D. K. PANDA (Bhanjanagar) : If we find there are innumerable defects in the Act, we want to refer to them...

MR. DEPUTY SPEAKER : For that, you bring a separate motion.

SHRI D. K. PANDA : The main culprits, the manufacturers, etc. are being let off, and there are many defects in the Act...

MR. DEPUTY SPEAKER : If you feel all that, then you bring a separate motion to discuss the principal Act, the shortcomings and all that, and to amend the provisions of the Act. Here, the scope is very limited. Only 1 hour has been allotted for it. If you take this opportunity to discuss all that, you require much more time. Let us now confine ourselves to the scope of this Bill.

SHRI D. K. PANDA : If by suggesting certain precautionary measures, we can improve it, that will improve the application of the Act.

MR. DEPUTY SPEAKER : For that, you bring a separate motion. The scope of this Bill is very much limited. I request you to confine yourself to the scope of the Bill.

Shri Vidyalankar.

SHRI A. N. VIDYALANKAR (Chandigarh) : Mr. Deputy Speaker, as you rightly pointed out, the scope of the Bill is very much limited. Therefore, the merits of the original Act need not be discussed here.

In the Statement of Objects and Reasons, it has been stated that this is to secure uniform application of the Act. The purpose of the Bill is that the Act, as it is should be applied in Jammu and Kashmir in the same way and in the same manner, as it applied to the rest of India. I do not want to discuss the merits of the original Act. But I do want to point out that if the execution and implementation of this Act is to be done in the same way and in the same manner in Jammu and Kashmir, as else where in India hitherto. I think, the people will not be satisfied. This Act will not be a boon to the people of Kashmir but it will create difficulties. I am totally in favour of extending the Bill to Jammu and Kashmir. But I would like to say that its execution in Jammu and Kashmir and in the rest of India should be much more improved.

At present, the enforcement of this Act is practically negligible. Every where, you see, in the open market, everything that is sold is adulterated. There is hardly any article which is not adulterated The people have succumbed to the practice. They feel there is no remedy at all. Nobody knows that there is any law in this respect. Everybody reconciles to things as they are. The people feel as if there is no remedy for this. Your enforcement is very weak ; your enforcement is weak and inefficient. Unless you improve your execution, this Act will not benefit the people of Jammu and Kashmir.

The Inspectorate is most dishonest ; the Inspectorate is most inefficient. The people are harassed. Inspectors take bribes. That is what is happening every where. Therefore, I request the hon. Minister to see that the execution and enforcement of law is improved.

One defect in the enforcement of the law is that the Inspectorate do not catch hold of real

[Shri A. N. Vidyalankar]

culprits, the manufacturers and so on. Sometimes, you see, there are packed closed packets, sealed packets, that are sold in the market and they are found adulterated. They catch hold of only a small shop-keeper or a small retailer in order to display their activities and the petty retailer challaned. That way, they can show that very large number of persons were challaned. But really the person challaned is innocent. They do not touch the manufacturer, the person, who has closed and sealed the packets. I know of a case where oil was being sold. There were manufacturers and oil mill owners who supplied the oil. The oil was found adulterated. The poor shop-keepers were challaned. They were accused. "You are selling these adulterated things." Of course, the sale is illegal. But you should enquire who was the manufacturer, who was the packer, and where these packets originated. You do not touch them.

Now, this Act extends to the whole of India. An article is manufactured, say, in Bombay and sold in Delhi. You should catch hold of the manufacturer, say, in Bombay, who indulges in adulteration even if his articles, packets, are sold in Delhi or Chandigarh or any where else. Another example is powdered *"garam masalas..."*

MR. DEPUTY SPEAKER : You started by saying that you will not discuss the merits of the Bill...

SHRI A. N. VIDYALANKAR : I am discussing the execution of the Bill.

MR. DEPUTY SPEAKER : Now you are discussing the details of different food-stuffs, *garam masalas* and all that. Kindly confine yourself to the scope of the Bill which is very much limited.

SHRI A. N. VIDYALANKAR : This Act is not being properly executed. The manner in which it is being executed is insatisfactory. I would request the hon. Minister to improve its application. While I support this Bill which is being extended to Jammu and Kashmir, its application should be improved and these defects of not catching hold of the real culprits should be removed. They catch hold of only small people, small fish, and not the real culprits. That should be stopped. The real culprits should be caught hold of and punished.

श्री इसहाक सम्भली (अमरोहा) : डिप्टी स्पीकर साहब, यह बिल जो लाया गया है मैं उसको वेलकम करता हूं। बहुत अच्छा किया गया कि इसको जम्मू कश्मीर में भी बढ़ाया गया। हम भी चाहते है कि जम्मू कश्मीर और बाकी हिन्दुस्तान की हालत ऐसी हो कि सही मानों में हम समझें कि कश्मीर हमारा है लेकिन वह हमारे जनसंघी भाई या दूसरे रिएक्शनरीज के लफ्जों में नहीं कि कश्मीर हमारा है बल्कि ऐसी सिचुएशन और ऐसा एटमास्फियर बनना चाहिए जिससे हम समझें कि कश्मीर हमारा है और कश्मीर समझे कि हिन्दुस्तान हमारा है। इसकी बहुत जरूरत है और मैं समझता हूं इस बिल के जरिये अगर हम इसमें कुछ भी आगे बढ़े तो हमारे लिये बहुत बड़ी चीज होगी हालांकि मुझे अन्देशा यह है कि गिजाई मिलावट के सिलसिले में जो हिन्दुस्तान में बेइन्तहा भ्रष्टाचार और रिश्वतखोरी फैली हुई है कहीं इस बिल के जरिये जम्मू कश्मीर में भी उस भ्रष्टाचार और रिश्वतखोरी को तो नहीं ले जा रहे हैं ? यहां देखने में आता है कि बड़ी बड़ी कम्पनियां मिलावट करती हैं। कौन नहीं जानता, अखबारों में भी आया कि केवेन्टर्स कम्पनी ने मिलावट की। मैं जानना चाहता हूं कि केवेन्टर्स कम्पनी के जरिए दूध और मक्खन में मिलावट करने की जो खबरें अखबारों में आईं उस पर क्या गवर्नमेंट ने उस कम्पनी का लाइसेन्स सस्पेन्ड किया ? कैंसिल करना तो दूर की बात है, क्या सरकार ने उस कम्पनी के लाइसेन्स को सस्पेन्ड भी किया है ? इसलिये हमें डर है कि कहीं यह करप्शन वहां पर भी न पहुंचे। मेरे दोस्त विद्यालंकार जी ने जो कहा उससे मैं एग्री करता हूं, मैं इसकी तफसील में नहीं जाना चाहता लेकिन इतना जरूर कहूंगा कि हम देखते हैं कि बड़ी बड़ी कम्पनियों में जो सामान तैयार होता है उन पर कोई ऐक्शन नहीं लिया जाता। वहां पर शायद कोई इंस्पेक्शन भी नहीं है। एक ही काम है, मुझे मालूम है कि इंस्पेक्टर्स या सरकारी अधिकारियों

के लिये एलाउन्स कहिए, तनख्वाह कहिए, या इल्लीगल हक कहिए—वह मुकर्रर हो जाता हैं। दूध, घी या दूसरी चीजों में मिलावट के लिए अगर कोई पकडे जाते है तो वह छोटे दूकानदार ही होते हैं। जो जितना ही छोटा दूकानदार होता है वह उतना ही ज्यादा पकड़ा जाता है। जैसा माननीय विद्यालंकार जी ने कहा जो इम्प्लीमेंटेशन इसका अब तक रहा है, मैं कहना चाहता हूं कि वह निहायत अफसोसनाक और शर्मनाक रहा है। अगर इसी तरह पर रहा तो मैं समझता हूं कि इसे कहीं दूसरी जगह ले जाना बेकार होगा।

आज भी हमारी सरकार मोनोपलिस्ट्स के हाथों मे घिरी हुई है और निकल नहीं पा रही है। लोगो की तन्दुरुस्ती मे खेला जा रहा है, जिन्दगियों से खेला जा रहा है मिलावट के जरिये।

जनाब डिप्टी स्पीकर साहब, यहां पर एक नुमाइश हुई थी, आप ने भी देखी होगी, उसमे बतलाया गया था कि क्या-क्या चीजें मिलायी जाती है। लेकिन उस नुमाइश के बाद भी मुझे नहीं मालूम कोई मजबूत कदम उठाने के लिये डिपार्टमेंट ने कोई कार्यवाही की हो, कोई भी मजबूत कदम उठाने के लिये यहा पर कोई बिल लाया गया हो। हमें खुशी होगी अडल्ट्रेशन करने वालों के लिये सख्त से सख्त सजा रखी जाय। हमें उम्मीद है कि यह सदन उसको जरूर मन्जूर करेगा। लेकिन अगर इसी तरह रहा और इसी तरह इंस्पेक्टर्स और दूसरे अधिकारियों की रिश्वत जारी रही और कोई कार्यवाही न हुई तो मैं समझता हूं कि जम्मू कश्मीर मे भी इसको बढ़ाना कोई फायदेमन्द और हमारे लिये कोई इंसाफ और शुक्रिये का सबब नहीं होगा। बल्कि वहां पर भी यह रिश्वतखोरी और ज्यादा पहुंचेगी।

इसलिये इसको हिन्दुस्तान के सारे हिस्सों में लागू किया जाय और साथ ही इसको निहायत ऐफीशियेंटली लागू किया जाय ताकि अपने मुल्क से मिलावट की लानत को खत्म कर सकें। दूसरे मुल्कों मे तो मिलावट के लिये सजायें मौत दी जाती है। लेकिन हमारे यहां रिश्वत ली जाती है। इसलिये जो इसके इम्प्लीमेंटेशन में खामियां रही हैं, उनको दूर किया जाय और साथ ही जम्मू-कश्मीर में लागू किया जाय।

[شری اسحاق سنبھلی (امروہہ) ڈپٹی اسپیکر صاحب۔ یہ بل جو لایا گیا ہے - ہم اس کو ویلکم کرتے ہیں - بہت اچھا کیا گیا کہ اس کو جموں و کشمیر میں بھی بڑھایا گیا - ہم بھی چاہتے ہیں کہ جموں و کشمیر اور باقی ہندوستان کی حالت ایسی ہو کہ صحیح معنوں میں ہم سمجھیں کہ کشمیر ہمارا ہے - لیکن وہ ہمارے جن سنگھی بھائی یا دوسرے وہ ری ایکشنریز کے لفظوں میں نہیں کہ کشمیر ہمارا ہے بلکہ ایسے ایسی سچویشن اور ایسا ایٹموسفیر بنانا چاہئے جس سے ہم سمجھیں کہ کشمیر ہمارا ہے اور خود کشمیری سمجھیں کہ ہندوستان ہمارا ہے اس کی بہت ضرورت ہے - اور میں سمجھتا ہوں اس بل کے ذریعہ اگر ہم اس میں کچھ بھی آگے بڑھیں تو ہمارے لئے بہت بڑی چیز ہوگی - حالانکہ مجھے اندیشہ ہے کہ غذائی ملاوٹ کے سلسلے میں جو ہندوستان میں بے انتہا بھرشٹاچار اور رشوت خوری پھیلی ہوئی ہے کہیں اس بل کے ذریعے جموں و کشمیر میں بھی اس بھرشٹاچار اور رشوت خوری کو تو نہیں لے جا رہے ہیں - یہاں دیکھنے میں آتا ہے کہ بڑی بڑی کمپنیاں ملاوٹ کرتی ہیں - کون نہیں جانتا اخباروں میں بھی آیا کہ کونٹرز کمپنی نے ملاوٹ کی - میں جاننا چاہتا ہوں کہ کونٹرز کمپنی کے ذریعے دودھ اور مکھن میں ملاوٹ کرنے کی جو خبریں اخباروں میں آئیں اس پر کیا گورنمنٹ نے اس کمپنی کا لائسنس سسپنڈ کیا - کینسل کرنا تو دور کی بات ہے کیا سرکار نے اس کمپنی کے لائسنس کو سسپنڈ بھی کیا ہے - اس لئے ہمیں ڈر ہے کہ کہیں یہ کرپشن وہاں پر بھی نہ پہنچے - میرے دوست ودیالنکار جی نے جو کہا اس سے میں ایگری کرتا ہوں - میں اس کی تفصیل میں نہیں جانا چاہتا لیکن اتنا ضرور کہوں گا کہ ہم دیکھتے ہیں بڑی بڑی کمپنیوں میں جو سامان تیار ہوتا ہے ان پر کوئی ایکشن نہیں لیا جاتا - وہاں پر شاید کوئی انسپیکشن بھی نہیں ہے - ایک ہی کام ہے مجھے معلوم ہے کہ انسپکٹرز یا سرکاری ادھیکاریوں کے لئے الاونس کہیے - تنخواہ کہیے یا اللیگل حق کہیے - وہ مقرر ہو جاتا ہے - دودھ گھی یا دوسری چیزوں میں ملاوٹ کے لئے اگر کوئی پکڑے جاتے ہیں تو وہ چھوٹے دوکاندار ہی ہوتے ہیں - جو جتنا ہی چھوٹا دوکاندار ہوتا ہے - وہ اتنا ہی زیادہ پکڑا جاتا ہے - جیسے کہ مانیہ ودیالنکار جی نے کہا جو امپلیمینٹیشن اس کا اب تک رہا ہے

[شری اسحاق سنبھلی]

میں کہنا چاہتا ہوں کہ وہ بہت افسوس ناک اور شرم ناک رہا ہے۔ اگر اس طرح پر رہا تو میں سمجھتا ہوں کہ اس کو کہیں دوسری جگہ لے جانا بیکار ہوگا۔

آج بھی ہماری سرکار منوپلسٹس کے ہاتھوں میں گھری ہوئی ہے اور وہ نکل نہیں پا رہی۔ لوگوں کی تندرستی سے کھیلا جا رہا ہے۔ زندگیوں سے کھیلا جا رہا ہے ملاوٹ کے ذریعے۔

جناب ڈپٹی اسپیکر صاحب یہاں پر ایک نمائش ہوئی تھی آپ نے بھی دیکھی ہوگی۔ اس میں بتایا گیا تھا کہ کیا کیا چیزیں ملائی جاتی ہیں۔ لیکن اس نمائش کے بعد بھی مجھے نہیں معلوم کوئی مضبوط قدم اٹھانے کے لئے ڈیپارٹمنٹ نے کوئی کارروائی کی ہو۔ یا کوئی بھی مضبوط قدم اٹھانے کے لئے یہاں پر کوئی بل لایا ہو۔ ہمیں خوشی ہوگی اڈلٹریشن کرنے والوں کے لئے سخت سے سخت سزا رکھی جائے۔ ہمیں امید ہے کہ یہ سدن اس کو ضرور منظور کرے گا۔ لیکن اگر اسی طرح رہا اور اسی طرح انسپکٹرز اور دوسرے ادھیکاریوں کی رشوت جاری رہی اور کارروائی نہ ہوئی تو میں سمجھتا ہوں کہ جموں و کشمیر میں بھی اس کو بڑھانا کوئی فائدے مند اور ہمارے لئے کوئی انصاف اور شکریے کا سبب نہیں ہوگا۔ بلکہ وہاں پر بھی یہ رشوت خوری اور زیادہ پہنچے گی۔

اس لئے اس کو ہندوستان کے سارے حصّوں میں لاگو کیا جائے تاکہ اپنے ملک سے ملاوٹ کی لعنت کو ختم کر سکے۔ دوسرے ملکوں میں تو ملاوٹ کے لئے سزائے موت دی جاتی ہے۔ لیکن ہمارے یہاں رشوت لی جاتی ہے۔ اس لئے جو اس کے امپلیمینٹیشن میں خامیاں رہی ہیں ان کو دور کیا جائے اور ساتھ ہی جموں و کشمیر میں لاگو کیا جائے۔]

डा० कैलास (बम्बई—दक्षिण) : उपाध्यक्ष महोदय, जो बिल माननीय मंत्री जी ने पेश किया है उसका मैं समर्थन करने के लिये खड़ा हुआ हूं। फूड अडल्ट्रेशन के बारे मे जो भी सदन में अभी चर्चा हुई है वह कुछ माने में ठीक है। लेकिन जब हम लोग अधिकारियों को या लोग जो खाने की चीजों मे या दवाइयो में मिलावट करते हैं, उन्हे दण्ड देने की बात करते है तो मैं ऐसा मानता हू कि उसमें केन्द्रीय सरकार तो कुछ मानों में, लेकिन ज्यादा माने मे राज्य सरकार और महानगर पालिकायें दोषी है।

मैं डा० चट्टोपाध्याय का ध्यान खींचना चाहता हू कि सिर्फ महाराष्ट्र मे नही, लेकिन सारे पश्चिमी देश मे सिर्फ एक कैमिकल लैबोरेटरी है जहा पर जिन चीजो में मिलावट की जाती है उसकी जाच की रिपोर्ट आने के बाद ही अधिकारी उन पर कोर्ट मे मुकदमा कर सकते है। मुझे यह मालूम है कि जो भी सैम्पिल अधिकारी भेजते है वह सैम्पिल के नतीजे की कैमिकल लैबोरेटरी महीनो तक रिपोर्ट नही भेज पाती। और वही अर्मा है जबकि हमारे अधिकारी फस जाते है, उन बडे आदमियों से पैसा ले लेते है या कुछ मजदूरो को जो कि दुकान मे काम करते है उनको पकड़ा जाता है और उनको ही सजा हो जाती है।

तो किसी भी कायदे को जब किसी क्षेत्र मे ले जाने की बात करते है तो हम यह नही सोचते कि इस कायदे को सफल बनाने के लिए हमे क्या-क्या करना होगा। बड़े दुख का विषय है कि सारे भारतवर्ष मे फूड एडल्टरेशन की चर्चा अखबारो के द्वारा, काफरेंस के द्वारा, सेमिनार के द्वारा करने के बाद भी राज्य सरकार ने एक लैबोरेटरी मे दूसरी लैबोरेटरी नही बनायी।

MR. DEPUTY-SPEAKER : The hon. Member's time is up.

DR. KAILAS : Sir, I will just take only half a minute. Why I am saying this that the Health Minister has not taken care of establishing a chemical laboratory either at Srinagar or in any part of Jammu. If they are not going to establish a chemical laboratory it is no use extending this Act and asking Parliament to pass this Bill. The chemical laboratory is a "must". This should have been constructed and established and equipped before bringing this Bill for extension of this Bill to the State of Jammu and Kashmir. I had risen with your permission only to request the hon. Minister to see that a chemical laboratory is established in the State before this Act is extended to this State.

SHRI G. VISWANATHAN (Wandiwash) : I shall not take much time because the scope of this Bill is very limited. I am glad that wisdom has dawned on the Government sixteen or seventeen years after the passing of this Act, and now they are going to extend this Act to Jammu and Kashmir. No doubt, this Act is a very important Act, in so far as it safeguards the interests of the consumers against unscrupulous businessmen and traders. But let me point out that very often this Act is misused. At the same time, I know the limitations of the Central Government in this matter.

I have myself conducted some cases under this Act. One of the cleanest hotels in the city was prosecuted, and we could not do anything. Finally, the man concerned was punished. Again, there are cases where prosecution is launched for mixing lead with turmeric. When the case was there in the court, neither the lawyer nor the magistrate nor the accused know how lead could be mixed with turmeric, and yet the man was punished. Again, a confectioner was punished mixing colourable material with peppermint. But the man had nothing to do with the manufacture of peppermint. This has to be checked at the source. I would like to point out to the hon. Minister that this Act is at present used only against the small traders or retail traders. I would request that he must take this matter up with the State Governments so that the producers and the manufacturers could be dealt with under this Act and not the retailer who has nothing to do with manufacture.

With these words, I support the Bill.

SHRI M. SATYANARAYAN RAO (Karimnagar) : I welcome this Bill. After a long time, Government have at last made a good beginning. We know that our Acts are not automatically applicable to Jammu and Kashmir, and we have to make them specifically applicable to that State.

Without taking much time, I would like to mention one important thing. At present, imprisonment is compulsory under this Act. I request the hon. Minister to make it either imprisonmeat or fine.

SHRI M. C. DAGA (Pali) : No, the man should be punished. It should be only imprisonment.

SHRI M. SATYANARAYAN RAO : I am a lawyer and I have conducted cases under this Act, and my hon. friend Shri G. Viswanathan also has conducted cases, and both of us know the practical difficulties, so far as implementation is concerned. This Act is being used only against the small traders. Only the poor milk-sellers are prosecuted and punished under this Act. For no fault of theirs, a charge-sheet is made against them and they are harassed.

Therefore, I would take this opportunity to request the hon. Minister to see that there is some provision to the effect that compulsory imprisonment is removed and instead there should be imprisonment or fine.

SHRI D. P. CHATTOPADHYAYA : I would like to thank the hon. Members for participating in this debate and offering certain constructive suggestions. As I have already said, this piece of legislation is of a very limited scope. The main theme is the extension of the Act in its application to Jammu and Kashmir. The other two clauses, namely clauses 3 and 4 are rules of construction. However, taking this opportunity of talking on this legislation of limited scope, hon. Members have aired certain views which in a different context are very important. Like the hon. Members, Government themselves are quite alive to the hazards posed by the adulterated food and substandard food.

14.00 hrs.

In fact, the amendments brought forward by Government in 1964 to the original Act of 1954 were mainly designed to plug the loopholes of the original Act and to provide for more deterrent punishment of unscrupulous manufacturers, sellers and preservers of adulterated food. You will find that it has been provided in the body of the parent Act that the punishment is quite deterrent—minimum six months and maximum six years, fine not less than Rs. 1,000, it may be more. So it would not perhaps be correct to suggest that the punishments provided in the Act are not deterrent.

MR. DEPUTY-SPEAKER : Why should we go into all that now. Members were anxious about what amendments should be made to the main Act.

SHRI D. P. CHATTOPADHYAYA : Thank you for the suggestion. Since it was referred to, I wanted to allude to it in passing. I would not dilate on it.

Some other issues have also been raised, the licensing policy, the implementing machinery, the inadequacy thereof and so on. We are quite alive to the problem. At the appropriate time, when some other substantive issues similar to this one are brought before the House, Government will be in a position to make up its mind. But now we are doing our best to see that the implementation machinery is strengthened, number of laboratories increased, quality improved and the provisions of the parent Act properly implemented and executed.

I move.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration".

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER : As regards clause 3, Shri Panda's amendment has been circulated. But it is not within the scope of the Bill. The Bill deals with the application of the Act to J & K whereas his amendment seeks some modification of the provisions of the parent Act. It has nothing to do with the amending Bill.

SHRI D. K. PANDA : Let me say how it is relevant. If it is convincing, you admit it.

MR. DEPUTY-SPEAKER : I have ruled it out.

To clause 3, there is no amendment'.

The question is :

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill.

Clause 4, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI D. P. CHATTOPADHYAYA : I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

14.07 hrs.

COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) AMENDMENT AND VALIDATION BILL

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI SHAHNAWAZ KHAN) : I move :

"That the Bill further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, and to validate certain acquistions of land or rights in or over land under the said Act, be taken into consideration."

As this House is fully aware, the Industrial Policy Resolution of 1956 laid down that the future development of coal industry in the country was the responsibility of the State, and all new units in this industry would be set up only by the State except in exceptional circumstances as laid down in the resolution. Accordingly, under the Coal Bearing Areas (Acquistion and Development) Act of 1957, powers were taken *inter alia* for the acquistion by the Central Government of unworked coal bearing areas covered by private leases or prospecting licences. This Act provided for acquistion of virgin lands including underground minerals or rights in or over such land in the same manner as the Land Acquisition Act of 1894. In acquisition of land, the practice under the Land Acquisition Act, 1894, was to issue a single notification under section 4 (1) of the Act indicating that land in a locality was needed or was likely to be needed or was for public purpose. This notification was followed by one or more declarations under sec-