

matters connected therewith, be referred to a Select Committee consisting of 15 Members, namely :--

Dr. Henry Austin,
Shri B. R. Bhagat,
Shri R. D. Bhandare,
Shri Tridib Chaudhuri,
Shri Murasoli Maran,
Shri Nathuram Mirdha,
Shri Samar Mukherjee,
Shri H. M. Patel,
Shri N. K. P. Salve,
Shri Sant Bux Singh,
Shri S. N. Singh,
Shri Surendra Pal Singh,
Sardar Swaran Singh,
Shri Atal Bihari Vajpayee ; and
Shri H. N. Mukerjee

with instructions to report by the last day of the first week of the next session."

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : Should we not invite the Rajya Sabha also ?

MR. DEPUTY-SPEAKER : This is only a select committee ; it is a financial Bill.

SHRI K. NARAYANA RAO (Bobilli) : My contention is, it is not a Money Bill.

MR. DEPUTY-SPEAKER : Have you read the Financial memorandum ?

SHRI K. NARAYANA RAO : Whatever it is.

MR. DEPUTY-SPEAKER : I expect the Members to read the Bill and the financial memorandum ; it is clear from the financial memorandum that it is a financial Bill. You say it is not a financial Bill. Are we to discuss it now ?

SHRI K. NARAYANA RAO : Simply because it has been mentioned in a Bill that it is a money Bill does it become automatically a financial Bill ?

MR. DEPUTY-SPEAKER : It is a financial Bill ; there is a financial memorandum and I have accepted it as such.

SHRI K. NARAYANA RAO : I shall stand corrected if the hon Minister can explain to me in what way it is a financial Bill.

MR. DEPUTY-SPEAKER : I am not admitting that motion now ; you can take it up when it comes up again for consideration. I put this motion for adoption by the House.

The question is :

" That the Bill to give effect to the Vienna Convention on Diplomatic Relations (1961) and to provide for matters connected therewith, be referred to a Select Committee consisting of 15 members, namely :-

Dr Henry Austin, Shri B.R. Bhagat, Shri R. D. Bhandare, Shri Tridib Chaudhuri, Shri Murasoli Maran, Shri Nathuram Mirdha, Shri Samar Mukherjee, Shri H. M. Patel, Shri N. K. P. Salve, Shri Sant Bux Singh, Shri S. N. Singh, Shri Surendra Pal Singh, Sardar Swaran Singh, Shri Atal Bihari Vajpayee and Shri H. N. Mukerjee.

with instructions to report by the last day of the first week of the next session."

The motion was adopted.

12.52 hrs.

MOTION-RE : MODIFICATION OF PREVENTION OF FOOD ADULTERATION (SECOND AMENDMENT) RULES, 1971

SHRI N.K.P. SALVE (Betul) : Sir, I beg to move :

" This House resolves that in pursuance of sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954, the following modifications be made in the Prevention of Food Adulteration (Second Amendment) Rules, 1971,

[Shri N.K.P.]

published in the Gazette of India by Notification No. G.S.R. 992, dated the 3rd July, 1971 and laid on the Table on the 9th August, 1971, namely :-

(i) in rule 3, in clause (1), after item 22A, insert-

*22B. Sweet meats	250 grams
Coffee	200 grams
Colouring agents	200 grams.

(ii) in rule 3, in clause (6), in sub-clause (a), after clause (r), insert-

(s) light refreshments and snacks.

This House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution."

Sir, this motion seeks two slight amendments to the Prevention of Food Adulteration (Second Amendment) Rules, 1971. I am conscious of the fact that if this amendment is accepted, it is not going to make these rules so very comprehensive or all pervasive that it is going to block all the loopholes, nor do I for a moment expect that people would give up their pernicious habit of adulteration of food stuffs, nor do I expect the Government machinery which administers this law would burden itself with additional liability and streamline the administration. But I am sure the House will appreciate that this is an extremely important subject and this is the only manner in which some debate can be brought before the House. My motion suggests two amendments to the rules.

The first one seeks to enlarge the list of articles in the schedule to be sent to the public analyst by including therein an item: '22, B. sweet meats, Coffee, Colouring agents'. The second amendment seeks to bring within the purview of the licensing authority the dealer in 'light refreshments and snacks'. Maybe, in that list of commodities which are to be licensed they are already impliedly there; if so the hon. Minister will make it clear. But at any rate this will afford the House an opportunity to discuss what I consider an extremely important matter.

The problem of food adulteration has assumed extremely menacing dimensions. Starting from drugs and medicines, everything including alcohol, wheat flour, milk, cream, ghee, cold drinks, spices, fruit juices, is mostly adulterated, even pan and masala. There are various other items which are mercilessly brought in for adulteration by anti-social elements. Rice is mixed with stones and my school-going son used to call them American vitamins. I thought it was a very uncharitable comment on American intelligence and American taste, but he used to call it so even before the Seventh Fleet moved into the Bay of Bengal and into disgrace. I am told also that pepper is nothing but 60 per cent papaya seeds.

There was a famous case in Nagpur where certain Ayurvedic medicines were sold as tonic, and people used to drink them in the evenings after sunset, but it was found that they were not worthy of human consumption and the manufacturers kept them away in the godowns. But one day when there was shortage, this lot which was not worthy of human consumption was smuggled out by one of the servants and then racket, with the result that 52 people became blind and 20 people died. Subsequent enquiries revealed that this stock was not worthy of human consumption because the corks had been eaten by somerats and the rats were found to be dead. So, in the process of manufacturing what is called tonic for human consumption, people have not been shy of manufacturing what becomes deadly rat poison. There is no dearth of anti-social elements willing to go to any extent to trade inhuman misery and misfortune to enrich themselves and aggrandise their interests.

The imperative necessity, therefore, is to administer this law ruthlessly and very strictly, because it is found that in 1968 hardly ten cases came up for prosecution. Actually 40,000 cases were prosecuted under the Food Adulteration Act, and out of them about 20,000 were convicted. And what is the conviction? From six months to six years. Supposing we drink the milk that is given to us here at concessional rate and it is poison and all of us die, the maximum punishment for that man is to go to jail for six months to six years. I hope

it will not happen because it is a Government agency which is looking after this matter, and we will not be poisoned so easily.

MR. DEPUTY-SPEAKER : It is so simple, it does not need such a long speech.

SHRI N.K.P. SALVE : But the matter is so important. Probably you have not been eating adulterated things.

MR. DEPUTY-SPEAKER : How do you know ?

SHRI N.K.P. SALVE : If you had, you would have realised, because in Nagpur.....

MR. DEPUTY-SPEAKER : Nagpur does not have the monopoly of adulteration.

SHRI N.K.P. SALVE : People drinking a tonic and becoming blind or dying is unheard of.

Therefore, unless the Government machinery is also tightened up, it is extremely difficult to expect that we are going to be free from this menace of adulteration.

Finally, I would request the hon. Minister to consider whether or not he should change our law and make the provisions, so far as penalties are concerned, a little more stringent. When an adulteration case was being heard in the Supreme Court, the plea was taken that the accused could be prosecuted and sent to jail only if what is called *mens rea* in legal parlance was proved. But the Supreme Court said that the channels were so many and the whole idea of food adulteration was so fertile that it was impossible for any person administering the machinery to prove the *mens rea*, and hence from the very fact that there was adulteration it must be assumed there was guilt on the part of the person concerned and he should be ruthlessly dealt with.

The Supreme Court, at least for once, has come so much to the rescue of public welfare. Let Government take the assistance and help of the Supreme Court's judgment as it has come and amend the law

and make the penalties really stringent. In cases where spurious articles are mixed up with eatables, let the punishment be extended to transportation for life.

SHRI R. D. BHANDARI (Bombay Central) : One sentence should be expunged from the speech of my hon. friend, for whom I have the greatest respect. He said, "the hon. member is an authority on adulteration". That sentence should be removed.

SHRI N.K.P. SALVE : I did not say he is an adulterer.

MR. DEPUTY-SPEAKER : He said it in joke and the member is here to defend himself.

SHRI R. S. PANDLY (Rajmandgaon) : It only means knowledge of adulteration.

SHRI M. RAM GOPAL REDDY (Nizamabad) : Please give me two minutes.

THE MINISTER OF PASHIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : How has he gone there ?

MR. DEPUTY-SPEAKER : That is for you to explain. Mr. Vajpayee was trying to adulterate him !

श्री एम० राम गोपाल रेड्डी : उपाध्यक्ष महोदय, अभी हमारे साल्वे जी ने कहा है कि वह अमेरिकन विटामिन है लेकिन साल्वे जी को मालूम होना चाहिए कि जो रेत चावल में मिलाई जाती है उसकी बड़ी कीमत होती है जो चावल की होती है। अगर चावल की कीमत 1 रु० 50 पैसे है तो उस में मिली हुई रेत की कीमत भी 1 रु० 50 पैसे होती है। इसलिए हर एक को बहुत ज्यादा टेम्पटेशन है और इसके लिए स्ट्रिक्ट पर्सनल गैर होना चाहिए। हमारे आन्ध्र प्रदेश में जो ताड़ी है उस में बहुत सी चीजें मिला देते हैं जिससे जल्दी से जल्दी आदमी को नशा आ जाय। उसके ऊपर कई बार आन्ध्र प्रदेश असेम्बली में चर्चा हुई और यहां पार्लियामेंट में भी मैं बोल रहा हूं। तो

[श्री एम रामगोपाल रेड्डी]

मेहरबानी कर के उस सिलगिले में कोई इतजाम किया जाय। उस से नेशन की हेल्थ खराब हो रही है। 1962 और 65 की लड़ाई में रेक्यूमेंट के लिए फौजी बफरिंग गए तो 60-60 और 70-70 परसेंट लोग उस में अनफिट पाए गए। उस का एक कारण यही है कि हमारे यहाँ बहुत ज्यादा मिलावट हो रही है। पैट्रिआटिज्म यह डिमांड करती है हर आदमी से कि इस प्रकार की मिलावट न हो, और जो मिलावट करते हैं उसके लिए जैसे बर्ल की सजा होती है वही सजा इस में होनी चाहिए।

THE MINISTER OF WORKS AND HOUSING AND HEALTH AND FAMILY PLANNING (SHRI UMA SHANKAR DIKSHIT) Sir, the amendments which the hon member has suggested in the rules are not really required. In fact, they are entirely irrelevant. He has suggested that the quantities in respect of sweet meats, coffee and colouring agents should be 250 grams, 200 grams and 200 grams respectively. My I say, there are several articles and categories mentioned. Item 14 says "Prepared food 500 grams. Foods not specified 200 grams". There is saffron, ice cream, a number of spices and other things mentioned. Therefore, 'food' here is used in the technical sense in which it has been used in the Act and the rules.

Therefore, all these are completely covered. If it is prepared food, then it is up to 500 grams and for "otherwise not specified" 200 grams. He has suggested a quantity of 200 to 250 grams. In the case of sweet meats, it can also be treated as prepared food. Then, depending upon the kind of food that is sold and sent for analysis, it may be 500, or 200 grams if it is very valuable. Therefore, so far as the first change in rule 3, clause (1), is concerned I think the hon. Member will agree that it is not really necessary to change the rules.

The second suggestion he has made is

about light refreshments and snacks. There also our list is very exhaustive and he now wants to introduce a new category of "light refreshments and snacks". Here the scheme of the rule is entirely different. It mentions milk of all classes, milk products, cream, malayi, curd etc. then edible, fats vegetable oils, non-alcoholic beverages such as tea, coffee, chicory, artificial sweeteners etc. There is nothing that can be sold under the description of "light refreshments" or "snacks" which is not covered by this list. Therefore, it would be unnecessary to change or amend the rules.

SHRI N K P SALVE What about the punishment?

SHRI UMA SHANKAR DIKSHIT I would like to inform the hon. Member that this is not the best way of raising a discussion. I would submit that this is perhaps the least appropriate way of doing it. It is a very minor matter and the broader aspects cannot be raised. As I said in connection with an earlier discussion, I am willing to get this matter further examined in consultation with the Health Ministry. In 1964 this matter was gone into in detail and in March 1965 the amending Act was passed, the punishment was increased and stringent penal measures were introduced. Now the minimum punishment is imprisonment of six months and a fine of Rs 1,000.

Here the main difficulty is that the implementation is in the hands of the local bodies and municipalities. They have not got the funds enough to appoint inspectors and other officers. So, they ask the sanitary inspector to serve as food inspectors as well. They do not have enough time to go and take adequate samples. But as and when they do go and the samples are tested necessary action is taken.

The whole implementation is spread over the various States. I am always ready to give information. But if you expect the Central Government to ensure implementation by every local body, it is asking a little too much. All the same, as I have said earlier, if ways can be suggested to

ensure better implementation by the members of the Consultative Committee I shall certainly consider them.

SHRI M. RAM GOPAL REDDY: What about the mixing of 'thali' I mentioned?

SHRI UMA SHANKAR DIKSHIT: All manners of adulteration are there. If I may be permitted to use a stronger expression, because I hold strong views on this issue, it is a matter of national character and social conscience. If parties and Members of Parliament take up this matter outside the administrative machinery, much better results can be ensured.

SHRI N. K. P. SALVE: So far as the first part of my amendment is concerned, he has said that sweet meats are included in the list and I will take it as correct. Secondly, he said that there is hardly any light refreshment or snack which is excluded from the purview of rule 50, as contemplated in items (a) to (q). But the stalls which are selling tea, omelettes etc. would they be required to be licensed under this?

SHRI UMA SHANKAR DIKSHIT: I think so.

SHRI R. S. PANDEY: Water is mixed with milk and that is not treated as adulteration.

MR. DEPUTY SPEAKER: Now, the question is:

"This House resolves that in pursuance of sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954, the following modifications be made in the Prevention of Food Adulteration (Second Amendment) Rules, 1971, published in the Gazette of India by Notification No. G.S.R. 992, dated the 3rd July, 1971 and laid on the Table on the 9th August, 1971, namely:-

(1) in rule 3, in clause (1). after item 22A, insert--

'22B, Sweet meats	250 grams
Coffee	200 grams
Colouring agents	200 grams'

(ii) in rule 3, in clause (6), in sub-clause (a) after clause (r), insert—

'(s) light refreshments and snacks,'.

This House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution."

The motion was negatived

13.10 hrs

BUSINESS OF THE HOUSE.—*contd.*

MR. DEPUTY SPEAKER: I want to make an announcement before we adjourn. On account of the Emergency, the Government could not get many important legislative measures through the House. So, the proposal is that the following items of business be taken up tomorrow and disposed of tomorrow:-

1. Government of Union Territories (Amendment) Bill;
2. Company Law (Amendment) Bill; and
3. Constitution (Twenty-seventh Amendment) Bill.

I thought this announcement should be made because these are all important measures and the Members may come prepared.

The House stands adjourned to meet again tomorrow at 10 A.M.

13. 11 hrs.

The Lok Sabha then adjourned till Ten of the Clock on Tuesday, December 21, 1971 | Agrahayana 30, 1893 (SAKA)