

[श्री बी० डी० सास्त्री]

लिया है। मैं जानना चाहता हूँ कि यह नौगांव विन्च प्रदर्श का है या और कोई है।

अध्यक्ष महोदय : आप पहले वह स्टैमेंट पढ़ लीजिये, उस के बाद सवाल पूछना ही तो पड़ेगा।

I suppose the hon. the Home Minister will supply copies of his statement to the Members, not only to the Office.

Dr. Katju: May I request you to ask the Secretary to do it just now?

PAPERS LAID ON THE TABLE

REPLIES TO MEMORANDA re: DEMANDS FOR GRANTS (RAILWAYS), 1954-55

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy each of certain further statements containing replies to certain memoranda received from members in connection with Demands for Grants (Railways) for 1954-55. [Placed in Library. See No. S-247/54.]

DECLARATION re: ASSIGNMENTS IN INDO-CHINA AND NOTES WITH PORTUGUESE GOVERNMENT re: PORTUGUESE POSSESSIONS.

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I beg to lay on the Table a copy of each of the following papers:—

- (i) Declaration by the Government of India accepting assignments in Indo-China. [Placed in Library. See No. S-248/54.]
- (ii) Notes exchanged between the Government of India and the Portuguese Government on the subject of Portuguese possessions in India. [Placed in Library. See No. S-249/54.]

COMPANIES BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE.

Shri Pataskar (Jalgaon): I beg to move:

“That the time appointed for the presentation of the Report of the Joint Committee on the Bill to consolidate and amend the law relating to Companies and certain other associations, be extended upto the last day of the first week of the next session.”

Mr. Speaker: The question is:

“That the time appointed for the presentation of the Report of the Joint Committee on the Bill to consolidate and amend the law relating to Companies and certain other associations, be extended upto the last day of the first week of the next session.”

The motion was adopted.

FOOD ADULTERATION BILL—contd.

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

Shri T. K. Chaudhuri (Berhampore): May I ask what happens to item No. 1 in the Supplementary List of Business, regarding the modification of the decision of the Labour Appellate Tribunal?

Mr. Speaker: That will be laid on the Table tomorrow.

Shri Sadhan Gupta (Calcutta-South-East): Yesterday I was developing the point that the Bill, though a very salutary one, could not arouse the general enthusiasm of the country because of the obvious fact that this kind of a Bill would be rendered nugatory by the big interests involved in the production of food. There are many big interests involved in the

production of foodstuffs. If they so chose, they can tamper with the machinery which will administer this kind of law and would be able to escape through various loopholes which a corrupt machinery provides. It is not merely a question of corrupt machinery. As I was saying yesterday, even high-ups in the Government and the governing party themselves were tied with these interests with many a strong link.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

I was quoting as an example the case of the sugar deal in a certain province just before the general elections. We all know the story. It was not even secret. It was an open thing that during the last general elections, the sugar magnates agreed to contribute to the election fund of the governing party at the rate of a certain amount for each bag of sugar sold. By that process, Rs. 54 lakhs were collected for the election fund. In matters such as this, when these things can happen, it is very easy to conceive that they will utilise these benefits which they confer to get something in return for them. For example, if the sugar merchants paid Rs. 54 lakhs to the election fund, they would easily expect that they would be enabled to mix some sand from the holy banks of the Ganges with their sugar and the Government would not be expected to interfere unduly with it. That is the thing we are apprehensive of; I find that is also the thing which the House is generally apprehensive of, namely, that these laws may be rendered nugatory.

On the other hand, although the big guns would escape, the smaller fries may be subjected to considerable harassment. There is considerable scope for harassment in the Bill itself. After all, when you administer a Bill of this kind, you may expect the police to show their efficiency and zeal for the purity of foodstuffs by harassing the smaller fries in production, and often by harassing without any cause

whatever. Now, we have the experience of the operation of our food control laws in the various States. We know that they have had a very thriving black-market in foodstuffs when there was food shortage and when there was rationing of food. We also know that there were many big merchants who were trading in food and indulging in these black-marketing operations on a very large scale. We had always figures of prosecutions and convictions: 500 prosecuted, 300 convicted and so forth. But, we know from experience that those prosecuted were not big guns who were responsible for black-marketing, but small traders, some women who brought in food and sold them in small lots—may be in violation of the rationing laws, but still they sold them in small lots because they had no other way of earning a livelihood. It is these who were prosecuted, not only prosecuted, but they were brutally treated by the police before the prosecution. This kind of thing may happen in the course of the administration of this Bill. But, with all that, we will support this Bill. We will support the main objectives of the Bill, although not all the provisions of the Bill. We will support it because the demand for checking adulteration is a very great popular demand. It is said and rightly said that in many States, there is no law or practically no law to prevent adulteration of food. Therefore, we do want a law of this kind. Although this law is liable to leave big guns unharmed and lead to harassment of others, we can rely on public opinion and we can rely on the peoples' movement to make the necessary corrections in the administration of the Bill. I am not unaware of the fact that many abuses will take place. I am also confident that we shall be able to rouse such a great indignation against this kind of administration that we will be able through sheer pressure of public opinion to get some justice into the administration of the Bill. And, if, through a corrupt machinery, even some justice filters

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through, that would be a great achievement of this law because of the magnitude of the problem of adulteration. As regards harassments, I can say on behalf of my party, and I believe for every Member of this House, that we will fight tooth and nail against harassment of any innocent persons or undue harassment even of persons who are guilty but whose guilt is not too severe.

In this connection, I must refer to clause 20 and voice my opposition to it. What we are ought to do is to prevent adulteration and not to protect the adulterer. But, clause 20 provides that we cannot institute prosecutions without the sanction of the Government. What we need is that the adulterer should be put to the risk of being prosecuted every time that adulteration is detected, no matter who detects it. It may be the police who detect it; it may be a private person who detects it. But, whenever it is detected, the adulterer must be subjected to prosecution and he must be aware of the risk of prosecution. What will happen if the prosecution is left to the police? If private persons were enabled to prosecute, no person on earth would escape whether it was a big businessman or whether it was a small fry. When he is guilty, the aggrieved person who buys food will undertake the prosecution or will find his way to see that a prosecution is launched. There are many social institutions which will help him to prosecute. But, if it is left to the Government, we know that there are many ways of seeing that the Government do not give their sanction. We have our experience of prosecutions in regard to industrial disputes. We know that in a particular case, the manager of a British bank was given free permission to prosecute persons guilty of a technical offence and offences of technical illegal strike which subsequently was condoned by another industrial tribunal and the persons dismissed for the strike were ordered to be reinstated, but the West

Bengal Government which was in charge of these things at that time freely accorded permission to the Manager to prosecute the workers. But it is very difficult for workers to get similar permission to prosecute industrialists, particularly when the industrialist happens to be somebody, some high-up, and to have links with the Government. Now, these things will happen even in the case of adulteration. Firstly, they will buy off the police and see that the investigation is carried on in such a manner that no prosecutions take place. And secondly, even if the police do submit a charge-sheet, they would be able to persuade the Government, the people in the Government whom they know, not to award or give sanctions for such prosecution. This kind of thing will be remedied if private persons are allowed to prosecute. Let people come out with prosecutions in the public interest. Let everyone who manufactures food be fully aware that he cannot adulterate without the risk of going to jail, and no power on earth can protect him from going to jail if he adulterates. Therefore, I would strongly urge upon the House to reject clause 20 and to give freedom of prosecution to every person aggrieved by adulteration.

Shri S. V. Ramaswamy (Salem): Mr. Chairman, there cannot be two opinions about the necessity for this Bill at all. There have been State legislations, and for the first time we are going to have an all-India legislation. I am only sorry that this Bill which was introduced in 1952 should have taken two years to come up before this House for consideration and passing.

I do not wish to multiply the instances of the way in which adulteration goes on in foodstuffs, the infinitely varied ways—mixing of groundnut oil with coconut oil or gingil oil and so on, preparing foodstuffs in inferior material, sometimes not even in oil but mobil oil. I have the rare experience—and I have got two or three colleagues with me here

who will bear me out—that in the Grand Trunk Express we were one day served with *vada* prepared in kerosene oil. We were surprised. It was astounding. The smell was that of kerosene oil.

Shri N. M. Lingam (Coimbatore): There is no adulteration in it. It is pure kerosene oil.

Am Hon. Member: Was it pure?

Shri Sadhan Gupta: Are you sure it was pure?

Shri S. V. Ramaswamy: I do not know. If we had taken it, we could have easily been set on fire and there would have been four parliamentary by-elections—four of us were involved—and very probably hon. Members would have had to stand up four times in honour of the victims of kerosene oil *vada*. Luckily he said there was a mistake. I do not know whether there was a mistake, or for want of oil he emptied the oil in the stove and prepared the *vada*. Such things are going on.

10 A.M.

There was another instance I came across at Bangalore. I do not know whether hon. Members have come across that. Two bottles full of apparently ground coffee powder were placed before us and we were asked to decide which was coffee and which was not. Would you believe it, we were not able to decide. Both were of the identical texture and quality, yet one was real coffee and the other was ground *jamun* seed. They are fried in ghee or some such thing and ground just like coffee powder and mixed with a trace of coffee powder, so that in flavour, in texture and in fineness there is absolutely no distinction between the two, unless you put it in hot water when you will find the one genuine and the other a concoction, the decoction of which is anything but coffee. The other thing was adulterated and it was an unadulterated fraud. Such things are going on, but then what I wish to contribute in

this debate is this. Though this Bill is very well meant and is welcome, there are certain serious legal flaws which I wish to point out.

Let me read clause 20(2):

“No Court inferior to that of a Presidency magistrate or a magistrate of the first class shall try and offence under this Act.”

I do not see any special virtue in this negative form in which it is put. Now, having stated that it is a Presidency magistrate or a magistrate of the first class before whom a case can be instituted, I will take you to clause 16 where it is stated that for the first offence there may be imprisonment for a term extending to one year or fine which may extend to Rs. 2,000; for the second offence for a term which may extend to two years and fine; and for the third offence for four years and fine. Now, in the subsequent clause 21 it sounds to me to be somewhat out of the way and extraordinary. It is doing violence to the Code. It says:

“Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Presidency magistrate or any magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under section 32 of the said Code.”

I am driving at two points. In clause 20(2) you have laid down that no Court inferior to that of a Presidency magistrate or a magistrate of the first class shall try an offence under this Act. Therefore, when you frame clause 16, you must confine yourself to the quantum of punishment that is laid down in the Code, especially so when you are trying to give excess powers under clause 21. The fine of Rs. 2,000 which you have provided for the first offence is itself obviously in excess of the powers of the first class magistrate or Presidency magistrate. If that is so, it obviously conflicts not merely with clause 22, but also with

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clause 21. There must be some harmonious construction, some harmony in framing the clauses. Up to clause 20 there is a stage, and up to that stage it must be self-contained and consistent with the Criminal Procedure Code. If you provide that the Court of institution of the prosecution shall be the first class magistrate, then the powers to penalise that shall be conferred upon that Court shall be in terms of the Criminal Procedure Code. Initially you are starting with Rs. 2,000 fine which is in excess of the powers of the magistrate and at the same time you are providing under clause 21 for further excess. How do you reconcile these two. I am sorry there should be this mistake.

The point is this. The original draft of the Bill contains some scheme, some sense. It is in an orderly fashion. It started with the proposition that the case can be instituted in the Court of a second class magistrate, the punishment being three months for the first offence and subsequently one year. Now, out of anxiety, I think, which prevailed in the Select Committee to be vindictive to the man who adulterates...

Shri C. R. Narasimhan (Krishnagiri): To be more effective.

Shri S. V. Ramaswamy: They have lost sight of certain legal flaws. They have also not found out that there is a conflict between the several clauses 18, 22 and 21.

I am not happy about the original draft either, for this reason. The whole scheme as it has emanated from the Select Committee, if it is a scheme at all, is so absolutely rigid that in actual enforcement of this Act, it will be an engine of tyranny over the people. It is out of tune with the attending circumstances, with the life as it is seen. Under clause 1 you have defined "local authority" in such a manner that it includes not merely the Municipality or the District Board, but the lowest local body, viz., the

Panchayat. Now, what are the common cases that we come across? There is a wide range of adulterations, and the commonest is this. The village milkmaid adds water to the milk. That is adulteration. The other extreme is where a contractor to the Army passes off *vanaspati* as ghee, cheats Government to the tune of Rs. 1½ crores, and gets involved in a big case. These are the two extremes. In between, there are various gradations of cases. When you frame an Act of this nature, you should not forget that this is an all-India Act, and the States ought to function within the framework of this Act. They cannot go beyond this. So, we must frame the Act in such manner that there must be a sufficient amount of elasticity and latitude given to the States to adjust themselves in the administration of this Act, according to the circumstances of the case.

I find that this Bill is, to a large extent, based upon the Madras Adulteration Act of 1918. We have been having that Act for over thirty years, and it has been working very well. The punishment varies from a hundred rupees to five hundred rupees. A case under that Act can be tried even by a third class magistrate, if so specially authorised. The purpose of my saying all this is this. I have seen in Salem Municipality, how this Act is administered. On some appointed day, the health staff post themselves at the various approaches to the city, catch hold of the village milkmen or the women who bring the milk from the villages, take samples of the milk, and send those samples to the food analyst. Then, the cases are brought before the magistrate. We must have some such thing under the New Delhi Municipality, so that the women who bring milk from the remote villages could be detained at some traffic centre, and samples of the milk taken for purposes of analysis. Then, batches of cases are put before the magistrate, about thirty, forty or fifty cases, for adulteration of milk. And what does the magistrate do? He

levies a fine of Rs. 5 or Rs. 10 or Rs. 15, and these batches of cases are disposed of summarily. You must make provision for a summary disposal of such cases also, because they are so petty.

Again, once you lay down in clause 21 that it shall be a first class magistrate who shall try the case, what is to be the procedure that should be followed? Have you found anywhere in the Criminal Procedure Code, the procedure that should be followed? Is it 'warrant procedure' or 'summons procedure'? Is there any provision for a summary disposal of these cases? There is no latitude at all; there is absolute rigidity. You fix it at a high level, the level of a first class magistrate, because you want a higher punishment to be given. This, I submit, is taking a narrow view of things. In framing a law, we must give the utmost elasticity, so that it may be adjusted to various circumstances in various places. Now, the administration in the several States is not of the same standard always. I feel proud to say that the standard of administration in Madras, for instance, is about the highest in the whole Union. You take some other place, like Assam, for instance. You have laid it down here that this is a first class offence. You will have to walk thirty or forty or even forty-five miles, before you can come across a first class magistrate in a place like Assam, and yet you fix the court of a first class magistrate as the only court of institution. It absolutely lacks a sense of reality as to how the Act is to be administered. Therefore, I submit that the penalty portions of clause 16 are inconceived.

In order to make this conform to the Criminal Procedure Code, and to what is laid down in Section 32 of that Code, what I am submitting is this. In the Madras Act, a provision is there for the institution of such prosecutions even before a magistrate of third class, provided he is so specially empowered. Perhaps, it may not be possible or even admissible

to go down to that level. But I have suggested in an amendment of mine to provide even for that. The States may be empowered to classify certain class or classes of cases as cases which may be instituted before a third class magistrate and be disposed of by him. I have even sought to confer by my amendment powers upon them to declare certain cases to be disposed of summarily. Otherwise, it will lead to harassment. For pouring water in milk, and selling it, are you going to charge these village women before a first class magistrate under the warrant procedure, and drag them for a number of times to the court, and harass them?

Shri B. S. Murthy (Eluru): Why do you bring in the village women?

Shri S. V. Ramaswamy: It may be men in your parts.

Shri B. S. Murthy: What about your parts?

Shri S. V. Ramaswamy: Generally, women bring the milk. If, in your parts, men bring it, I accept your amendment. It may be men or women who bring milk. Whoever brings it is a small matter.

What I am submitting is this. For the first offence, it may be within the powers conferred upon a second class magistrate. For a second or subsequent offence, there must be enhanced punishment, and then I submit, it may be within the powers of a first class magistrate. Instead of clause 21, I would submit the introduction of another clause by which the prosecutions under this Act may be instituted normally, in the first instance, in the court of a second class magistrate, provided that cases in respect of second or subsequent offences can be instituted before a first class magistrate. I have also suggested a proviso by which power may be given to the States to specify certain class or classes of cases as cases which may be instituted before a third class magistrate and may even be disposed of summarily. This

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is the only way in which, from an administrative point of view, this Act can be effectively administered. Otherwise, this will be just another engine of oppression, of needless oppression. I do hope that whoever is in charge of the drafting will look into these things and see that the suggestions are taken.

Clause 21 strikes me as rather extraordinary. You will see that up to clause 20, the Bill as it has emerged from the Select Committee follows the sequence of the original Bill. When the Select Committee were anxious to introduce a draconic code with regard to punishments, they lost sight of the fact that they could not do so, and therefore, perforce, they had to fall back upon clause 21, which is a new clause. It is here that the sequence or the general scheme of the Bill gets upset, because in their anxiety, the Select Committee, not being contented with the fact that what they have provided for in clause 16 itself is in excess of the powers of a first class magistrate, as provided in the Criminal Procedure Code, pursued the matter further, and to be more aggressive, they have thought of clause 21, which to my mind is not fair or proper, and which is in one sense outrageous.

To invest a magistrate with such wide powers is a dangerous thing to do. Let us not forget that this is going to be an all-India Act, and it is going to be worked by the States within their framework. Let us not also forget that there are magistrates, who become first class magistrates, after a service of four or five years. There are cases like that. To invest such magistrates with these extraordinary powers under clause 21 is the most dangerous thing to do, for in actual administration, it will lead to very grave injustice. I am very much opposed to clause 21. I do not think that it is right for Parliament to invest a magistrate with powers far in excess of what is provided for

in the Criminal Procedure Code itself. You mention in the clause itself:

"Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Presidency magistrate or any magistrate of the first class..."

You provide in the clause itself that it shall be within the power of a magistrate to go in excess of what is provided for in the Code of Criminal Procedure. I think this is a very dangerous provision, which ought to be deleted.

Instead of that, I would submit that you had better have a clause by which you prescribe the procedure. The procedure is very important. If it is a warrant procedure, I am very sorry it will work havoc for the poor people. I have suggested certain things and when the amendments come up, I shall make this clear.

Going upon certain other things I had also seen in connection with this, I am not happy about the wording of clause 18. It says:

"Where any person has been convicted under this Act for the contravention of any of the provisions of this Act or of any rule thereunder, the article of food in respect of which the contravention has been committed may be forfeited to the Government."

Suppose there is a stock of food. You catch only one portion of that food, say, one lb. of some concoction or mixture of edible stuff. Is it enough to confiscate only that? What about the other food stock? So you must provide for the confiscation of all that stock also and this clause may be so drafted, as I have suggested in my amendment, that this confiscation must be in addition to the punishment. Powers must be given to the magistrate to pass orders then and there of confiscation in addition to the imprisonment or fine or both. Now, if that is admitted, there is no need for clause 21. You will then

have imprisonment, fine or both, and confiscation. What more do you want to terrorise the people who adulterate foodstuffs? Why do you go and violate the Constitution and the Code of Criminal Procedure by saying that it shall be open to the magistrate, notwithstanding anything contained in the Code, to impose a punishment which is far in excess of the powers conferred upon him by the Code. You are trying to violate the Code; you pay only lip-sympathy and violate it in letter, not merely in spirit. Therefore, this may kindly be looked into and amended suitably.

The other point I wish to submit is that the definition of 'adulteration' is not clear. There is a very big loophole. I have had a discussion with those concerned with this. I would like to introduce the word 'quantity' also. It says: "...if the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser". Unless you introduce the word 'quantity' also, there will be a very big loophole. I am well aware of the fact that in the English Act and other Acts the word 'quantity' is not there, but that, to my mind, is no reason why I should blindly follow the other Acts. I am suggesting that there is a loophole for this reason. The other day I was looking into a glucose tin. It says—calcium per oz. 48 milligrams or phosphorous 27.6 milligrams. Glucose D by no stretch of imagination can be called a drug because normally people take it along with coffee and we feed children with glucose, so much so that it must be treated more as a food than as a drug, though it may be used as a drug. Now, suppose in preparing this, actually there is not 48 milligrams calcium or 27 milligrams phosphorous, but a lesser percentage of something else, would it not amount to adulteration?

Shri B. S. Murthy: Then it ceases to be glucose.

Shri S. V. Ramaswamy: It is glucose still; the label is there. You might possibly stretch the word 'mis-

branded' and bring it under that. But it is not so. Quantitatively what is described as necessary is not there, but something else is there. I submit it is adulteration, because it means lack of a certain percentage which is declared to be there. The percentage there is the quantity; it may affect the quality, if a certain percentage of a certain ingredient is not there. If that is so, unless you include the word 'quantity' also it will not be covered; I repeat again that the mere fact that in the English Act or other Acts elsewhere in India the word 'quantity' is not there, is no reason why we should not include the word 'quantity' also. This also may kindly be considered.

The other point I wish to urge is this. In clause 3, sub-clause (g), it is not clear as to what is meant by 'two representatives of industry and commerce nominated by the Central Government'. It must be very clearly and specifically stated that those representatives are the representatives of the food industry. As it is, it may mean any industry. That is not what we want. There are certain industries concerned with the manufacture of certain foodstuffs—biscuits, chocolates, sweets and this and that. Representatives of such food industries must be specifically included; otherwise the bland statement 'two representatives of industry and commerce' does not take us very far.

The other very important thing that I have in mind is as stated in my amendment No. 46, that the rules whenever they are framed under the Act must be placed before Parliament. This is not the first time that I am urging this. I have been urging in respect of Bill after Bill and emphasising that the powers of Parliament cannot be surrendered to the executive; it is the prerogative of this Parliament to see that the executive does not arrogate to itself powers under the rules which Parliament never intended to confer upon them. Working as a member of the Committee on Subordinate Legislation, a number of times I have found out how

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the executive in their anxiety to arrogate power to themselves have framed rules which are far in excess of what the Parliament intended to confer upon them. That is why again and again I have repeatedly urged this and I have got an amendment that whatever rules are framed under clause 4 or clause 23 or clause 24 must be placed before the Parliament. I am very glad that in amendment No. 134, the hon. Minister of Health has accepted one of my amendments by saying that whatever rules are framed here by the Centre will be placed before Parliament. But I am not satisfied with that. There must be provision in this Bill that after the States frame rules, those rules shall be placed before the respective Assemblies of those States also. We must make it obligatory here and now. That is a very essential thing and I hope that that amendment of mine will also be accepted.

There is one minor matter. It relates to the establishment of a Central Food Laboratory as per clause 4. I am somewhat apprehensive, Sir, and I have some doubts regarding this. I come from a district centre—and rural parts also—and I confess to a sense of horror about this, it is out of fear that this Central Food Laboratory may be established in Delhi. I suggest that it may be established at a central place in India. Not merely that. It is not enough to have one central organisation because under the proviso to clause 13 you have made it clear:

“Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory shall be final and conclusive evidence of the facts stated therein”.

My experience on the criminal side has shown that oftentimes delay is due to the non-receipt of the Serologist's report in murder cases. There is only one Serologist; he is in Calcutta. If ever there is a delay in the disposal of cases, it is because of the

fact that there is delay from want of a central office. If there should be a need for a certificate issued from the Central Food Laboratory and if there should be one Laboratory somewhere near about Delhi, I am afraid there will be an enormous delay in disposal of cases which ought to be disposed of summarily. There must be some provision for more than one laboratories; there should be Regional Laboratories, if necessary; then they may be disposed of quickly.

Then I come to clause, sub-clause (7). It reads like this:

“Any food inspector may exercise the powers of a police officer under section 57 of the Code of Criminal Procedure, 1898, for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an article of food is seized”.

Is that enough? What does it say? It says: he shall for the purpose of ascertaining the true name and residence etc. I have already given notice of an amendment, and I am very glad to find that you, Mr. Chairman, have also tabled an amendment subsequently that the procedure laid down in the Criminal Procedure Code relating to searches ought to be followed. That is very necessary. Otherwise you would be placing power in the hands of the Food Inspectors enormously, out of proportion to their status. You are not going to authorise the Food Inspector to go and break open a house and enter and search it without a search warrant. It will be outrageous. If the Food Inspector really suspects that in a particular place or receptacle something which is obnoxious is kept, what prevents him from going to the magistrate and getting an authorisation for search and do that? It should not be left to the free will of a Food Inspector to disregard the provisions of the Code of Criminal Procedure and at his sweet will break open a house and search it. The clause merely says that he may exercise the powers of a police

officer under section 57 of the Code of Criminal Procedure for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an article of food is seized. What about his acting in accordance with the Criminal Procedure Code? The draftsman seems to have forgotten that. The whole conduct of the Food Inspector must be regulated by the provisions of the Criminal Procedure Code. Otherwise, I am afraid, there will be very great difficulty.

I will come to clause 11. I am reading clause 11(1)(b).

"except in special cases provided by rules under this Act separate the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits."

In whose presence? It is not mentioned. It must be in the presence of the owner; otherwise there may be very great difficulty; there may be spurious prosecutions. It must be taken in his presence.

I am also providing for another safeguard to the individual. You know, Mr. Chairman, as a leading criminal lawyer that oftentimes an on-the-spot record is made in the presence of independent witnesses as to the action taken by a police officer in the matter of a search or the examination of witnesses. When the seizure is made, a *mahazar* as we call it in the South, is prepared as to the exact nature of the thing seized and two independent witnesses attest the document so that there may be no scope for forgery. Such a thing is absolutely necessary. We must be fair not merely to the public but also to the adulterator. Even when we punish him, we must punish him after due trial and justice should be done to him. We shall not do it arbitrarily but we shall do it after due process of law. These are necessary checks to safeguard that there is no abuse of powers. (*Interruption.*)

Then the question arises whether we should authorise private individuals also to launch prosecutions. I find from the Madras Act that it can be done. I am afraid that in the present set-up, with the level of civic responsibility as it is, it would be rather dangerous to invest private individuals with this power of prosecution. I would rather advocate deferring it for some time rather than incorporate it in this Bill.

Two more points and I am done. I am not sure.....

Mr. Chairman: I do not want to interfere with the hon. Member's speech. He has taken more than half an hour and we have devoted more than a day and a half on this matter and I propose to close the general discussion very soon. I would request him to kindly leave some time for others.

Shri S. V. Ramaswamy: I have got one other point, Sir, with regard to clause 13 in its relation to section 510 of the Criminal Procedure Code. This says—

"Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory shall be final and conclusive evidence of the facts stated therein."

There are only certain specific persons mentioned in the Code of Criminal Procedure whose reports are accepted as evidence. In the Criminal Procedure Code, as it is sought to be amended by Dr. Katju, certain other categories are to be put in. But, I do not know whether in the absence of that amendment of the Code of Criminal Procedure, we would be well advised in introducing this proviso.

Shrimati Ha Palchoudhury (Nabadwip): Mr. Chairman, Sir, this Bill needs every support. There can be no two opinions about it. The Bill goes a step forward towards correcting the state of affairs in the country, and we all welcome it. Any legislation of this kind must go hand in hand with the implementation of it, which is a

[Shrimati Ila Palchoudhury]

far more difficult thing. While preaching and propagating that adulteration is bad the public opinion must be formed to reject foodstuffs that are adulterated on foods that are imitations of pure food. Advertisements landing things like *vanaspati* should be banned. Everybody is cognisant of the wonderful advertisements that we see everywhere that a very beautiful dancer who now dances for three or four hours without a break could not do so before and this is because she now takes food prepared in *vanaspati*. The inference in showing that she used to get tired within ten minutes is that she was used to food prepared in pure ghee. I think this sort of advertisement should at least be counteracted by various reports from the Health Ministry put into the newspapers from time to time, exhorting people to strain their purses—and buy a little of what is good—rather than a greater quantity of what is unhealthy or an imitation. The soul of advertisement, as everybody knows, is saying a thing often enough and long enough, and in time people begin to believe it. Children are gradually given food cooked in Dalda or *vanaspati* products for mothers' minds have been gradually changed. It is essential that the implementation of this Bill be enforced by Food Inspectors and so on, but they must work in close co-operation with social workers who will have every facility of giving them data about local conditions.

The harassment of the small vendors must surely be guarded against because usually the policeman or the Food Inspector is more liable to get down on the small vendor and the real source from where the poor, ignorant vendor has bought his stuff, very often, goes unnoticed. This must really be corrected and the source got at, and, if necessary, their stocks taken.

To make supplies of pure food available should be part of the implemen-

tation of this scheme because unless pure food is available, there is no point in banning adulterated food. When we do not get one thing we are bound to go in for another. Labelling of adulterated foodstuffs should clearly state what adulteration has been used.

I regret to say that there is no clause provided in this Bill particularly safeguarding foods that are used for infants and children. Food used for infants and children must contain all the body-building and health-giving properties needed for child-health and any food or milk product that is deficient, should be clearly marked as unsuitable for infants and children. In Switzerland and other European countries this precaution is stringently taken; condensed milk from which fat has been extracted is clearly marked, stating that it is unsuitable for infants. It is a deplorable fact that the milk powders that we see sold at random all over India today even in country places do not contain body-building and health-giving properties, yet the regrettable part of it is that it is possibly sold at a price much lower than even the adulterated milk which is sold in India! If possible, a clause covering this should be included in this Bill. The civic mind must be made conscious of the seriousness of adulteration. It should be done by talks, visual methods, cinematographs and by various kinds of propaganda. This is well illustrated by a story. There was a grocer who was heard talking to his son from upstairs, "John, have you sanded the flour"? "Yes, father". "Have you diluted the milk"? "Yes, father". "And, have you larded the butter"? "Yes, father". "O.K., then come up to prayers".

Well, if this is the sort of mentality then it can be understood, how very difficult it will be to implement a Bill like this. Therefore, till the civic mind is trained, no matter what legislation is passed, the effect on the nation will always remain far behind.

श्री नरेश शर्मा (सीकर) :

धर्मोण शासितं राष्ट्रं न च बाधा प्रवर्तते,

नाथयो व्याधयश्चैव रामे राज्यं प्रशासति ॥

माननीय सभापति महोदय, मैं माननीया स्वाध्याय मंत्रीजी महोदया के उद्देश्य का स्वागत करता हूँ। बात यह है कि जैसा परिषद उन का शुभ नाम है वैसे ही यह भी वह चाहती है कि भारतवर्ष को अमृत खिलायें। किन्तु भाग्यवत्स कुमारीपन की जो कोमलता है वह उन में आ गई है। मैं जहाँ तक समझता हूँ कि फूड एडल्टरेशन के स्थान पर उन के अन्दर एन्टी एडल्टरेशन का ही भाव है किन्तु अपनी कोमलता के कारण वह इस एन्टी शब्द को बहुत कठोर समझती है। एक तो इस का कारण साफ्टनेस है दूसरे कुछ सरकारी बन्धन भी थोड़ा सा है, कुछ थोड़ा सा मिला मालिकों के चारों ओर से हाथ जोड़ने, मिन्नत समाजत करने का असर पड़ता है कि 'क्यों हम को मारने चलते हो' ? इस लिये हम को थोड़ा बनस्पति वृत्त बनाने दो। मैं उस को लोहे की भैंस का भी कहा करता हूँ। इस के साथ भी थोड़ी दृमा करने की भावना है। इन सब बातों से हमें कहने में भी थोड़ी निराशा हुई। जहाँ आप जैसे महारथी और जहाँ श्री राजीव टंडन जैसे महारथी बार बार सिर पटक पटक कर थक गये और किसी ने नहीं सुना, वहाँ सम्भवतः विरोधी पक्ष के कहे जाने वाले हम लोगों की बात कोई सुनेगा नहीं। तो भी कहना हमारा कर्तव्य है। राजकुमारी से मैं निवेदन करूँगा कि भारतीय अन्न विधान के आदर्श को भी थोड़ा सा पहिचानना चाहिये। यह भारतीय संसद् है। आप लोग डाक्टर के दृष्टिकोण से अन्न को देखते हैं, लेकिन आप एक भारत की गलियों में घूमने वाले जनपद लड़के को देखिये जो जानता है कि अगर मेरा हाथ पैर को लग गया तो वह हाथ अपवित्र हो गया, उसने अन्न को छूता हूँ तो वह अन्न खराब हो जावेगा। एक अच्छे से अच्छा डाक्टर इस को इह्मगोस न कर सके, लेकिन यह भारतीय

सभ्यता की चीज है। आप उन लोगों के पीछे चल रहे हैं जिन की सभ्यता में यह चीज नहीं है। आप केवल भारत के बाहर की स्वच्छता और सफाई को लेना चाहते हैं। आज भी यह पुराना आ गई है कि शुद्ध घी से घर का बना हुआ पराबठा लड़का दूसरे दिन खाने के लिये तैयार नहीं है लेकिन दस दिन की पड़ी हुई डबल रोटी और विस्कट विष की तरह उस के गले के नीचे एकदम चला जाता है और वह इन्कार नहीं करता। कारण क्या है। आप लोगों ने भारतीय दृष्टिकोण को अन्नशास्त्र में से निकाल दिया और भुला दिया। हमारे वहाँ वैदिक साहित्य में उपनिषद् में एक कथन है। लिखा है :

भृगुर्वै वारुणिवरुणं पितरमुपससार।

वारुणी नामक भृगु अपने पिता वरुण के पास गया :

अधीहि भगवां ब्रह्मीत

कहता है, भगवन मुझे सिखा दो कि ब्रह्म किस चीज को कहते हैं। जानते हो ब्रह्मा का लक्षण ?

यतो वा इमानि भूतानि जायन्ते, ये न जातानि जीवन्ति यं प्रयन्त्यभिर्साधशान्ति तद्ब्रह्म ॥

जिस से प्राणियों का जन्म हो, जिस के द्वारा प्राणी जीवित रहे, जिस में अन्त में प्राणी लीन हो, वह ब्रह्म है। अन्त में तपस्या कर के, उन्होंने बतलाया :

अन्नाद्वयैवमानि भूतानि जायन्ते अन्नं जातानि जीवन्ति अन्नं प्रयन्त्यभिर्साधशान्ति तस्मादन्नं ब्रह्म।

अन्न से प्राणी प्रकट होते हैं, 'अन्न द्वारा जीवित रहते हैं', अन्न में जा कर लीन होते हैं इस लिये अन्न ब्रह्म है। इसी को श्रीमद्भगवत् गीता में

अन्नाद्वान्ति भूतानि पर्जन्यादन्नसम्भवः । इत्यादि कहा।

[श्री नन्द लाल शर्मा]

अन्नं बृहत् रसो विष्णु भोक्तुं दत्तं महेश्वर ।

इत्यादि शब्दों से मैं और जागे बड़ाना नहीं चाहता हूँ। मेरा केवल इच्छा निबंधन है कि आप थोड़ा सा अपने आदर्श को इतिथ्य । भगवान् कृष्ण ने तीन प्रकार की कर्टेगरीज अन्न की बतलाई हैं ।

आयुः सत्वबलारोग्यसुखमीतिविवर्धनाः ।
रस्याः स्निग्धाः स्थिरा हृद्या आहाराः सारिक्व
प्रियाः ।

जिस के द्वारा आयु बढे, जिस के द्वारा बुद्धि बढे, जिस के द्वारा शक्ति बढे, आरोग्य (स्वास्थ्य) बढे, रस का भरा हुआ हो, तरल पचार्थों का भरा हुआ हो, स्थिरता देने वाला ऐसा स्वास्थ्यमय भोजन सारिक्वकी लोगों को प्रिय होता है ।

कटुबम्लतृणपात्युष्णतीक्ष्णरूक्षीचदाहिनः ।
आहार राजसत्येष्टाः दुःस्वशाकामयप्रदाः ।

कीटमेन्ट्स, जो आप के मसाले हैं घिन में कोई कटु होता है, कोई खट्टा होता है, नमकीन होता है, तीखा पित्त को जलाने वाला होता है, ऐसा आहार राजोगुणी लोगों को प्रिय होता है, जो कि दुःख, शोक और बीमारी को पैदा करने वाला है ।

घातघामां गतरसं प्लिपपृथीषं च वत् ।
उच्छिष्टमपि चामेधं भांजनं तामसीप्रियम् ॥

जिस के ऊपर दिन बीत गया, रात बीत गई, जो बासी है, दुर्गन्धयुक्त है, जूठा हो और अमेध हो वह तमांगुणी लोगों का आहार है, जो निद्रा, आलस्य के लाने वाला है और बुद्धि को मारने वाला है । कल सुन कर हमें बड़ा खेद हुआ, हमारे ज्ञानी गुरुमुख सिंह जी ने यह कहा कि उन्होंने दूसरे देशों को देखा है । वहाँ उन को जवाब मिला कि हमारे यहाँ कभी एंडस्टैरेशन नहीं होता । मैं पूछता हूँ कि पिटिश टाइम्स को छोड़ कर हमारे इतिहास में से किसी भी समय

में जब बतला दें जब कि दूध और घी या अन्य किसी वस्तु में एंडस्टैरेशन होता रहा हो । आज सफ़ा सांकर्ब, मनुष्य सांकर्ब, कल सांकर्ब, सभ्यता सांकर्ब, भाषा सांकर्ब, संस्कृति सांकर्ब, सभी कुछ चलता है । ऐसी परिस्थिति में हम कहते हैं कि स्वास्थ्य मंत्रिणी महोदया को भारतवर्ष के मनः स्वास्थ्य का, शरीर स्वास्थ्य और उन के अध्यात्मिक स्वास्थ्य का भी ध्यान रखना चाहिये जिस से इस तप्ट को जो कुछ भी खाने पीने को मिलता है उस से उस के शरीर का ही पतन हो जाय । यदि आप ने ऐसा नहीं किया, यदि आप डब्बे का दूध मंगती रहें और लोहे की भैंस का घी चलता रहा तो आप को अपने घी और सुद्ध दुग्ध की आवश्यकता नहीं रहेगी तथा गोहत्या जैसे भयंकर कलंक को भारतवर्ष में किसी प्रकार रोक नहीं सकेंगे । मैं चाहता हूँ कि स्वास्थ्य मंत्रिणी स्वयम् इस बात को अपने हाथ में ले कर भारतवर्ष के बच्चों के स्वास्थ्य के लिये, उन की जल्था के जीवन तथा स्वास्थ्य के लिये और वहाँ की गाँवों के बच्चों के स्वास्थ्य के लिये भी भारतवर्ष की गाँवों को बचायें । वह स्वयम् अपने मंत्रिमंडल में इस बात के ऊपर बार बार जोर दें । आप ने अपने संविधान में स्वीकार किया है कि गोहत्या शीघ्र ही बन्द कर देनी चाहिये । वह हमारे साथ बैठ कर पहले इस को रुकवायें । मैं समझता हूँ कि भारत को केवल बी० सी० जी० के इन्जेक्सन्स से फ़ायदा नहीं होगा । जिस आदमी को खाना नहीं मिलेगा, पीना नहीं मिलेगा उसे इन्जेक्सन क्या बीमारी से मरने से बचा लेगा । शरीर में कष्ट होने पर औषधियाँ अच्छी चीज हैं, लेकिन कमजोर आदमी के शरीर में औषधि काम नहीं करती क्योंकि उस के शरीर में ताकत ही नहीं होगी ।

इस लिये बार बार मैं आप से कहता हूँ, मेरी आप में श्रद्धा है, मेरा विश्वास है कि आप इदृश से चाहती हैं, माता के स्थान पर आज आप तप्ट के लिये बैठे हैं, आप का कर्तव्य है

कि जैसे कि माता अपने बच्चे का सब प्रकार का सुख दुःख दखती हैं, उस को बड़िया से बड़िया दूध पिलाती, अन्न खिलाती हैं, चाहे जहां से भी हो, चाहे भीख मांग कर ही हो, खुद भूखी रह कर उस को खिलाती हैं, उसी प्रकार सं अगर आप भारतवर्ष के बच्चों की रक्षा करेगी तो कोई सन्देह नहीं कि उन का स्वास्थ्य अच्छा होगा। लेकिन इन कानूनों से कुछ बनने वाला नहीं है, यह निश्चित बात है। यह तो आप ने सुन लिया, इन बातों को बार बार दोहराने से कोई लाभ नहीं होगा। आप के इन्स्पेक्टर क्या कर सकते हैं, दूसरे लोग क्या कर सकते हैं, सरकारी कर्मचारी क्या कर सकते हैं। करप्शन की बात हर डिपार्टमेंट के लिये कही जा सकती है, खाली हेल्थ डिपार्टमेंट के ही लिये कहने की आवश्यकता नहीं। इस विषय को पार्टी लाइन से दखने की आवश्यकता नहीं है और न सरकार को गाली देने की आवश्यकता है। हम तो यह चाहते हैं कि जो राष्ट्र के बच्चों के उत्थान का विषय है उस में सब लोगों को एक हो कर चलना चाहिये। हम लोगों का भी कर्तव्य है कि गांव गांव में घूमें और कहें कि यह सोशल इजीबल है। यह 'आफेंस अगैन्स्ट सोसायटी' है। यह अपने समाज के विरुद्ध और राष्ट्र के विरुद्ध सब से बड़ा पाप है कि कोई व्यक्ति खाने में विष मिला कर खाने के पदार्थों को खराब करे और सारे राष्ट्र को कमजोर बनावे। उसको रोकने के लिए आपको प्रयत्न करना चाहिए। डाक्टर काटजू जिस प्रकार बड़ी हिम्मत से वृंढ विधान में संशोधन करते जाते हैं उसी प्रकार आप भी अपने विभाग में कट्टरता के साथ ऐसे निबन्ध लावें और ऐसे आफेंसज को इस प्रकार से दख्य बनावें कि कोई उनको करने का साहस न कर सके। मैं तो समझता हूँ कि वीप इन आफेंसज की सजा को पहले डिटेन्ट भी बना दिया जाय तो कोई हानि नहीं होगी। लेकिन ऐसा प्रबन्ध होना चाहिए कि केवल छोट छोट लोगों को ही वृंढ मिलकर न रह जाय। मच्छर पर तोप शगने से कुछ नहीं होगा। अगर इस दुष्कर्म के करने वाले बड़े बड़े लोगों को आप अच्छी

कड़ी दिलावे की सजा दे देंगी तो दूसरों को यह काम करने की हिम्मत ही नहीं होगी। और कोई फिर इस पाप में प्रवृत्त नहीं होगा।

इन शब्दों के साथ मैं आपको इस बिल के उद्देश्य का स्वागत करते हुए वह निबन्धन करूंगा कि जहां जहां कमजोर बसाव है उनको आप दुनः संशोधन करके इस संसद की स्वीकृत प्राप्त करें और हमारा हार्दिक सहयोग प्राप्त करें।

श्रीमती सारकोरवरी सिन्हा (पटना पूर्व) : अध्यक्ष महोदय, आज अपने जन्म लेने के बाद तीसरे वर्ष में जब यह बिल अपने पैरों पर खड़ा हुआ है तो यह स्वागत के योग्य है। बड़ी खुशी की बात है कि इस लोक-सभा का भी यह तीसरा वर्ष है और इस बिल का भी यह तीसरा वर्ष है। मुझे तो शक हो रहा था कि यह बिल कहीं बिना मौत ही न मर जाय। किन्तु शुक्र है कि आज यह बिल हमारे सामने उपस्थित है। मैं समझती हूँ कि हमारी स्वास्थ्य मंत्रिणी जी के कामल कन्धों पर बधाइयों का बोझ बहुत ज्यादा पड़ गया है। शायद इस लोक-सभा के इतिहास में यह पहला मौका है कि चारों तरफ से इतनी बधाइयां मिली हैं, धारों से, बायों से, आगे से और पीछे से हर तरफ से बधाइयों की आवाज आ रही है। कोई इक्के दूकके लोग छूट गये हैं जिन्होंने बधाई नहीं दी है। ऐसी आवाज तो निकलती ही है, वरना लोक-सभा के अधिकतर लोगों की बधाइयों का बोझ उनके कामल कन्धों पर है जो कभी कभी उनको असहनीय भी मालूम होता होगा लेकिन क्या करूं मैं भी लाचार हूँ कि मेरी जवान भी उनके लिए बधाई के कुछ शब्द कहना चाहती है यह जानते हुए भी कि उनके ऊपर बधाइयों का बहुत ज्यादा बोझ पड़ चुका है।

स्वास्थ्य मंत्रिणी जी से इस बिल के ऊपर कुछ कहने के पहले मैं एक अपील करना चाहती हूँ। यहाँ पर बहुत से सदस्यों ने

[श्रीमती तारकेश्वरी सिन्हा]

बनस्पति का विरोध किया है और कहा है कि बनस्पति से साधारण अच्छे घी में बहुत बिगाड़ होता है। उनके यह कहने से और उनकी भावनाओं से यह मालूम होता है कि वह सरकार पर यह आरोप लगाते हैं कि यह जो बड़े बड़े सेठ लोग हैं जो कि यह बनस्पति का काम करते हैं सरकार उनको साथ में रखना चाहती है और इसी लिए डालडा के बचने में और उसके उत्थान में कोई ठकावट नहीं डालती। तो मैं स्वास्थ्य मंत्रीजी जी से यह अपील करूंगी कि जब लोक-सभा में इस तरह के आरोप सरकार पर लगाये जाते हैं तो उनको चाहिए कि वह कुछ डाक्टरों और साइंटिस्टों की एक कमेटी बनाकर इस चीज की जांच कराये और एक विश्विप्त प्रकाशित करें ताकि हमारा देश के लोगों को और हमारा लोक-सभा के सदस्यों को यह कहने का मौका न मिले कि सरकार उन लोगों को डाँह देना चाहती है और सरकार उन लोगों को देश में बिगाड़ पैदा करने का मौका देना चाहती है। मैं बल्की जानती हूँ कि डालडा को बढ़ाने में सरकार को कोई मतलब नहीं है। सरकार पर यह गलत आरोप लगाया जाता है और स्वास्थ्य मंत्रीजी जी पर और स्वास्थ्य विभाग पर यह गलत आरोप लगाया जाता है।

अब मैं इस बिल पर आती हूँ। जहाँ तक इस बिल के महत्व का सवाल है इस बार मैं कोई दो रायें नहीं हो सकती। इसका सब लोगों ने समर्थन किया है और मेरे पीछे वाले सदस्य ने बहुत से श्लोकों से इसका समर्थन किया है। परन्तु मैं इस चीज को पांच सौ वर्ष पीछे नहीं ले जाना चाहती। वे बातें इतिहास में अपनी अगह रखती हैं और वह स्थान महान् हैं। लेकिन उन पांच सौ वर्ष पुरानी बातों को लाकर आजकल की चीजों को देखने में बड़ी दिक्कत हो जाती है। आपने पाव रोटी के बारे में कहा है। मैं कहूंगी कि इस तरह की बातें आजकल किसी को अचिन्ती नहीं। न पाव रोटी को खाने से हमारी सभ्यता को धक्का लगता है और हमारी संस्कृति मरती

है। इसलिए ऐसी बातों का इस बिल के प्रति कोई महत्व नहीं है।

इस बिल के बारे में अब तक बहुत कुछ कहा जा चुका है। दरअसल बाद में बोलने वाले को बहुत नुकसान हो जाता है। एक वक्ता के बोलने के पहले मैं सोचती थी कि मैं अमुक बात कहूंगी लेकिन मेरे बोलने के पहले दूसरे वक्ताओं ने मेरी बात छीन ली। तो इस तरह से पीछे बोलने वाले को बहुत मुश्किल हो जाती है। फिर भी अध्यक्ष महोदय ने धीरे धीरे मुझे समय दिया है इसलिए मैं दो एक बातें सदन के सामने रखूंगी।

सब से बड़ी बात तो मैं सदन के सामने वह रखना चाहती हूँ कि एडल्टरेशन करने वाले हजारों और लाखों की संख्या में हैं। जब तक आप उन सब को रजिस्टर नहीं करेंगे तब तक एडल्टरेशन को रोकना मुश्किल होगा। इसलिए मैं आपसे यह अपील करूंगी कि आप इस बिल में एक क्लॉज और जोड़ दें जिससे कि जितने भी खाँचे वाले हैं या जितने भी खाने की चीजें बचने वाले हैं उन सब का ऑफिशियल रजिस्ट्रेशन हो जाये। कासलीवाल जी ने भी इस बात को रखा है और मैं दोबारा इस बात को इसलिए पेश कर रही हूँ ताकि आप महसूस करें कि यह बात बहुत जरूरी है।

दूसरी बात मैं क्लॉज १० के बारे में कहना चाहती हूँ। इस क्लॉज के सब-क्लॉज ८-ए में लिखा है :

“vexatiously and without any reasonable grounds of suspicion seizes any article of food; or commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of any offence under this Act and shall be punishable for such offence.”

तो मुझे इसमें एक बात पर एतराज है। मैं समझती हूँ कि यह प्राचीन यहाँ इसी तरह

रखा गया है कि हमारे अफसर या सरकारी कर्मचारी दुकानदारों को तंग न कर सकें । पर आप साँचिये कि इसका क्या परिणाम होगा । किसी बड़े शहर में आपका सौँ या दो सौँ रुपये पाने वाला इंसपेक्टर यह हिम्मत नहीं कर सकेगा कि बड़े दुकानदारों के पास जाये और जाकर वह फँसला करे कि यह चीज एडल्टरेंटड है या नहीं । वह कोई फुड एक्सपर्ट नहीं होता जैसे कि डाइरक्टर आफ हेल्थ होते हैं । या जैसे कि फुड एनीलिस्ट होता है जिसके पास चीज जांच के लिए भेजी जाती है । इसलिए फुड इंसपेक्टर के लिए इन मामलों में दखल देना बहुत मुश्किल होगा । उस इंसपेक्टर के लिए अपना काम करना मुश्किल हो जायेगा अगर उसको यह मालूम हो कि यह भी मुश्किल है कि उस पर उल्टा मुकदमा चल जायेगा और उसको सजा मिल जायेगी । ऐसी हालत में हेल्थ इंसपेक्टर के लिए किसी बड़े दुकानदार से जाकर झगड़ा माल लेने में बड़ी दिक्कत हो जायेगी । हो सकता है कि छोटें छोटें दुकानदार उसके रोब में आ जायें लेकिन जो बड़े दुकानदार हैं वह उसके रोब में नहीं आयेंगे । इसलिए अगर आप पब्लिक को फायदा पहुँचाना चाहती हैं तो इसको ऐसे अमेंडमेंट फार्म में लाइये और इसमें से यह प्निशमेंट का प्रावीजन निकालिये क्योंकि मुझे डर है कि इसको रखने से उनको काम करने में मदद नहीं मिलेगी ।

दूसरी बात जो मुझे कहनी है वह क्लॉज ११ के सम्बन्ध में है । आपने क्लॉज ११ के सब-क्लॉज २ में रखा है कि इंसपेक्टर को तीन सैम्पल बनाने पड़ेंगे । अगर दुकानदार ने सैम्पल लेने से इन्कार कर दिया तो दो ही सैम्पल बनाये जायेंगे उनमें से एक पब्लिक एनीलिस्ट को भेजा जायेगा और वह फँसला करेगा कि वह चीज एडल्टरेंटड है या नहीं । मेरी समझ में नहीं आता कि इस क्लॉज की जरूरत क्या है । इससे कोई फायदा नहीं है । इसमें यह होना चाहिए कि फुड इंसपेक्टर तीन पैकेट बनाये और दुकानदार को एक पैकेट लेने को

मजबूर करे । अगर ऐसा नहीं होगा तो दुकानदार के लिए बहुत कुछ करने की गुंजाइश हो सकती है । अगर दुकानदार के पास पैकेट नहीं रहेगा तो वह पचास तरह की चालें चलेगा । आप जानते हैं कि अगर हम डाल डाल चलते हैं तो बिक्री करने वाले पत्ते पत्ते चलते हैं । इसलिये अगर हम एक उपाय उनके लिये करेंगे तो वह दो रास्ते निकाल लेंगे बचने के लिये, इसलिये हम उनको कोई लपहाल या छुट्टा ऐसा नहीं देना चाहते जिससे कि वह रास्ता बना कर अपने को बचाने की कोशिश करे ।

मुझे तीसरी बात जो कहनी है वह क्लॉज १२ के बारे में है । क्लॉज १२ में लिखा हुआ है :

“Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed.”

इसका मतलब यह है कि जिस चीज को जो पर्चेजर है खरीदने वाला चाहेगा कि हम उसकी जांच करवायें तो बचने वाले को उस चीज को पब्लिक एनीलिस्ट के पास टैस्ट के लिये भेजना पड़ेगा, मैं समझती हूँ कि इससे काम में बहुत ठीलापन आ जायेगा क्योंकि इतना शोर करने की क्या जरूरत है, हम तो चाहते हैं कि खोज और पड़ताल इस तरह से की जाये जिससे फुड इंसपेक्टर और पब्लिक एनीलिस्ट को ही यह मालूम हो, बचने वाले को खबर ही नहीं होनी चाहिये कि हम आपके यहां तलाशी लेने जा रहे हैं । मैं तो अपनी स्वास्थ्य मंत्रिणी जी को यह सुझाव देना चाहती हूँ कि अगर आप जनता का इसमें सहयोग लेना चाहें तो बहुत सी गैरसरकार संस्थाओं जैसे द्वायप स्कार्टस जो रिकग्नाइज्ड आर्गनाइजेशन हैं और भी दूसरी कई वालरेंटरी आर्गनाइजेशन जो कि शोश्यल वर्क करने वाली हैं उनको भी आप इसमें काम करने का मौका दे सकेंगी । होना तो यह चाहिये कि इन संस्थाओं के कार्यकर्ता चुपके से और अनजाने में बचने वालों के पास की तलाशी लें और इस तरह ही

[श्रीमती तारकेश्वरी सिन्हा]

आप को सही १ जानकारी उनके माल के बारे में हो सकती है कि मिलावट उसमें है कि नहीं, चेतावनी देकर तलाशी लेने के ता कोई भाने नहीं रहते क्योंकि चेतावनी पाने के बाद तो वह कोई गलती और पकड़ का काम करने वाला नहीं है, गलती और गड़बड़ी तो वह तब करेगा जब वह देखेगा कि आप बंखर हैं, बिस्ली भी तो बही चाहती है कि मौलिक अंधा बना रहे, इसीलिये मेरी राय में यह पहले से चेतावनी का प्रावजन नहीं रहना चाहिये और इसको बिल में से डिलीट करवा दें तो बड़ा अच्छा हो। जो पर्चेंजर और खरीदने वाला है उसको इनफार्म करने की जरूरत नहीं है। इसीलिये मैं आपसे अनुरोध करूंगी कि आप इस प्रावजन को बिल में से हटावा दें।

चाँभी बात यह है और जो मैं समझती हूँ कि काफी जरूरी है कि क्लाज १२ में पब्लिक एनीलिस्ट के सम्बन्ध में जो लिखा है तो मैं चाहती हूँ कि आप उसके अन्दर एक टाइम लिमिट मुकर्रर कर दें, एक अनुमानित समय आपको रख देना चाहिये जिससे कि वह उस मियाद के अन्दर अपनी रिपोर्ट सरकार के पास भेज दें बरना आजकल देखिये कि कचहरियाँ में क्या होता है तारीख पहले डलवाने के लिये कोर्ट के मुलाजिमों को आपको दो, चार या पांच रुपये की रिश्तत देनी पड़ती है, काम जल्दी कराने के लिये पब्लिक को वहाँ काम करने वाले बाबुजों को दो आने, चार आने से लेकर पांच रुपये, और दस, दस रुपये की रिश्तत देनी पड़ती है तब जाकर कहीं काम बनता है। सैंकड़ों आदमी जो तेज कचहरी में जाते हैं वह रिश्तत देते हैं, मुझे डर है कि कहीं कचहरी वाली हालत यहां भी पैदा न हो जाये और होगा यह कि अगर हम चाहते हैं कि हमारा काम पब्लिक एनीलिस्ट पहले करे तो हम दो, चार रुपये उनके मुहकमे वालों को दें देंगे जिससे कि वह अपनी रिपोर्ट जल्दी से दें देंगे क्योंकि जल्दी रिपोर्ट सब चाहते हैं, देर होने से खरीदने वालों का भी नुकसान होता

है और साथ कर बचने वालों का इंटरस्ट तो इसी में रहता है कि जल्द अब जल्द रिपोर्ट मिल जाये और इस तरह रिश्ततखोरी बढेगी। इसीलिये सरकार की तरफ से स्पष्ट इस बात को ठीक कर लेना चाहिये पब्लिक एनीलिस्ट को अपनी रिपोर्ट सरकार को भेजने के लिये कितनी अवधि दी जायेगी और यह कोई ऐसी बड़ी बात नहीं है, इसके लिये बहुत कम समय रक्खा जा सकता है, जिसके अन्दर वह अपनी रिपोर्ट दाखिल कर दें, इसके अलावा यह भी फायदा होगा कि पब्लिक एनीलिस्ट और उसके मुहकमे वाले मुस्तैद रहेंगे और काम ठीक से और चुस्ती से करेंगे अन्यथा अगर आप कोई लिमिट मुकर्रर नहीं करेंगे तो हो सकता है कि वह आराम में पढ़ जायें और दफतर में दो, चार घंटे आराम से सो भी जायें तो कौन सी बात है। इसीलिये मेरी अपील है कि पब्लिक एनीलिस्ट को अपनी रिपोर्ट पेश करने के लिये आप एक समय और मियाद मुकर्रर कर दें जिसके अन्दर २ वह अपनी रिपोर्ट सरकार को, डाइरेक्टर आफ पब्लिक हेल्थ के पास या जो खरीदने वाले हैं या बचने वाले हैं उनके पास भेज दें।

आखिरी बात जो मैं कहना चाहती हूँ वह हो सकता है कि इस विषय के अनुकूल भी न हो परन्तु इस विषय से ताल्लुक अवश्य रखती है और वह है तेल और घी में मिलावट करने की बात, परन्तु सब से ज्यादा जो नुकसान खाने वालों को होता है वह बाजार में बिकने वाली उन मिठाइयों और चीजों से होता है जो खुली बिकती हैं और जिन पर मक्खियाँ भिनकती रहती हैं। आपने देखा होगा कि मिठाइयाँ कितनी गंदी जगहों पर और खुली हुई बिकती हैं और अच्छे २ लोग उस मिठाई को खरीदते हैं, शाबू कुछ थोड़े से लोग जो बाजार की चीज से परहेज करते हैं न खरीदते होंगे, उन मिठाई के खामियों पर मक्खियाँ बैठती रहती हैं और जब वह उनको खाते हैं तो इतने जोर की भिन्नभिन्न आँद और

आवाज होती है कि आधा मील तक सुनाई देती है और आप जानते हैं कि जो उसको खायेंगा वह बीमार नहीं होगा तो क्या होगा, मक्खियां तो सारी बीमारियों की जड़ हैं। मैं चाहूंगी कि जितने रजिस्टर्ड आपके लॉमचे वाले हैं उनको यह आज्ञा दी जाए कि वह खाने पीने की चीजों को ढक कर रखें और उनको खुला न बेंचें और अगर वह शीशे से अपनी चीजों को नहीं ढकते हैं और मक्खियों से नहीं बचाते हैं तो उन्हें अपना सामान बेंचने की इजाजत नहीं होनी चाहिए, उन्हें कोई इक नहीं है कि वह इस तरह लाला आदिमियों की बिन्दियायों को बरबाद करें और उनकी सेहत को नुकसान पहुंचाएँ, उनको इस तरह पैसा कमाने का अधिकार नहीं होना चाहिए। मैं इसलिये आपसे अनुरोध करूंगी कि उसमें एक इस तरह का क्लॉज एंड करवाने की कृपा करें, मैं जानती नहीं कि उसमें इस तरह का क्लॉज जुड़ाने की कहां तक गुंजायश होगी लेकिन जो भी हो यह इंतजाम जरूर होना चाहिए कि जो बेंचने वाले हैं वह शीशे में ढक कर अपनी चीजों को बेंचें खूले में उनको बेंचने की इजाजत नहीं होनी चाहिए। ऐसा होने पर हमारी सेहत का बचाव होगा और क्वीलक को साफ सुधरा और मक्खियों से बचा हुआ सामान मिल सकेगा.....

11 A.M.

Shri S. S. More (Sholapur): It is already provided for.

Shrimati Tarkeshwari Sinha: No. no.

Shri S. S. More: The Bill provides for punishing those who keep food under insanitary conditions.

Shrimati Tarkeshwari Sinha: That is very broad. So, it cannot cover that. Flies do not come under insanitary conditions alone.

Mr. Chairman: No private talks between Members please.

श्रीमती तारकेश्वरी सिन्हा : अन्त में और अधिक न कह कर जैसा अध्वज महोदय ने आपसे कहा था कि बनस्पति के चार में ज्यादा से ज्यादा कौशिल्य करें और उसमें कोई

उपयुक्त रंग अवश्य मिलावेँ ताकि असली और नकली धी में लोग पहचान कर सकें और आज जो यह मिलावट चल रही है बंद हो जाये। बाकी यह आपकी मिनिस्ट्री को इस ने बहुत बड़ा चैलेंज दिया है कि आप कब तक इस काम को पूरा कर सकते हैं और मैं उन अफसरों से जो आफिशियल गैसरी में बैठे हुए हैं उनसे भी अपील करूंगी कि आपकी लाकसभा में बेइज्जती हो रही है, अभी तक आप कोई ऐसा रंग नहीं निकाल सके हैं जो बनस्पति में मिलाया जा सके जिससे यह एडल्टरेशन खत्म हो, इसलिये आपको जल्द से जल्द कोई कसर तलाश करके देना चाहिए। मुझे इससे बहस नहीं कि डालडा इस में चलता रहे या न चलता रहे, परन्तु मुझे इसने बकर एतराज है कि वह अभी तक असली धी से अलग नहीं किया गया है, कसर करके उसको असली धी से अलग करना बहुत जरूरी है ताकि उसको कोई असली धी में मिला कर जनता को धोखा न दे सके और सेहत बर्बाद न कर सके।

मैं माननीया मंत्रीजी को बधाई देती हूँ कि उन्होंने इस बिल को फिर से पुनर्जीवन दिया है, इस संशोधन में आता भी कि नहीं, मुझे तो कोई उलके आने की उम्मीद नहीं थी, इसलिये मैं उनको बहुत बधाई देती हूँ कि वह इस बिल को जो कि बहुत ही जरूरी और महत्वपूर्ण है संशोधन के शुरु में लायीं। इतना कह कर अध्वज महोदय, मैं अपना आसन गृहण करती हूँ।

श्री एच० सी० रिजिस (जिला असीगढ़) : सभापति जी, इस विधेयक पर कल से बहस चल रही है, मैं उस सारी बहस को बंद नहीं तो सुनना जाना हूँ। सभी सदस्यों ने अपने भिन्न भिन्न विचार प्रकट किये हैं किन्तु बनस्पति धी का सब ने समान रूप से विरोध किया है और मैं समझता हूँ कि हमारी सरकार पर यह एक कलंक है कि देश के अन्दर इसके प्रतिक इतना व्यापक विरोध होने पर भी सरकार ने इस पर अब तक

[श्री एस० सी० सिघल]

कोई रुकावट नहीं डाली । मैं आशा करता हूँ कि यह बिल जब पास हो जायेगा तो सरकार कोई न कोई कदम इस घी को रोकने के लिये अवश्य उठायेगी । कुछ लोगों ने यह समझ कर कि बाजार में जो घी मिलता है वह असल में बनस्पति घी है इसीलिये उन्होंने घी के बजाय मक्खन खाना शुरू किया, लेकिन मक्खन में भी बड़ी भारी मिलावट शुरू हो गई है और वह मारगरीन है जो मक्खन का सब्स्टीट्यूट है और हम देखते हैं कि आज मक्खन भी शुद्ध नहीं मिलता और उसमें भी मिलावट हो रही है । यह मास्गरीन मेरी राय में बेजिंटबुल घी से भी ज्यादा खराब है । इसीलिये मेरा अनुरोध है कि बेजिंटबुल घी के साथ मारगरीन के ऊपर भी कोई न कोई रुकावट अवश्य लगाइये ।

समापित जी, यह जो मिलावट के बिकार की समस्या हर एक देश में आयी और हर एक देश ने इस को समझने की कोशिश की और इस समस्या को हल किया । अमरीका और योरोप के हर बड़े बड़े देश ने इस समस्या को हल कर लिया है । हमें अफसोस है कि हमारा देश की हर प्रान्तीय सरकार ने कोशिश की लेकिन उनके कोशिश करने पर भी यह बीमारी बढ़ती गयी और आज यह भारी विषमता के साथ मौजूद है । हर कार्य का कोई न कोई कारण अवश्य होता है । मेरी समझ में इस बिकार का खास कारण हमारा देश में यह है कि हमारा देश बहुत गरीब है, बहुत कंगाली की हालत में है और हमारे लोगों की खरीदने की शक्ति बहुत गिरी हुई है और हर एक ग्राहक चाहता है कि उसे सस्ते से सस्ते दाम में चीजें मिलें और जिसका नतीजा यह होता है कि चीजें जरूर सस्ती मिल जाती हैं लेकिन वह सस्ती चीजें बुरी क्वालिटी की होती हैं, और उसमें भारी मिलावट होती है । यह खास कारण है । दूसरा कारण यह है कि बिन इन्स्पेक्टरों के हाथ में यह काम सोंपा जाता है, वे भी बहुत गिरावटें देते हैं, करप्ट हैं और

बिगाड़ें देते हैं । उनकी गिरावट का खास कारण यह है कि उन की तन्ख्वाहें कम हैं । सेलेक्शन ठीक प्रकार से नहीं किया जाता है और बिनये लोग या दुकानदार लोग मिलावट कर के रुपया बनाने की कोशिश करते हैं तो वे लोग भी रिश्वतें ले कर दुकानदारों का साथ देते हैं । जब तक इन्स्पेक्टरों का सुधार नहीं होगा तब तक एंडस्टैंडेशन बिल का पास होना बकायदा है, इस से कोई खास लाभ नहीं होगा ।

मुझे एक बात यह कहनी है कि हमारी मीथणी जी महात्मा गांधी की बड़ी भारी भक्तों में से हैं, उन के अनुयायियों में से हैं । वह गांधियन स्कूल की रही हैं । गांधी जी ने कुछ चीजों का हमेशा विरोध किया है जिन में से कि एक पाकिस्तान चावल है, दूसरा सफेद चीनी और तीसरा सफेद आटा, चौथा बनस्पति घी । मुझे बड़ा अचम्भा होता है कि हमारी मीथणी जी ने इन चारों में से किसी पर कोई रोक लगाने की कोशिश नहीं की । हमारा देश में जो अन्न खाया जाता है वह सिर्फ १६०० कैलोरीज ताप पैदा करता है जब कि दूसरे देशों में, खास कर अमरीका और योरोप के बड़े बड़े देशों में २४०० से ले कर ३००० कैलोरीज तक का अन्न खाया जाता है । साइन्स के एक बड़े पीढ़ित ने कहा है कि एक आदमी अगर घंट भर बगैरे काम किये रहे तो वह करीब करीब १०० कैलोरीज हीट खर्च करेगा । हमारा देश में अगर देखा जाय तो कम से कम २४०० कैलोरीज एक बँठे ठाले आदमी को चाहिये । जबकि वह सिर्फ १६०० कैलोरीज ही पाता है । तो हमारा यहां जो अन्न खाया जाता है वह कम तादाद में खाया जाता है गरीबी की वजह से । अगर यह अन्न भी हमें बुरी हालत में मिले तो आप समझ लीजिये कि हमारा क्या होगा । हर अन्न को पचाने के लिये बिटमिन्स और मिनरल्स की खास जरूरत होती है । बगैरे बिटमिन्स और मिनरल्स के अन्न मरा हुआ अन्न है । बगैरे इनके अन्न पच नहीं सकता ।

चीनी जब सफेद बनती हैं तो उस में से कैल्शियम, आयरन और विटामिनस ए और बी ख़त्म हो जाते हैं। वे शरीर में आ जाते हैं। ज़ितनी बीमारियां बच्चों की आज कल हो रही हैं और सब सफेद चीनी के कारण हैं। मैं नहीं कहता कि चीनी का बनना बन्द हो जाये। लेकिन सरकार कंट्रोल करे कि चीनी से शीरा इतना न निकाला जाये कि उस में से कैल्शियम और आयरन और अन्य ज़रूरी चीज़ें ख़त्म हो जायें। अगर चीनी में कुछ पीलापन रहे तो जायके में कोई ख़राबी नहीं आती है, सिर्फ़ शक्ल में ख़राबी ज़रूर होती है। लेकिन शक्ल की तरफ़ लोगों को नहीं जाना चाहिए, क्वालिटी की तरफ़ जायें। मेरी मंत्रीजी महोदया से प्रार्थना है कि सरकार चीनी के मिक्स को कंट्रोल करे और इस तरह से कंट्रोल करे कि चीनी जो बने उस में कैल्शियम, आयरन और विटामिनस रहे जायें।

इस के बाद मैं यह कहना चाहता हूँ कि हमारा सब से बड़ा अन्न है आटा, वह भी खास तौर से गेहूँ का आटा। गेहूँ से जो सफेद आटा बनता है उस के लिये भी एक साइन्टिस्ट ने कहा है कि उस में कोई भी मिनरल और विटामिन नहीं रहता है। उस ने लिखा है कि गेहूँ में १०० ग्राम्स पर पचीस यूनिट्स विटामिनस रहते हैं लेकिन जब सफेद आटा बन जाता है तो उस में विटामिनस का नाम तक नहीं रहता। उस में विटामिन बी०९ २५० से ३०० तक होता है, लेकिन जब सफेद आटा बन जाता है तो २० या ४० ही रह जाता है। चावल में भी यही हालत है। पालिश करने पर राइस में भी बिलकुल विटामिनस नहीं रह जाते। यदि हमारा राइस पालिश न हो, उसमें कुछ पीलापन रहे तो जितनी बीमारी आज पैदा हो रही है सब ख़त्म हो जायें। मेरा कहना यह है कि आर्ट के साथ साथ आप चावल के पालिश पर भी रोक लगाइयें जिसमें कि उनकी फूड वैल्यू गिरने न पावे। अमरीका में सन् १९४७ में एक रंग्रूलेशन पास हुआ फ़ैडरल गवर्नमेंट की तरफ से। उस में यह है कि सफेद आर्ट की

डबल रॉटी जो बाजार में आयेगी विटामिनस और मिनरल्स की जो कमी सफेद आर्ट की वजह से हो गई है उसके पूरा होने पर ही बिक सकेगी, और जो दुकानदार उस कमी को पूरा नहीं करेगा उस पर मिलावट का चार्ज लगाया जायेगा। कमी को पूरा करना वहां लाजिमी है। इंगलैंड ने भी कुछ अंश में सफेद आर्ट पर ठकावट लगाई है। मेरी प्रार्थना मंत्रीजी महोदया से यह है कि यहां के मील के आर्ट में जो कमी हो जाती है उसकी भी पूर्ति होनी चाहिये।

एक माननीय सदस्य : यह बिल विधवा किया जाये।

श्री एस० सी० सिन्घल : तीसरी चीज यह है कि इस बिल ने खाद्य पदार्थों को कलर करने की इजाजत दे दी है। मैं समझता हूँ कि इससे पुरी चीज कोई नहीं है। जितने कलर अर्थात् रंग हैं वे कोलतार से बनते हैं और कोलतार से जो चीज बनाई जाती है मैं समझता हूँ कि वे बड़ी हानिकारक हैं। खाने के पदार्थों में उसे मिलाना बिल मिलाने के तुल्य है। इन रंगों का इस्तेमाल खूब हो रहा है, खास तौर से शर्बतों में। मेरी प्रार्थना है कि इसकी जांच करवाई जाये और इसको रोकने की कोशिश की जाये।

इसके बाद प्रिजर्वेटिव्स का सवाल आता है प्रिजर्वेटिव्स की भी कुछ अंश में इस बिल में इजाजत दे दी है। प्रिजर्वेटिव्स कोई अच्छी चीज नहीं है। कुछ प्रिजर्वेटिव्स ऐसे हैं जो माइक्रो-आर्गैनिज्म की गोथ को रोकते हैं और कुछ ऐसे हैं जो उन कीड़ों की पैदावार को छिपाते हैं। नुक्स को बना रहता है नुक्स को छिपाते हैं। नुक्स तो बना रहता है लेकिन वह हम को नजर नहीं आता है, उसकी फिजिकल शेप को बनाये रखते हैं और बैक्टिरियास बढ़ते रहते हैं। जो प्रिजर्वेटिव्स ऐसे हैं जो बैक्टिरिया की गोथ को मार देते हैं। जो बैक्टिरिया को मार सकते हैं वे आदमी को भी नुकसान पहुंचा सकते हैं। जो प्रिजर्वेटिव्स इस गोथ को नहीं रोकते हैं

[श्री एस० सी० सिंघल]

वे सिर्फ फिजिकल शोप को रोकते हैं, अर्थात् माइक्रोब्स को फँसने से नहीं रोकते हैं उनसे कोई फायदा नहीं है। जैसे मिसाल दूध की है। जो दूध को बिगड़ने से रोकता है वह सोहागा होता है वह दूध को फटने से रोकता है। दूध के अन्दर जो बैक्टीरियास हैं उनको बढ़ने से नहीं रोकता और उनमें से बहुत से बैक्टीरिया बीमारी फैलाने वाले होते हैं और वे बढ़ते रहते हैं। मैंने दँखा है कि आगरा और अलीगढ़ में, जहाँ से मैं आया हूँ, कि लोग बाइसीकल पर दूध लेकर बचने आते हैं। दूध फट न जाय इसीलिये वे उसमें सोहागा डालते हैं। इन सब बातों को दँखते हुये मुझे वह प्रार्थना करनी है कि आप हम प्रिजर्वेटिव्स पर भी जांच पड़ताल करें और इनमें भी रुकावट डालें। मंत्रिणी महोदया से प्रार्थना है कि जो सुझाव मैंने रखे हैं उन पर गौर करें। अगर उन पर सरकार अमल करे तो मैं विश्वास दिलाता हूँ कि बीमारी बहुत कम हो जायेगी। डाक्टरों के बिल बढ़ चुके हैं वह बहुत कम हो जायेंगे। जितना हमको खाने को मिल रहा है उसी में हम अपनी पचास की सदी तन्दुरुस्ती में सुधार कर लेंगे। बीमारी से बच जायेंगे।

इसीलिये मेरी प्रार्थना है कि आप मेरे विचारों पर गौर करें।

Mr. Chairman: Shri Sinhasan Singh. I propose to call the hon. Minister at 11-30. So, I would request the hon. Member to take only ten minutes.

श्री सिंहासन सिंह (जिला गोरखपुर, दक्षिण) : सभापति जी, मुझे आप ने थोड़ा अवसर दिया इसके लिए धन्यवाद है। यह विधेयक जो आज भवन के सामने है यह बहुत दिनों से अपेक्षित रहा है। मुल्क में चारों तरफ से यह मांग थी कि हमें शुद्ध भोजन मिले। आज इस दँख में दुकानों पर यह नौबत आ गयी है कि शुद्ध घी और शुद्ध दूध नहीं मिलता। यह दँख के लिए कलंक की बात है कि भारत में शुद्ध चीजों के नाम से अशुद्ध चीजों का प्रचार

हो रहा है। इस विधेयक के लिए चारों तरफ से बधाइयाँ आयी हैं। लेकिन ऐसे ही विधेयक राज्यों में भी हैं। उत्तर प्रदेश में १९५० में शुद्ध भोजन विधेयक पास हुआ लेकिन आज उसका क्या परिणाम आया है? इससे भोजन में कितनी शुद्धि हो गयी है यह दँखने पर पता लगेगा कि जहाँ पहले १२ आने अशुद्धि थी वहाँ अब १६ आने अशुद्धि है। अभी चार पांच रीढ़ हुए गोरखपुर के हेल्थ डाक्टर मेरे पास आये हुए थे। उन्होंने बताया कि उत्तर प्रदेश ने अपने विधेयक को एनफोर्स किया है जिसके अनुसार सब खाना बचने वाले दुकानदारों को साइसेंस लेना होता है। वह काम सैनिटरी इंस्पेक्टर और जो लोकल बाइज के अधिकारी हैं उनके सुपुर्द हैं। उन सबों ने हर दुकान से दस बीस रुपये माहवार बांध लिये हैं और उनकी आमदनी जो पहले १०० रुपये की थी वह दो सौ और चार सौ माहवार हो गयी है। इसीलिये मैं कहना चाहता हूँ कि जबतक हमारे विभाग की हालत नहीं सुधरंगी, हमारे विचार का ढंग नहीं बदलेगा, हमारे मुनाफालोरी की मनोवृत्ति नहीं बदलेगी, तबतक हम कंपल कानूनों के द्वारा अपनी चीजों को शुद्ध नहीं कर पायेंगे।

अब आप इसी विधेयक को देखिये। एक तरफ यह विधेयक शुद्धि का प्रचार कर रहा है। लेकिन अगर आप इसके अन्दर जाकर देखें तो मालूम होगा कि यह उन समाज के इतिहास को सहायता दे रहा है और बकीरों को मौका मिलेगा कि वह साबित कर पायें कि वह चीज बिल्कुल सही है और जो सही है वह गलत है। यही चीज दफा ११ में है जिसका जिक्र श्रीमती तारकेश्वरी सिन्हा ने किया है। जो फुड कमिटी बननेगी इनमें कौन कौन आदमी होंगे। इनमें कोई उपभोक्ता नहीं है। आपको दँखने से मालूम होगा कि इनमें उपभोक्ताओं का प्रतिनिधि एक भी नहीं है। इसमें माल बनाने वालों के प्रतिनिधि हैं। इसमें डाक्टर हैं, और जो चीजों के बनाने वाले हैं उनमें

प्रीतिनिधि हैं, लेकिन खाने वालों का कोई आदमी नहीं है। हम यह नहीं कहते कि डाक्टर खाने वाला नहीं है लेकिन पब्लिक के पक्ष का कोई आदमी नहीं है या पार्लियामेंट का या किसी राज्य का कोई आदमी नहीं है।

कल आप ने भी कहा, और लोगों ने भी कहा कि मुकदमा चलाने का हक उस व्यक्ति को नहीं है जिसको कि धोखा दिया गया है। यह एक नयी चीज है। हमारी ५० पी० सरकार ने जो कानून बनाया है उसमें भी यह है कि दावा दाखिल हो सकता है केवल लोकल आथॉरिटी के कहने पर। हम जो कानून बना रहे हैं उसके अन्तर्गत इन्स्पेक्टर को भी अधिकार नहीं है कि वह दावा कर सके। सेंट्रल गवर्नमेंट कर या स्टेट गवर्नमेंट कर या जिसको वे अधिकार दें वह कर। लेकिन उस आदमी को यह अधिकार नहीं है कि जिसने माल खरीदा और पब्लिक एनीलिस्ट के पास भेजा। यह साबित होने पर भी कि वह चीज अशुद्ध है उस आदमी को दावा करने का अधिकार नहीं है। आप चाहते हैं कि शुद्ध चीजें बिकें। लेकिन आप विक्रेता की तां रक्षा करते हैं और खरीदने वाले को सिर्फ यह अधिकार देते हैं कि वह पब्लिक एनीलिस्ट के पास भेज सकता है। लेकिन ऐसा करने के पहले उसे दुकानदार को इतला करनी चाहिए कि वह भेजना चाहता है। इतला करने पर दुकानदार सौं में ६५ को सौं दो सौं रुपये देकर कहेगा कि मत भेजो। दुकानदार उसके पैरों पर जायेगा और कहेगा कि तुम्हारा अगर दो रुपये का नुकसान हो गया है तो हम से सौं रुपये ले लो और रहने दो। यह जो सूचना देने का कलाब है इसका धरी नतीजा होगा। यह एक प्रकार का प्रतिबन्ध है। दूसरा प्रतिबन्ध यह है कि अगर वह भेजे तो पहले प्रेस्क्राइव्ड फीस दाखिल करे और वह फीस उस समय वापस होगी जब कि यह साबित हो जाये कि चीज अशुद्ध है। पता नहीं कि आप कितनी फीस मुकररे करेंगे। फिर खरीदने वाले के पास उतना रुपया हो या न

हो कि वह भेज सके। अगर आप चाहते हैं कि जो खाने वाला है और जो समाज सेवक है वह इस काम को करे तो आपको इसमें संशोधन करना चाहिए। जैसा कि श्रीमती तारकरवरी सिन्हा ने कहा कि बाब स्काउट या दूसरे संशाल सेवक इस काम को कर सकते हैं। लेकिन अगर उनको यह फीस जमा करनी होगी तो जो उमंग हम में होगी वह ठंडी हो जायेगी। आपने यह अधिकार दिया है कि वह पब्लिक एनीलिस्ट को भेज सकता है और अगर भेजने के बाद यह साबित हुआ कि वह चीज शुद्ध नहीं है तो फीस रिफंड हो जायेगी। मैं चाहता हूँ कि आप इस क्रम को उलट दें। पहले फीस लेने के बजाय आप बाद की फीस लें अगर यह साबित हो जाये कि वह चीज अशुद्ध नहीं है। आप ऐसा नियम कर दीजिये कि अगर माल सच्चा निकला तो भेजने वाले से फीस वसूल की जाये। मैं यह इसलिए सुझाव दे रहा हूँ कि अगर किसी को १२ रुपये रिफंड कराने होते हैं तो १६ रुपये उसके उस रिफंड कराने में लग जाते हैं। इसलिए मैं कहता हूँ कि आप इसको उलटा कर दीजिये। अगर वह फीस दाखिल करके चीज को भेजगा तो उसको रिफंड करने में बड़ी दिक्कत होगी। ऐसी हालत में कोई आदमी भेजेगा ही नहीं। तो आपने इस तरह से ये दो प्रतिबन्ध लगा रखे हैं।

तीसरा प्रतिबन्ध यह रखा है कि आप उन्हें दावा करने का अधिकार नहीं देते हैं। अगर आप चाहते हैं कि यह काम आगे बढ़े तो ऐसा नियम रखें कि जो आदमी खरीदें अगर वह समझता है कि माल सही नहीं है तो उन्हें इतला करने की जरूरत नहीं है। खरीदने वाला महाजन से रसीद हासिल करे कि फलां दाम में उसने फलां चीज खरीदी। कानून दुकानदार को रसीद देना लाजिमी होना चाहिए। अगर खरीदार चाहता है तो दुकानदार को रसीद जरूर देनी चाहिए कि फलां आदमी ने उसके वहां से अमुक वस्तु, अमुक दाम पर ली है। एनीलिस्ट के पास से रिपोर्ट आने के बाद वह

[श्री सिंहासन सिंह]

इसीदृश्य इस बात का सबूत रहेगी कि यह चीज कलां आदमी की दुकान से खरीदी गयी है। इन चीजों में आपको तरमीम कर देनी चाहिए। जैसा कि हमारा राजीव जी ने कहा था कि हमको हिम्मत से यह काम करना चाहिए ताकि हम इसको सही तरीके से कर सकें। अगर वाकई हमको कुछ करना है तो हम वैसा कानून बनायें।

इसके अलावा आपने एक और प्रतिबन्ध रखा है। पब्लिक एनीलिस्ट के पास कोई चीज भेजी गयी और उसकी रिपोर्ट आयी कि वह चीज गड़बड़ है। उसके बाद दुकानदार यह दरखास्त दे सकता है कि यह चीज जो पब्लिक एनीलिस्ट के यहाँ से आयी है उसे सेंट्रल लेबरटरी को भेजा जाये। अब सेंट्रल लेबरटरी का जो फॉसला होगा वह फायनल होगा। अगर उसने कह दिया कि पब्लिक एनीलिस्ट की रिपोर्ट गलत है तो उसकी बात आखिरी मानी जायेगी। पहले बिल में यह प्रावधान नहीं था। बाद में यह प्रावधान बढ़ाया गया है। इससे मालूम होता है कि बड़े बड़े शोर्गों का असर कमेटी पर पड़ा है जो बिल के अन्दर यह चीज आ गयी। दफा १२ में यह दिया हुआ है कि जो उनकी ओपीनियन आखिरी होगी यानी जो सेंट्रल लेबरटरी की ओपीनियन होगी वह आखिरी होगी और उस पर किसी का बतौर नहीं हो सकता। अगर बड़े बड़े सेठों का मामला हुआ और पैसा चल गया तो वह एक बात को सही होते हुए भी गलत कह देंगे और गलत होते हुए भी सही कह देंगे। होना यह चाहिए कि अदालत के सामने दोनों रायें हों, पब्लिक एनीलिस्ट की और सेंट्रल लेबरटरी की। और अदालत को यह हक होना चाहिए कि वह दले कि इन दोनों में कौन ठीक है। लेकिन आप इसको बन्द कर रहे हैं। इसके मानी हैं कि आप दुकानदार को मोस्ट्राहन दे रहे हैं कि वह अपने मामले को ठीक कर ले। दूसरी चीज हमने इस बिल में देली कि जो उत्तर प्रदेश के बिल में है, वह यहाँ नहीं है।

उत्तर प्रदेश के बिल में दफा ४० में है कि जहाँ दफा ४० के अन्दर कोई चीज एकड़ी जाये, वह एरन्त मजिस्ट्रेट के सामने भेजी जाये और मजिस्ट्रेट अगर समझे कि वह चीज खराब है तो वह उसको बर्बाद कर दे, मगर इस मौजूदा हमारे बिल में न कहीं बर्बादी करने का विकल्प है और न चीजों को जाया करने का सवाल है। बिड़ला मिल में तेल बनता है, मूख से एक महाजन ने कहा कि बड़े २ सांग जां मस्टर्ड आयल के बनाने वाले हैं वह मस्टर्ड आयल में तीसी मिला देते हैं, लेकिन चीक वे बड़े सांग हैं इसलिये उनका कुछ नहीं होता, छोटा एंग्जामिनर बतलाता है कि इसमें तीसी मिली हुई है, लेकिन उससे बड़ा राय देता है कि इसमें मिलावट नहीं है और वह प्योर मस्टर्ड आयल मान कर एंग्मार्क लगा दिया जाता है। अब तो तीसी के तेल के अलावा मोबील आयल भी मिलाया जाने लगा है और कहने को वे बड़े ईमानदार बनते हैं। इसके अलावा इस बिल की परिभाषा में एक बड़ी आश्चर्यजनक चीज दी हुई है कि अगर किसी चीज में कोई इनफीरिबर क्वालिटी की चीज को मिलाया जाये और वह इंजूरियस न हो तो वह मिलावट न समझी जाये। कोई इनफीरिबर क्वालिटी की चीज मिलायी जाये और उससे कोई इंजूरियस एफेक्ट न पड़े तो उसको एडल्ट्रेशन न माना जाये। अब झलडा के बार् में झगड़ा चल रहा है कि नुकसानदेह है कि नहीं लेकिन मैं एडल्टा हूँ कि यह कहाँ तक उचित है कि झलडा का प्रचार करने के हेतु इस प्रकार पब्लिक में लिखा जाये कि झलडा खाने वाली औरत सब से ज्यादा नाची, चार, पांच घंटे लगातार नाची। हमको इस तरह जनता को गुमराह तो नहीं करना चाहिये। आपकी इस परिभाषा के मुताबिक झलडा जो कि इनफीरिबर क्वालिटी का होता है धी में मिला दिया गया तो वह आपकी इस डेफिनिशन के मुताबिक एडल्ट्रेशन नहीं हुआ...

Shri S. S. More: Do you disagree with her statement?

Shri Sinhasan Singh: I agree with her statement, so I say:

इसका मतलब यह हुआ कि डालडा जैसा कि कुछ डाक्टरों की राय है कि इंजूरियस नहीं है वह अगर घी में मिक्स करा गया तो वह इंजूरियस नहीं होगा और मैं समझता हूँ कि यह इंजूरियस के अल्फाज जो इस बिल में रखे हैं उसके मुताबिक तो उन पर कोई केस ही नहीं चल सकता और इसके अन्दर तो बर्ड २ जो डालडा और दूसरे बनस्पति के मिल वाले हैं वह इस इंफनीशन के मुताबिक बच जायेंगे।

मैं चाहता हूँ कि आप जरा इस चीज पर ध्यान दें कि एक तरफ तो हम चाहते हैं कि यह मिलावट की बीमारी हमारे यहाँ बंद हो और दूसरी तरफ बिल में हम इस तरह पास कर रहे हैं कि जिसके पास हो जाने से कोई कोर्ट कनिवक्ट नहीं कर सकेगा। मेरी राय में मिलावट से भयंकर अपराध दूसरा नहीं है, इसके जरिये नेशन के स्वास्थ्य को बरबाद किया जा रहा है और किसी ने ठीक ही कहा था कि कत्ल तो वर्ष में एक आध बार हुआ करते हैं लेकिन यह रोजाना का कत्ल स्टां प्वायर्जनिंग है। इस तरह का अपराध करने वाले हजारों लाखों रुपये बर्हमानी से और लोगों को धोखा देकर कमाते हैं और उनकी संहत पिगाइने के वास्तु जिम्मेदार होते हैं लेकिन मैं देखता हूँ कि हमारे इस मौजूदा बिल में ऐसे अपराधी जो एकड़ जांच उनकी चीजों के कानिफिसिकेशन का भी प्राविजन नहीं है। अगर उनको यह पता हो कि अगर हम एकड़ गये तो हम बर्बाद हो जायेंगे, हमारी चीजें जाया कर दी जायेंगी तो शायद उनकी अकल ठिकाने आ जाये और वह ऐसी हरकतों से बाज आयें। तीसरे आफेंस में कम से कम सजा उनके लिये दो वर्ष की है, अब भला आप ही बतलाइये कि दो साल की सजा और २० या २५ हजार का जुर्माना ऐसे लोगों पर करने से क्या बनता है जिन्होंने इस बर्हमानी के धंधे में लाखों रुपये कमाये हैं, जहाँ करोड़ों का सवाल हो, वहाँ २०, २५ हजार का जुर्माना करने

से क्या बनता है। एक महाजन हमसे कहता था कि साहब हम तो लक्ष्मी का पूजन करते हैं और जब लक्ष्मी की हमारे ऊपर कृपा रहती है तो भगवान स्वयं उसके पीछे खुद आ जाते हैं। हम तो सदा लक्ष्मी को सही या गलत तरीके से जैसे भी बने अपने घर में लाने की कोशिश में लगे रहते हैं और भगवान भी लक्ष्मी के पीछे बँडते हैं और इस तरह गड़बड़ करके जैसे भी बने लक्ष्मी से अपना घर भरते हैं। अगर आप वाकई चाहते हैं कि कानून सही हो, मजबूत हो और हम ठीक तरीके से उसको बतों, तो हमको कानून ऐसा बनाना चाहिये जो खुद बखुद एक भयंकर रूप धारण करे जिससे मिलावट करने वालों के दिल में भ्रातंक हो और डर हो कि हमारे साथ कानून सख्ती से पेश आयेगा और कोई रियाजच नहीं करेगा, उसके दिल में यह ख्याल न हो कि वह अदालत की शरण लेकर कानून के पंजे से बच जायेगा। इन शब्दों के साथ मैं एक नाउम्मेदी के साथ इस बिल का समर्थन करता हूँ और उम्मीद करता हूँ कि हमारी स्वास्थ्य मंत्रीजी अपने संशोधनों और दूसरों के विषय हुए संशोधनों द्वारा इस बिल को ऐसा बना कर पास करेगीं जिससे इन चोर बाजार और दूध और समाज के शत्रुओं को यह बकीन हो जायेगा कि अब हम बचने वाले नहीं हैं और हमें हमारे अपराध की कड़ी सजा मिलने वाली है।

जहाँ तक बनस्पति को कलर करने का प्रश्न है, इस विद्या में हमारी ५० पी० गवर्नमेंट ने बनस्पति को कलर करने के लिये सन् १९४६ में प्रस्ताव पास कर दिया था लेकिन अभी तक रंग नहीं मिला, बस आप रोज देखते हैं कि लेमनड और सोडावाटर रंगा हुआ होता है और मिठाई रंगी हुई बिकती है और मैं तो श्री विनोबा भावे की बात से पूर्णतः सहमत हूँ कि बनस्पति का कारोबार करने वालों को, कारखाने वालों को हम इस बिल के अन्दर ६ महीने का टाईम दे दें कि अगर वे लोग ६ महीने के अन्दर कोई बनस्पति में मिलाने के लिये उपयुक्त रंग नहीं तलाश करेगे तो हम

[श्री सिद्दासन सिंह]

इसका मैन्युफैक्चर बंद कर देंगे तो आप हीसबेगा कि तुल्य एक ही महीने के भीतर आवश्यक रंग पैदा हो जायगा और उसके लिये न गवर्नमेंट को दिक्कत उठानी पड़ेगी और न किसी और को दिक्कत उठानी पड़ेगी, इसीलिये मैं श्री विनाबा भावे की बात का समर्थन करता हूँ कि हम बनस्पति धी के बनाने वालों को इस बात के लिये मजबूर करें कि वह शीघ्र ऐसा रंग तलाश करके बनस्पति को कलर करें जिससे असली और नकली धी में फर्क किया जा सके, जब गवर्नमेंट को सल्टी के साथ उनसे पैदा जाना चाहिये नरमी से काम चलाने वाला नहीं है, कानून ऐसा सल्ट बनाना चाहिये जिससे लोगों के दिलों में डर पैदा हो ।

Mr. Chairman: May I know the minimum time that Shri Dr. Jaisoorya proposes to take?

Dr. Jaisoorya (Medak): You give me the maximum time that you can; I shall make my observations within that time.

Mr. Chairman: I propose to call the hon. Minister at 11-50.

Dr. Jaisoorya: You may fix the time-limit. I shall cut the coat according to the cloth.

Mr. Chairman: The hon. Member can speak for a minimum time according to his own estimate.

Dr. Jaisoorya: First of all, according to one of the latest United Nations report, I am sorry I have not got the exact reference here, in spite of the improvement of the food situation in India, there is calorific deficiency; that is, the amount of food that we are taking is still deficient in regard to calories. Now, we are concerning ourselves not only with the quantity of food which is deficient, but also the quality of food which is deficient. That means that we are trying to prevent the already bad quality of food from deteriorating further, deliberately or otherwise.

I find that this is a Central measure. I do not know what the purpose is. Is it to replace the provincial measures which we already have? According to my information, almost every State has got an Act already. For instance, Madras has one from as early as 1918 to prevent food adulteration. I expect that the idea of the Central Government is to make these food adulteration laws uniform and I think I am correct. If you want to make a thing effective, it must have relation to reality. That is the first point. Secondly, a law should not aim to do more than what is practicable. Thirdly, the machinery must be of such a high standard that the law could be put into practice.

Babu Ramnarayan Singh (Hazari-bagh West): It is impossible.

Dr. Jaisoorya: I welcome any attempt at making a law uniform. We have to examine what are the difficulties and why is adulteration prevalent on such a national scale, shall I say, here in India and less in certain highly advanced countries like, let us say, Sweden. The fact is that in India, the producer does not sell to the consumer. In between, there is that gigantic racket known as the middleman, who handles, stores, boards, sells and adulterates foodstuffs. We have to make sure at what levels adulteration is taking place, whether with the wholesaler or the retailer.

An Hon. Member: Producers also.

Dr. Jaisoorya: It is not a rural problem. It is a problem where there is concentration of floating population, for instance, in cities, who are not producers but consumers. Then the question of supply of food, i.e., through the licensed dealers, licensed hotels, restaurants, eating houses etc., where the problem of sanitation and quality arises. Every municipality, a well-run municipality, has identical laws with regard to quality of food, whether it is in sanitary and hygienic condition or not. All these laws are there. There is nothing new about it. Now, what

this law tries to make out is this. If somewhere in a small municipality or principality or some little village an adulteration has taken place, not so much adulteration but shall we say deterioration in the quality of food, let us say it is decomposed, I do not know by what means you intend to bring it here, whether by hermetic sealing or vacuumatic sealing. I do not know whether by the time it arrives here and the gentleman concerned analyses it, it will be in the same state of decomposition as previously. These are things which we have to think of. You have to. Every municipality, every Health Department of the States has got its own chemical analyst. Why do you want a Central laboratory except to lay down standards. It is trying to centralise a thing which is an impossibility, because it is better handled on the spot.

Now, we are talking about this problem because the entire food movement in this country is in the hands of heavy financiers. It is they who create the quality of food, it is they who create the artificial scarcity and raise the prices, for instance, of edible oils. You have known that there has been an uproar because of the price of groundnuts going up artificially. All these groundnuts have been taken away from the villages through forward markets and are concentrated in the hands of *vanaspati* and soap manufacturers, so that the man who actually produces has to go ten miles to a bigger town to buy four annas edible oil. In Malabar where the man produces the coconut oil, he has no oil for his own consumption. It is going into the manufacture of soap, into Vandenburg's margarine to be exported outside. Therefore, if you want to prevent adulteration of food, you have got to bring in a law whereby these large hoarders do not corner. In regard to the groundnut trade I can tell you the whole crisis has been treated by the manufacturers of Sunlight soap. Vandenburg is the biggest purchaser. Therefore, the man who

himself produces is denied the oil. This is a big paradox.

Now, how are you going to send your inspector to a remote village, who is not an analyst? He can at the utmost say it is decomposed. Beyond that you are not going to succeed. Therefore, we have to have a sense of proportion.

There are two parts in this Bill. One is where food is adulterated by inferior quality. Am I to tell you that your State Governments have done a bigger crime by forcing mill-owners to mix with good flour, flour made out of condemned wheat? Why did the Government not destroy its decomposed grains which it had hoarded in wrong ways? So, begin with your own Government. Pass a law that you cannot force the miller to use your rotting grains. That is point No. 1.

Secondly, the Government wants also to make money. For instance, in Hyderabad, which is still a very wet place, toddy is being doctored and adulterated. Toddy saccharine and an amount of chlorohydrate is imported by three chemists in Hyderabad in a quantity which is quite sufficient to put all the insomniacs in India to sleep for one year each night. Has your Government taken action?

Thirdly, in regard to this *vanaspati* controversy that is going on, I can tell you that in certain States, because it suited the manufacturer, they have allowed the mixing of 28 per cent. of linseed oil to your *vanaspati*. If you imagine that *vanaspati* is being manufactured entirely out of pure groundnut oil, you are making a mistake. They are mixing cottonseed oil. Palm oil is being imported from outside with the permission of your Commerce and Industry Ministry in order to mix it with *vanaspati*.

The next point is one which nobody has answered namely, in the manufacture of *vanaspati*, i.e., in hydrogenisation, you have to use nickel salts as catalysers. Now, there is no process by which you can completely re-extract the nickel salt. If you will

[Dr. Jaisoorya]

kindly open a book on pharmacology and look at the toxic effects of nickel, you will find—not that it kills today or tomorrow, that is nonsense—but in the process of imbibation nickel affects the eye sight and has very deleterious effects on the pelvic organs of a woman. That nobody can deny. It is a fact. It is not merely the old theory, so much carbohydrate, so much this, so much that etc., but the quality of food taken in has to be considered. Now, what we call the melting point, the point at which it is absorbed into the body....

The Minister of Health (Rajkumari Amrit Kaur): May I say that the manufacture of *vanaspati* has got nothing to do with this Bill?

Dr. Jaisoorya: Yes, madam, it has.

Rajkumari Amrit Kaur: And I do not think it is relevant to the Bill. If it is *vanaspati* which is being adulterated, that is another matter. Otherwise, it is irrelevant.

Dr. Jaisoorya: Mr. Chairman, I protest and I say I look upon *vanaspati* as injurious to the body and therefore it is adulteration as compared to ordinary oil, and I wish to be challenged on that point by people who know more about it than I do.

Rajkumari Amrit Kaur: This Bill is not concerned with the manufacture of *vanaspati*. This Bill is concerned with food adulteration. Now, if *vanaspati* is mixed with ghee, that certainly is adulteration of ghee as compared with pure ghee, but I cannot be held responsible for the manufacture of *vanaspati*. It is not under my Ministry and certainly does not come within the scope of this Bill.

Dr. Jaisoorya: I beg to submit I am not holding her, the hon. Minister, responsible for the manufacture of *vanaspati*. I am here raising a question which is concerned....

Mr. Chairman: This is not the point at issue. What the hon Minister says

is, so far as the adulteration of *vanaspati* with ghee is concerned, it is perfectly relevant, but she objects that so far as the manufacture of *vanaspati* itself is concerned, this is outside the scope of the Bill. This is her contention which appears to be sound.

Dr. Jaisoorya: The definition of adulteration in the Bill says:

"if any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof;"

I have only given you the contents of *vanaspati*, I will leave *vanaspati* alone.

What about the cornering of edible oil into the hands of half a dozen people, so that the people in the districts, the ordinary man is denied the natural oil which otherwise he would have got? Am I to tell you, Sir, that in one district alone one single firm has cornered Rs. 1 crore worth of groundnut and now wants permission from the Government of India....

Rajkumari Amrit Kaur: Mr. Chairman, again I say this is irrelevant.

Mr. Chairman: Even here, I am afraid the hon. Member is trying to tread on doubtful ground, because we are not concerned with the effects of industrial enterprise, or, I should say further, hoarding or cornering etc. These are certainly outside the scope of the Bill.

Dr. Jaisoorya: Then, you are limiting it to a very absurd limit or extent, because it only comes to contamination. Actually, very little is adulteration, most of it is contamination. The man in the village is only concerned with....

Mr. Chairman: I do not deny these things may have a remote connection and at the same time injuriously affect the purity of certain ingredients of articles of food, but at the same

time they are not directly connected. We are only concerned with the Bill as such.

Dr. Jaisoorya: Then, I beg to submit that we are making a great fuss and much ado about nothing, if at the district level, we have got relatively well-trained and relatively honest sanitary inspectors who could do all this without this elaborate fuss. Your idea to have a Central Laboratory was with a view to seeing the quality of food, and how it affects in the long range. On that basis, I still maintain that *vanaspati* can be condemned on that ground. Further, the point is this. What about your elaborate machinery?

Mr. Chairman: Order, order. So far as the Central Laboratory is concerned, if it fixes a certain standard, all articles must answer that standard before they can be considered pure. That is why the provision is made here for a Central Laboratory. There is no doubt about that.

Dr. Jaisoorya: I quite agree with you. If the Central Laboratory is there only to lay down certain standards, well and good; but if the Central Laboratory is to be the sole arbiter of the condition and state of a thing at a remote corner, it is totally impossible.

Rajkumari Amrit Kaur: I shall answer that question, in the course of my reply.

Shri S. S. More: There should be a Central Committee to lay down the standards.

Dr. Jaisoorya: If it lays down standards only, then, we would not stand against it.

My next point is this. I shall give you one other example, because I am a practical man. We talk about control of food. Take the case of railway catering. Standards have been laid down for catering on the railways. But complaints are coming by hundreds, from passengers, as to the rottenness of the food. There is a person called a food catering inspector. They are given two good dinners, and if some

officer comes, he gets a still better dinner, and the report goes, the food is good. If this is the case, how is the food going to be improved? I, therefore, say that the consumer should have the right, when he purchases, to take samples of the food, before a *panch*. We are doing it already in Hyderabad, without all this grand and elaborate Bill. The consumer then seals it, takes the signature of the vendor and then sends it to the laboratory to get it analysed. Of course, there are laboratories and laboratories.

I shall give you one other instance. In a hospital contract, the sample article was certified as 97 per cent. pure ghee. Then the superintendent took a sample of the delivered stuff and sent it. The reply was 17 per cent. Then, the hospital committee protested, how did this happen, and so on? Then, the reply came, it was a mistake, it was a typing error, and it was 87 per cent. But it was 17 per cent.

Rajkumari Amrit Kaur: First of all, I would like to express my gratitude to the House for the interest it took in this Bill when it was first introduced. I introduced it as early as the law permitted me to introduce it. It was welcomed, and there was a two-day debate at that time also. No time was lost by me. The Bill was referred to a Select Committee, in November 1952, and by February 1953, the Select Committee's report was there. I would like to express my gratitude to the Members of the Select Committee who met for days on end, both morning and afternoon, in order to get the report ready. Now, I have been accused of negligence in not letting it come to the House before now. I should like to say that the Bill would have been somewhat more lucky if the Members had been anxious that it should come before the House. For my part, I asked every time, in every session that this Bill should come up. In addition, I asked Members to study the Bill and send me amendments. But no one evinced any interest in it, and now my Ministry has been working till very late on Saturday, Sunday and Monday

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nights in order to cope with the amendments that come. And some amendments have only come at 10-15 A.M. today. It is impossible for me to cope with everything.

Nevertheless, I would like to reply to a certain number of the points that have been raised during the general discussion. I must confess that I would like to give expression to a sense of regret that while the Bill is welcomed by the Members as a whole, there is a kind of sense of despair in the minds of all the Members that this Bill is never going to work. Everybody says, yes, adulteration is a universal menace. It is no good telling me that. I would not have brought this Bill forward, if I did not know that adulteration was a widespread menace. The thing is to do something to check it, and this Bill was brought forward in absolutely good faith, that something should be done, and I still believe that it is a step in the right direction. But I know also as well as any Member of this House that legislation alone cannot ever rid a country, a nation or a community or anybody of an evil. I therefore expect the co-operation of the public also.

This Bill has been framed, so as to make it easier for the public also to get at those who break the law. I have been told that no education has been done in this respect. I would like to refer Members to my utterances, year in and year out, day in and day out, calling adulteration a crime against humanity. I have not ceased to preach to social workers and to the business world, and I have not ceased to write to State Governments also that this is something that should be met with; I have also tried to get them to increase the machinery, which I know is inadequate, and also to raise the pay of those who are responsible for work so that they may be put above the temptations of bribery and corruption. All the State Governments have been consulted, and all of them have agreed to this Bill.

Much has been said by the last speaker against the Central Laboratory. The Central Laboratory is a laboratory for appeals only. It is the States that will have the laboratories. So, there is no question of tainted food being caught in a village and being sent up to Delhi. I do not know why everybody is saying that the Laboratory is going to be in Delhi. I would like to say to you that it is not going to be in Delhi. But that is neither here nor there. The Central Laboratory comes in only when we deal with any analysis on appeals. So, the States will indeed have their own laboratories, and they will have on or two, or three or four, or whatever number they want. Certainly, there will be one or two in the initial stages, and the food which is going to be taken and inspected will go to the nearest place. I have been asked why I have not defined 'food'. It is impossible for me in a Bill of this kind, to make definitions of 'food'. New foods are coming into being. Also, food technology is evolving at a rapid rate. Therefore, definitions cannot be made in a Bill of this nature, but they certainly will be made under the rules. As new foods come, the rules will be added to or subtracted from, as the case may be.

Much has been said about the local bodies. Among the local authorities, I have included the *panchayat* also. I have given careful study to the amendments that have come in, and I may say that my own amendments have been brought in, in order to accommodate as many of the amendments as I could possibly do within the time at my disposal. There are no District Boards in some States. So, I did not mention District Boards by name, but where they do exist, they will certainly come under the definition of local authority, which you will find on the top of page 3 in the Bill.

A point that was raised by many of the speakers was that the purchaser should be able to approach the local authority or State for launching prosecution under clause 20. Clause 20 was

intended merely to prevent frivolous or vexatious complaints. Under sections 272 and 273—I speak open to correction, where sections of the law are concerned—of the Indian Penal Code, we have provisions for punishment for adulteration and sale of adulterated foodstuffs. So, any private purchaser can file a complaint under these sections directly, without going through the local authority or the State Government. So, I think, clause 20 is all right, and we need not be anxious to amend it.

Then, summary trials have been recommended by some Members. I confess that I find this House seems to be divided on this issue. Some say the punishment that has been put down in this Bill is not enough. All the States have said that in their long experience, they have found that the punishments that are given under the existing provisions in the States are not deterrent enough. Therefore, the punishment was raised to something higher.

Now summary trials, according to section 260 of the Criminal Procedure Code, are not permissible for an offence punishable with imprisonment for a term exceeding six months. Therefore, we could not allow summary trials under this Bill and I think that if justice is to be done, well, we cannot go against the law, and when it is open to the purchaser to prosecute anybody under another law, then I do not think that it should be brought in here.

Shri Dabhi (Kaira North): Cannot a provision be made in this Bill for summary trials?

Rajkumari Amrit Kaur: I think not, because as I have told you, the objection is that summary trials can only be held for offences punishable with imprisonment for a term not exceeding six months.

Shri S. S. More: You can say Notwithstanding section 260 of the Criminal Procedure Code, summary trials can be had'.

Rajkumari Amrit Kaur: I cannot interfere with the law, and I would like
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it to remain as it is. After all, this is a step in the right direction. When we work it and when we find difficulties and if we find difficulties, it is always at our disposal to amend any clause.

One speaker objected very strongly to clause 21. I may say that it is already there in the Bombay Food Adulteration Act, and provisions similar to clause 21 are to be found in many of our Acts. So there is nothing extraordinary in it.

I have been asked to connect social workers with this work. Those things will come under the rules and directives. I cannot possibly include that kind of suggestion in an Act.

Now everybody has complained about the machinery which is in the hands of the State Governments as being callous, as being corrupt and as being inadequate. Well, it is for the State Governments to see that the machinery is brought up to standard.

One Member said that the reason for purchase of adulterated food is due to poverty. Well, I am not at all sure that the poorest man would buy adulterated food; in fact, I deny that the poorest man would like to buy even wheat or rice which is adulterated. It is to save the poor man from the menace of adulteration that this Bill is being brought in.

As far as *vanaspati* is concerned, there have been statements that it is bad for health and that I should have the courage to stop the manufacture of *vanaspati*. I may say that the manufacture of *vanaspati* is not part and parcel of adulteration and, therefore, it does not concern, and does not come within the scope of this Bill. Some other members have spoken about cornering of oilseeds or whatever it be. That does not come within the scope of this Bill either. I may also say that it is with very great regret that I have heard accusations against this Government—and I have the privilege of being a part of that Government today. Statements have been made that it is actually hand in glove

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with Big Business in order not to find a colouring matter for *vanaspati*. I take strong exception to these statements; they are thoroughly and absolutely unfair. If this Government is in tow with Big Business, obviously it must be in tow with Big Business in many other things, and if Members feel like that, they should ask us to leave these Benches. I think it is most unfair to say that we have deliberately tried not to get colouring matter. I may tell you that only this year when I was in the United Kingdom, I asked them as to whether, when they had made their scientific investigations when they wanted to colour margarine so as to differentiate it from butter, there had been any results, and they said 'We did our level best and we were not able to find a colour'. And what do you find today in the United Kingdom? Margarine next door to butter with labels "margarine" and "butter" on them. I have to confess with shame that there food adulteration is not a menace as it is in our country. Therefore, we have to raise the standards of integrity in our own country. I do not wish to go into the merits or demerits of *vanaspati* now. It has been represented that medical opinion says that hydrogenated vegetable oils are bad for health; there is a volume of opinion on the other side which says 'no'. We are trying as far as possible to improve *vanaspati*. I did plead that *vanaspati* should be fortified with certain vitamins and I did plead also—and the Government has accepted it—that no longer should *vanaspati* be called vegetable ghee. The term 'ghee' has been eliminated from there so that it is within the power of everybody to see what he is buying. I am no less anxious than anybody else that the children of this country—my children—should get pure milk and that everybody should get pure ghee. But where is it to come from? It is not there. All these things are interlinked. Unless we improve our cattle breed, unless we improve the quantity of milk that is available in the country, enough milk is just not

available. I am feeding crores and crores of children with powdered milk that is given to us or is purchased from abroad. Until such time as I can produce pure and an adequate quantity of milk, what am I to do? So the answer to the elimination of *vanaspati* is not so much 'ban *vanaspati*' as to produce more ghee, more milk and more milk products in our country. I would venture to suggest that this is being tried to be done, but it is not a problem which can be solved overnight. In any event I am not concerned with the manufacture of *vanaspati*; nor am I here to deal with that. I am here to say this that if food on the railways is found to be adulterated, the Government officials or the railway employees can be prosecuted just as anybody else. Everybody will come under this Act. If it concerns food on the railways, anybody has got the right to take that food, give a sample of it according to the rules, and the railway can be prosecuted. I do not think any differentiation is meant to be made between any Government agency or any private agency or any shopkeeper.

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Mr. Chairman, I am anxious that we should go ahead with the clause by clause consideration of this Bill. I will say no more, but I would plead with the House to help me to create an atmosphere in the country which will welcome a Bill like this and do the education—Government cannot do everything—and accept this Bill in the spirit in which it has been put before the House, to bring about, or to enable us to have a healthy check on what is a veritable and a criminal, menace in the country today.

Mr. Chairman: Before I put the motion to the House, may I just ask a question from the hon. Minister? Is it the contention of the hon. Minister that in spite of the fact that section 20 is there in the Bill, a private person will be able to prosecute an offender?

Rajkumari Amrit Kaur: Yes. That is what I have been informed by the Law Ministry, that under sections 272 and

273 of the IPC any purchaser can file a complaint directly without going through the local authority or the State Government.

Mr. Chairman: It is perfectly correct, but here the words are:

"No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government....."

So far as offences under sections 272 and 273 are concerned, there is no such question, but so far as offences under this Act are concerned, a private person is proscribed from prosecuting as section 20 is there.

Rajkumari Amrit Kaur: I am told that it won't affect the right of the private purchaser to go and file a complaint.

Shri S. S. More: If the penal clauses of this particular Act are sought to be brought into operation on the prosecution of a private individual, then this clause 20 will come in the way because unless the Government consent, no prosecution can be started.

Mr. Chairman: That is exactly what I have been telling the hon. Minister.

Shri S. S. More: The hon. Minister's statement is not correct.

Mr. Chairman: This is her contention. It is for the House to pass the clauses of the Bill as they are or in an amended form. The hon. Minister is perfectly entitled to have her own contention.

Now, I will put it to the House. The question is:

"That the Bill to make provision for the prevention of adulteration of food, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2.— (Definitions).

Mr. Chairman: Now, let us proceed to clause by clause consideration of the Bill. We will take clause 2 first.

Shri Mulchand Dube (Farrukhabad Distt.—North): I have an amendment to clause 1.

Mr. Chairman: We have taken clause 2. Clause 1 will be taken up last of all. Does the hon. Member want to move amendment No. 49 in list No. 3?

Shri S. V. Ramaswamy: Probably that comes after amendments Nos. 3 and 5.

Mr. Chairman: I am asking whether the hon. Member proposes to move amendment No. 49.

Shri Mulchand Dube: I beg to move:

In page 1, line 15, before "nature" insert "purity".

The word 'purity' should be put before the word 'nature'. We cannot over-emphasise the word 'purity'. I think in clause 2 this word has not been used either in sub-clause (a) or (b) or (c). My point is that the word 'purity' should be added to all these sub-clauses.

Mr. Chairman: Amendment moved:

In page 1, line 15, before "nature" insert "purity".

Before I proceed with the discussion of this amendment I would rather like to know from the hon. Members what amendments they are moving so that if there are more than one amendment on the same subject matter they may be considered together and, at the same time, we may be able to know the amendments that are not being moved. I will ask the hon. Members to indicate the numbers of the amendments which they propose to move.

Shri S. V. Ramaswamy: I beg to move:

In page 1, line 16, after "substance" insert "quantity".

Shri Bogawat: I beg to move:

In page 1, line 20, after "injurious" insert "or otherwise".

Shri S. V. Ramaswamy: I beg to move:

In page 1, line 22, after "substance" insert "or colourable imitation".

Shri Krishna Chandra (Mathura Distt.—West): I beg to move:

(i) In page 1, line 22, after "has been" insert "mixed or".

(ii) In page 1, lines 23 and 24, omit "so as to affect injuriously the nature, substance or quality thereof".

Shri Mulchand Dube: I beg to move:

In page 1, line 22, before "substituted" insert "mixed or".

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): I beg to move:

(i) In page 2, line 19, for "and in amounts not" substitute "or any permitted colouring matter not in quantities".

(ii) In page 2, line 25, after "excess" insert "or short".

Shri Raghavachari (Penukonda): I beg to move:

In page 2, line 35, for "used" substitute "consumed".

Shri S. V. Ramaswamy: I beg to move:

In page 2, line 35, for "by man" substitute "for human consumption".

Shri Raghavachari: I beg to move:

(i) In page 2, line 35, for "man" substitute "person".

(ii) In page 2, line 35, for "man" substitute "a human being".

Shri Raghavachari: I beg to move:

In page 3, line 31, for "false" substitute "incorrect".

Shri Dabhi: I beg to move:

In page 4, after line 2, insert:

"Explanation 1.—For the purpose of sub-clause (c) any hydrogenated

edible oil sold or advertised under the name of 'Vanaspati' or 'Vanaspati ghee' shall be deemed to be sold by a name which belongs to another article of food.

Explanation 2.—For the purpose of sub-clause (e), if a claim is made for an article of food that it possesses certain qualities, the burden of proving that the claim is not false shall lie upon the person making such a claim."

Shri Raghavachari: I beg to move:
In page 4, line 6, omit "manufacturing".

Shri Mulchand Dube: I beg to move:

In page 4, line 21, for "use" substitute "beings".

Shri Krishna Chandra: I beg to move:

In page 4, after line 21, add:

'(xvi) "Health Officer" means an officer incharge of health administration in a region or a local area of a State by whatever name he is called;

(xvii) "ghee" means animal fat derived from the milk of a cow or buffalo.'

Mr. Chairman: We have practically exhausted all the amendments to clause 2.

Amendments moved: •

(1) In page 1, line 16, after "substance" insert "quantity".

(2) In page 1, line 20, after "injuriously" insert "or otherwise".

(3) In page 1, line 22, after "has been" insert "mixed or".

(4) In page 1, line 22, before "substituted" insert "mixed or".

(5) In page 2, line 35, for "used" substitute "consumed".

(6) In page 2, line 35, for "by man" substitute "for human consumption".

(7) In page 2, line 35, for "man" substitute "person".

(8) In page 2, line 35, for "man" substitute "a human being".

(9) In page 3, line 31, for "false" substitute "incorrect".

(10) In page 4, after line 2, insert:

Explanation 1.—For the purpose of sub-clause (c) any hydrogenated edible oil sold or advertised under the name of 'Vanaspati' or 'Vanaspati ghee' shall be deemed to be sold by a name which belongs to another article of food.

Explanation 2.—For the purpose of sub-clause (e) if a claim is made for an article of food that it possesses certain qualities, the burden of proving that the claim is not false shall lie upon the person making such a claim."

(11) In page 4, line 6, omit "manufacturing".

(12) In page 4, line 21, for "use" substitute "beings".

Shri N. S. Jain (Bijnor Distt.—South): Mr. Chairman, I had given notice of an innocuous amendment but it was not in time. I have given it only today; it is for clause 2.

Mr. Chairman: The hon. Member knows the rules. If such amendments are given notice of on the day the clause is taken up, if the Government is willing to accept it I will waive notice; otherwise, it will be out of order.

Rajkumari Amrit Kaur: Mr. Chairman, I may say that the amendments sent in by Mr. Ramaswamy were given to me at 10.15 this morning.

Mr. Chairman: When the amendments come, we look at them to see whether they are in order or not. Just now we are concerned with amendments to clause 2. If the hon. Minister cannot agree they cannot be taken up.

Rajkumari Amrit Kaur: I have not seen them.

Mr. Chairman: As a matter of fact, one copy must be sent to the Minister in charge. Unless she sees it she cannot be expected to say anything about

it. It may be very acceptable, but unless she sees the amendment she cannot be expected to agree.

Shri N. S. Jain: If all the amendments are not finished by today, then the hon. Minister may take it up.

Mr. Chairman: Then it will be in time; there is no question of waiving notice. Just now the question is whether notice should be waived or not.

Shri S. V. Ramaswamy: The amendments that I gave today relate to clause 16 etc.

Mr. Chairman: All these amendments are moved. Will it be convenient to the hon. Minister to take up these amendments one by one or to dispose of them all at the end?

Rajkumari Amrit Kaur: I think they may be taken up one by one.

Mr. Chairman: Amendment No. 49 of Shri Mulchand Dube is open for discussion. He has already moved it.

Rajkumari Amrit Kaur: I say the word 'purity' is redundant in view of the word 'quality'. After all, quality embraces purity and we should not load our Acts with superfluous words.

Shri Mulchand Dube: I would like to withdraw it.

The amendment was, by leave, withdrawn.

Shri S. V. Ramaswamy: I submit that the word 'quantity' may be inserted after the word 'substance'. As it reads, three categories are mentioned, nature, substance and quality. I want to add another category, namely, quantity. As I said earlier, if a particular food is said to contain a certain percentage of a substance and it is not there and something else is there, then certainly it is adulteration. The lack of quality will affect quantity also.

Mr. Chairman: If that is so, according to the hon. Member, then why put the word 'quantity' at all? He is arguing against himself. If the quality is affected by a particular quantity not being there, then it is an offence.

Shri S. V. Ramaswamy: If the quantity is not as it is stated to be, is it not an offence? Is it not adulteration? It may affect the quality or not.

Mr. Chairman: Unless the required quantities of ingredients are there, it would be taken to be an adulterated stuff.

Shri S. V. Ramaswamy: Sir, it would amount to cheating. All that I want is that the Bill should be a fool-proof one.

Mr. Chairman: If the question of quantity alone is there, then it would amount to cheating, but at the same time if sufficient amounts of ingredients are not there which should make up a particular quality evidently it becomes an adulterated stuff according to the present definition.

Shri S. V. Ramaswamy: Lack of proper quantity may amount to cheating under the Penal Code, but I want that lack of quantity should be made an offence under this Act itself.

Rajkumari Amrit Kaur: We are concerned with the quality of the article and if sufficient quantities are not there then it affects the quality which is an offence. I am not accepting the amendment.

Mr. Chairman: Is the hon. Member pressing his amendment?

Shri S. V. Ramaswamy: No. I would like to withdraw it.

*The amendment was, by leave,
withdrawn.*

Shri Bogawat: Sir, I would also like to withdraw my amendment No. 4.

*The amendment was, by leave,
withdrawn.*

Mr. Chairman: Now, we go to amendment number 50 by Shri Mulchand Dube.

Shri Mulchand Dube: My amendment is that in page 1, line 17, for "prejudice" substitute "disadvantage". It is only a verbal amendment. I do

not know whether the hon. Minister will accept it or not.

Mr. Chairman: Let us know the reaction of the hon. Minister. Is she prepared to accept it?

Rajkumari Amrit Kaur: The word "prejudice" is more appropriate. It is much wider in its scope than the word "disadvantage".

Mr. Chairman: Is the hon. Member moving his amendment?

Shri Mulchand Dube: No.

Shri S. V. Ramaswamy: Sir, my amendment number 5 is:

In page 1, line 22, after "substance" insert "or colourable imitation".

This is a well-known expression in cheating cases and trademark cases. Therefore, it needs no elaboration from me. I think this word also should be there to plug any loophole that may be there. It is to tighten up the law that I want to insert these words "or colourable imitation".

Rajkumari Amrit Kaur: I am not accepting that amendment.

Mr. Chairman: Is the hon. Member pressing his amendment?

Shri S. V. Ramaswamy: No.

Shri Krishna Chandra: Sir, my amendment number 80 reads thus:

In page 1, line 22, after "has been", insert "mixed or".

This is only a verbal amendment. In the Bill it is given as:

"if any inferior or cheaper substance has been substituted wholly or in part....."

I want that this should be changed to:

"if any inferior or cheaper substance has been mixed or substituted wholly or in part....."

so that the meaning might be quite clear. It is only a verbal amendment.

Rajkumari Amrit Kaur: The word 'substituted' includes 'mixed' also. If you substitute it means that there is admixture or adulteration.

Mr. Chairman: The hon. Minister is not prepared to accept the amendment. Is the hon. Member pressing his amendment?

Shri Krishna Chandra: No. I like to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Mulchand Dube: I too like to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: Now, we will go to amendment number 81.

Shri Krishna Chandra: My amendment is:

In page 1, lines 23 and 24, omit "so as to affect injuriously the nature, substance or quality thereof".

In some cases it may be doubtful whether the nature, substance or quality of an article has been injuriously affected or not. Take for instance vegetable ghee. If vegetable ghee is adulterated with pure ghee it may be a question of controversy whether the admixture has injuriously affected the substance or quality of the article. Therefore, I want that even mixing of such substances which may not be injurious be declared as an offence. So, I want that these words may be deleted.

Rajkumari Amrit Kaur: I am not accepting the amendment. It is not necessary.

Mr. Chairman: The hon. Minister is not accepting the amendment. Is the hon. Member pressing it?

Shri N. S. Jain: Sir, before we finish with this subject, we want some clarification on this point.

Mr. Chairman: When the hon. Member has moved the amendment and the reply has been given by the hon. Minister, I cannot force the hon. Minister to make a reply which will be regarded as satisfactory by the hon. Member.

Shri N. S. Jain: Then, let us at least express our opinion on this.

Mr. Chairman: I am only asking if the hon. Member wants to press his amendment. If he wants to press his amendment I can only put it to the vote of the House. That is only what I can do.

Shri N. S. Jain: I want to say something on this point.

Mr. Chairman: All right.

श्री एन० एस० जैन : प्रधान जी, मैं नहीं समझता कि क्यों इस तरकीब को मंजूर नहीं किया जाता। जो कानून के तरीके से इसको रखा जाय तो मैं समझता हूँ कि अदालतों में इस पर एक बहुत बड़ी बहस हो जायगी अगर कोई मुकदमा इस कानून के अन्दर गया कि किसी चीज की मिलावट दूसरी चीज से करने में उसकी नेबर, सबस्टैंस या क्वालिटी में कोई इंजुरियस इफेक्ट हुआ या नहीं हुआ। मेरा ख्याल यह है कि कानून को बिचना सीधा बनाया जाय और बिचतना साफ बनाया जाय वह ज्यादा अच्छा होगा। बजाय इसके कि वकीलों को मौका दिया जाय और अदालतों को मौका दिया जाय कि उस पर मुकदमा चली करे और उसके ऊपर बहुत सी रूनिंग्स और कानून बनें। मैं समझता हूँ कि मीचणी महोदयों फिर इस पर गौर करेंगी और अच्छा हो अगर वह अपने सीगल एडवाइजर्स से भी मसविदा कर लें। अगर यह कानून ऐसा ही रहेगा जैसा कि इस वक्त मौजूद है तो यकीनन यह नतीजा होगा कि इसमें बहुत ज्यादा मुकदमों बाबी होगी और दूसरे फरीक की बहस का मौका मिल जायगा। मेरा ख्याल है कि यह लफ्ज इंजुरियस ही सब झगड़ की जड़ है। इसको निकाल दिया जाय। मैं समझता हूँ

[श्री एन० एस० जैन]

कि मेरे जो और वकील भाई हैं वह इसको और बेहतर तरीके से बतला सकेंगे कि अगर यह कानून एंसा ही रहा तो इसमें यह बहस की जा सकेगी कि एंसा करने से यह बाबा कायम नहीं होता। इसलिए मैं फिर जब कलंगा कि इस पर गौर किया जाय और मैं चाहता हूँ कि मंत्रिणी महोदया इस पर गौर करके मुनासब तरकीब कर दें जिससे कि मामला साफ हो जाय कि अगर कोई भी चीज मिला दी जाय तो वह ऑफेंस हो जायगा वह पाप हो जायगा। मैं चाहता हूँ कि कानून बनाते वक्त इसको साफ कर दिया जाय तो ज्यादा अच्छा होगा बजाय इसके कि इसको वकीलों के लिए छोड़ दिया जाय।

श्री अन्नदू राव शास्त्री (जिला आजमगढ़ पूर्व व जिला बलिया, पश्चिम) : अगर दूध में चीनी मिला दी जाय ?

Mr. Chairman: The matter has been argued at length and I am only enquiring if the hon. Member wants me to put it to the vote of the House?

Shri S. V. Ramaswamy: May I know what that amendment is? We do not know what the amendment is. It is a thing which has been circulated privately between you and the hon. Minister.

Mr. Chairman: Nothing has been done privately. That is not the way in which the hon. Member should criticise the Chair. We have been discussing the point so publicly and a reply has been made. I am putting the question to the House and if the hon. Member does not follow the discussion it is not the fault of the hon. Minister or the Chair. The hon. Member has got the amendment with him and he ought to be able to follow. The amendment has been read out and the hon. Member has just discussed it. The previous hon. Member also discussed it and the hon. Minister also has replied to it.

Shri S. V. Ramaswamy: I could not follow it.

Mr. Chairman: Then, he should not complain, but he ought to try to follow.

Does the hon. Member want me to put it to the House?

Shri Krishna Chandra: No, Sir. I do not press it.

Mr. Chairman: List No. 2, amendment No. 6 is ruled out. Similarly, amendments Nos. 52, 53 and 54 are also ruled out.

List No. 4, amendment No. 82.

Shri M. L. Agrawal: My point is that colouring matter, which is not prescribed, would adulterate if it is mixed in any proportion, but if it is permitted, then, of course, it must be within the prescribed limits of variability. The intention behind is not borne out in the phraseology adopted in the Bill and I have, therefore, broken it into parts to make the intention clear. It appears from the present phraseology that even the colouring matter, which is not prescribed, should be in amounts or quantities within the prescribed limits, but that is not the intention. Therefore, my amendment makes this clear and it is more logical with the intention.

Rajkumari Amrit Kaur: In my opinion, it is quite clear that "any colouring matter other than that prescribed in respect thereof and in amounts not within the prescribed limits of variability is present in the article" really includes everything that the hon. Member wishes to say. If I were to add "or any permitted colouring matter not in quantities", it would confuse the issue.

Mr. Chairman: Does the hon. Member want me to put it to the House?

Shri M. L. Agrawal: If the hon. Minister does not appreciate my point, I do not wish to press my amendment.

Mr. Chairman: Does Mr. Agrawal want to say anything on his amendment No. 83?

Shri M. L. Agrawal: This amendment is rather verbal. It is stated here "its constituents are present in quantities which are in excess of the prescribed limits of variability". Sometimes, it may be in quantities which are short of the prescribed limits of variability.

Rajkumari Amrit Kaur: If it falls short of the amounts prescribed, then naturally it does not come within the law, for it is the excess that is sought to be catered for by the law.

Mr. Chairman: The amendment is not acceptable to the hon. Minister.

Shri M. L. Agrawal: I do not wish to press my amendment then.

Shri Raghavachari: I like to withdraw my amendment No. 84.

The amendment was, by leave, withdrawn.

Mr. Chairman: List No. 2, amendment No. 12. Has Mr. Ramaswamy anything to say on this?

Shri S. V. Ramaswamy: The definition of the word "food" as drafted here is jarring and inartistic. 'Food' means any article used as food or drink by man, woman and child. Look at page 4, line 13, where you have used a different phrase "for human consumption". Why can the same phrase not be used here? It is much more dignified. As it is at present worded, it is very inartistic.

Rajkumari Amrit Kaur: I accept the amendment suggested.

Mr. Chairman: The question is:

In page 2, line 35, for "by man" substitute "for human consumption".

The motion was adopted.

Mr. Chairman: The words "for human consumption" have been substituted and so I take it that Mr. Raghavachari's amendments Nos. 85 and 86 are now unnecessary.

Shri Raghavachari: I agree.

The amendments were, by leave, withdrawn.

Mr. Chairman: Amendment No. 55. What does Mr. Dube say about it?

Shri Mulchand Dube: I am suggesting the addition of the word "spices", because my idea is that condiments may not include spices.

Rajkumari Amrit Kaur: Spices are being included in 'condiments'.

Mr. Chairman: I take it that the hon. Member does not wish to move his amendment.

Shri Mulchand Dube: Not moving.

Mr. Chairman: Amendment No. 56 of List No. 3. Mr. Dube again may say something on his amendment if he wants to.

Shri Mulchand Dube: My submission is that town areas also should be included.

Rajkumari Amrit Kaur: "Notified area" includes "town area".

Shri Mulchand Dube: Notified area is quite different from town area.

Rajkumari Amrit Kaur: Everything is here and in my amendment, the *panchayat* also has to come here. The municipality is there; the municipal board, the municipal corporation, the cantonment, the cantonment authority, all are there.

Mr. Chairman: But they all relate to cities.

Rajkumari Amrit Kaur: Then you have got under sub-clause (2) "any other local area, such authority as may be prescribed by the State Government under this Act".

Mr. Chairman: Yes, in sub-clause (2), 'town area' may be covered.

Shri Mulchand Dube: But 'town area' as such is not mentioned.

Rajkumari Amrit Kaur: It need not be mentioned here and there is no point in mentioning it either.

Mr. Chairman: Sub-clause (2) is very wide. Though town area is quite different from notified area, it can be covered under sub-clause (2).

Shri Mulchand Dube: But that is left to be declared by the State Governments. If we are including a notified area here, there is no reason why a town area should be excluded from this clause.

Mr. Chairman: There is no question of its exclusion. The reply is that in sub-clause (2), town areas can be included by State Governments.

Rajkumari Amrit Kaur: The hon. Member in discussion also said that district boards have been excluded. District Boards exist in some States, but they do not exist in certain others. Therefore, we have used the words "any other local area" in sub-clause (2). These, of course, are all over the country—the *panchayat*, the municipality, the cantonment, and the notified area.

Mr. Chairman: Shall I take it that the hon. Member is not moving his amendment?

Shri Mulchand Dube: I am not moving.

Mr. Chairman: Now, what has Mr. Raghavachari to say on amendment No. 88? What are his reactions?

Rajkumari Amrit Kaur: He wishes to substitute the word "incorrect" for the word "false".

Shri Raghavachari: My argument is this. The word "false" restricts the particular purpose, but the word "incorrect" is more extensive. In several cases, it is very difficult to prove that they are false, but it can be proved that they are incorrect. In my opinion, the word "incorrect" will serve a better purpose.

Mr. Chairman: I shall now put the amendment to the House.

The question is:

In page 3, line 31, for "false" substitute "incorrect".

The motion was negatived.

Shri Dabhi: My amendment is:

"Explanation 1.—For the purpose of sub-clause (c) any hydrogenated edible oil sold or advertised under the name of 'Vanaspati' or 'Vanaspati ghee' shall be deemed to be sold by a name which belongs to another article of food.

Explanation 2.—For the purpose of sub-clause (e), if a claim is made for an article of food that it possesses certain qualities, the burden of proving that the claim is not false shall lie upon the person making such a claim."

Explanation 1 is sought to be added to sub-clause (c) of clause 2 (ix), and Explanation 2 is sought to be added in respect of sub-clause (e) of clause 2 (ix). I shall first take Explanation 1.

Clause 2 (ix) reads as follows:

"An article of food shall be deemed to be misbranded—

(a) if it is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character."

Sub-clause (c) reads as follows:

"(c) if it is sold by a name which belongs to another article of food;"

So, you will see that this clause prohibits any person from using, for a particular article of food, any name which belongs to another article of food. It is a very good clause. But now, I want, by adding my explanation, to make one thing clear. I need not speak anything further about the hydrogenated oils. But one of the ways, you know, by which this *vanaspati* manufacturers cheat and mislead the people is by using the word *vanaspati* for these hydrogenated edible oils

which are nothing but solidified oils. Anybody could argue that *vanaspati* is some article of food. *Vanaspati* means vegetable. A vegetable is an article of food. So, ordinarily, anybody would argue that it would cover this clause, if it is sold by any name belonging to another article of food. It may be argued that the clause, as it stands, would mean that henceforward, these hydrogenated oils cannot be called *vanaspati*. But I want to make this clear: I do not want to allow any solidified oil to be called *vanaspati* though I know that for a long time this name is used. Up to this time, the name '*vanaspati ghee*' was used. So, I want, by this explanation, to make it clear that hydrogenated oil should not be allowed to be called by the name of *vanaspati* or *vanaspati ghee*. Ordinarily, why should we allow this? They may use '*dalda*' or any other name, but why should they use this word '*vanaspati*' unless they want to cheat or mislead people by the use of this word? For a long time, for some years, this name has been used, but that does not mean that we should allow the manufacturers to use this name now. So, there would be no harm in accepting my amendment. They may use any other name but why should they use '*vanaspati*'? I hope Government will accept this amendment regarding Explanation 1. With regard to Explanation 2...

Mr. Chairman: Let us first of all concentrate on Explanation No. 1. Has the hon. Minister anything to say?

Rajkumari Amrit Kaur: If, in this Bill, we take the name of one item, we have to name so many others also. I think it is very wrong because, after all, as a matter of fact, Government has given orders that *vanaspati* should no longer be sold under the name of *ghee*. In the definition here, everything is covered. I do not think that we should go out of our way to specify one thing for that is not the purpose of this Bill. The purpose of this Bill is to stop adulteration.

Shri Dabhi: May I know whether the hon. Minister said that they want to prohibit the name of *vanaspati* for hydrogenated oils?

Mr. Chairman: There are two aspects. In respect of *vanaspati ghee*, the hon. Minister says that this is not the name given now. As regards the second aspect, she says there is no reason why we should select, out of the hundred and odd articles, this item alone and put it here in the Bill. Under the general provisions, if an article is mentioned, it will be covered, and if it is not, it will not come. There is no use specifying one article and putting it in this Bill. May I take it that the hon. Member does not want to press the amendment?

Shri Dabhi: I want to press it.

Mr. Chairman: The question is:

In page 4, after line 2, insert:

"Explanation 1.—For the purpose of sub-clause (c) any hydrogenated edible oil sold or advertised under the name of '*Vanaspati*' or '*Vanaspati ghee*' shall be deemed to be sold by a name which belongs to another article of food."

The motion was negatived.

Shri Dabhi: I shall now deal with the second part of my amendment—Explanation 2. Explanation 2 is in respect of sub-clause (e) of clause 2 (ix). This sub-clause reads as follows:

"(e) if false claims are made for it upon the label or otherwise,"

So this clause forbids or prohibits the use of making false claim for particular articles of food. Sometime ago today, Shrimati Ila Palchoudhury gave an example of how these manufacturers give advertisements. I have read that advertisement which says that by taking *dalda* or *dalda vanaspati* an actress was able to dance for four hours with vigour. Now, this is certainly a false claim. My point is that in such cases, if false claims are made and when any trader claims certain qualities for a particular article of food he manufactures, the burden

[Shri Dabhi]

of proof must lie upon him to show that that particular article possesses those qualities. I referred to this example. I can also give you other examples of such advertisements. One advertisement says—it puts it in the mouth of one housewife—“It produces a miracle. Another advertisement says: “*Dalda vanaspati* brings out all the natural flavours in food. Even everyday dishes taste new and exciting.” Again, “*Dalda vanaspati* cooks better, costs less.” You will see that all these are false claims. If they make such claims saying that they possess such miraculous qualities, then, they must prove that those qualities are really there. The question then is, whether the burden of proof lies upon the accused. Under the circumstances, it is absolutely necessary that when they make such claims, the burden of proof must lie upon the person himself. Even in this Bill itself, you would see that proviso to clause 17 runs as follows:

“Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.”

So, my amendment is not against the spirit of this Bill. Even the Evidence Act says that if a particular fact is within the knowledge of the man concerned, then the burden of proof lies on that very person within whose knowledge that particular fact lies. In clause 19(2) of this Bill also the burden of proof is thrown upon the accused. We know that such patently false claims are being made by the manufacturers and traders: especially is this the case with regard to *Vanaspati*. So, when such false claims are made that a particular article of food possesses so many miraculous qualities, the burden of proof should lie upon the person who makes such claims. I would appeal to the hon. the

Health Minister to accept my amendment.

Rajkumari Amrit Kaur: I am sorry I have to oppose this amendment. In the first place, advertisements do not come within the scope of this Bill; some advertisements have been dealt with in another Bill that I have brought. Further, the hon. Member has quoted clauses 17 and 19. But they are not at all analogous. I submit that if I accept this amendment it will only lead to harassment. It is a very onerous burden sought to be laid upon a person and I am not prepared to accept it.

Shri N. S. Jain rose—

Mr. Chairman: The hon. Member should have stood up before the Minister replied. However, I shall give him a chance this time.

श्री एन० एस० जैन : जो तरमीम में भाई की एक्सप्लेनेशन के मातहत हैं मैं समझता हूँ कि वह बहुत मुनासिब तरमीम हैं। मैं अभी इस बिल को देख रहा था। बर्दाकस्मती से हम लोगों ने इस बिल को बहुत दिन हुए तब देखा था। अब जब यह हाउस के सामने आया है तब से फिर देखा है। इसमें आप देखेंगे कि क्लॉज २, ६ ई में दिया हुआ है :

“an article of food shall be deemed to be misbranded (e) if false claims are made for it upon the label or otherwise;”

आप मुझे हमारा करेंगे अगर मैं महज एक वकील के नुकतेनजर इसके ऊपर रोशनी डालूँ। अगर कोई मुकदमा इस सम्बन्ध में अदालत में जाय उसमें यह सवाल पैदा हो कि आया यह चीज जिसके ऊपर मुकदमा चलाया गया है इसके बारे में फाल्स क्लेम किया गया है या नहीं, तो इसका बरहन आफ प्रूफ प्रासीक्यूटर पर होगा। यह एक ऐसी चीज है कि जो फौजदारी के मुकदमों से वाकिफ हैं वह जानते होंगे कि मुलाजिम अगर कुछ भी न कहे और प्रासीक्यूटर बरहन आफ प्रूफ को पूरा साबित न कर सके तो मुलाजिम छूट जाता है। मैं

समझता हूँ कि अगर कोई प्रोड्यूसर या मैन्युफैक्चरर फाल्स क्लेम करता है तो उसको प्रासीक्यूटर के लिए साबित करना नामुमकिन है क्योंकि यह तो मुलाजिम ही जानता है कि किस लिहाज से उसने उस चीज के बारे में क्लेम किया है। मेरे भाई ने यह भी कहा कि जो चीज जिसके इल्म में होती है वार सबूत उसी पर होता है। लेकिन इसको फॉजदारी के मुकदमे में दूसरी तरह से इंटरप्रेट किया जाता है और उसमें मुलाजिम के ऊपर यह वार सबूत नहीं डाला जाता कि वह यह साबित करे कि यह जो चीज है और जो उसके बारे में लिखा है वह उसके इल्म में भूठा था बल्कि यह प्रासीक्यूटर को साबित करना पड़ेगा कि जो बात अखबार में या इशितहार में या लंबल पर लिखी गयी वह उस शख्स के इल्म में झूठ थी। मैं समझता हूँ इन कानूनी पेशीदगीयों को निकाल देना चाहिए और इस कानून को साफ बनाना चाहिए। अगर हम चाहते हैं कि इस कानून को बनाने वालों के दिलों की सफाई जाहिर हो तो हमको चाहिए कि इसमें वकीलों को लूपहोल न दिये जाय कि वह बड़े बड़े मेहनताने लेकर लोगों को बचाने में कामयाब हो सकें।

श्री जलन् राव शास्त्री : हर कानून में लूपहोल होते हैं।

श्री एन० एस्० जैन : यह तो कानून बनाने वालों और वकीलों की अक्लमन्दी की दौड़ है। वकील हर कानून में छिद्र निकाल लेते हैं। लेकिन अगर हमको कानून बनाते वक्त छिद्र दिखायी दें तो हमारा फर्ज है कि हम उनको भर दें। मैं जर्ब करूंगा कि कि यह जो एक्सप्लेनेशन मेरे भाई ने दिया है यह बहुत ही इनाकुजस है और मैं समझता हूँ कि इससे कानूनी पेशीदगीयों को दूर करने में कामयाबी हो सकेगी। इसके जल्फाब ये हैं :

"If a claim is made for an article of food that it possesses certain qualities, the burden of

proving that the claim is not false shall lie upon the person making such a claim."

मेरी समझ में नहीं आता कि इसमें क्या दिक्कत हो सकती है अगर इसको इस कानून में रख दिया जाय। इसके कहने का मतलब सिर्फ यही है कि बजाय इसके कि प्रासीक्यूटर के ऊपर यह वार सबूत हो कि वह यह साबित करे कि यह क्लेम झूठा है, यह मुलाजिम के ऊपर वार सबूत हो जायगा कि वह यह साबित करे कि यह क्लेम सच्चा है। मैं आपके सामने इसकी मिसाल दे सकता हूँ। अभी जब एंटी-करप्शन के लिए कानून बनाया गया उसमें इस तरह की दफा रखी गयी है कि मुलाजिम को यह साबित करना पड़ेगा कि उसके पास ऐसे जराये थे और इमानदारी के साथ वह इन चीजों को हासिल कर सकता था कि जिनके बारे में यह कहा जाता है कि यह चीजें उसके पास कहां से आयीं। तो मैं यह कहूंगा कि सिवा इस ख्याल के कि चूंकि यह बिल में पहले से मौजूद नहीं है इसको क्यों बढ़ाया जाय कोई ऐसी खास बजह मंत्रिणी महोदया ने नहीं बतलायी कि इसको क्यों न रखा जाय, या मुमकिन है कि मैं सुन न सका होऊंगा। लेकिन अगर इसको रख दिया जायगा तो मेरा ख्याल यह है कि हम उन कमियों को दूर कर देंगे जिनकी वजह से हम दुखते हैं कि लोग छूट जाते हैं और बच जाते हैं। मैं प्रस्ताव करूंगा कि मंत्रिणी महोदया इस पर फिर गौर फरमायें और इसको मंजूर करने में कोई दिक्कत न डालें।

Mr. Chairman: I shall put the amendment to the House. This will become Explanation No. 1, because, Explanation No. 1, was negatived.

The question is:

In page 4, after line 2, insert:

"Explanation 1.—for the purpose of sub-clause (e), if a claim is made for an article of food that it possesses certain qualities, the

[Mr. Chairman]

burden of proving that the claim is not false shall lie upon the person making such a claim."

The motion was negatived.

Mr. Chairman: Amendment No. 136.

Shri Raghavachari: I had given notice of a similar amendment earlier.

Mr. Chairman: If there are two amendments on the same subject, the amendment given by the hon. Minister will have precedence.

Shri Raghavachari: I do know that Rule, Sir.

Mr. Chairman: What difference does it make?

Shri Raghavachari: It would be more graceful...

Mr. Chairman: I have myself said that it will go in the proceedings that there was an amendment in the name of the hon. Member and yet I have called upon the hon. Minister in obedience to the rule that when there are two similar amendments the one given by the Minister should have precedence.

Rajkumari Amrit Kaur: If the hon. Member would like that amendment to go in his name, I have no objection whatever. Let him take the credit.

Shri Raghavachari: I am very thankful to the hon. Minister and I commend the amendment for the acceptance of the House.

Mr. Chairman: The question is:

In page 4, line 6, omit "manufacturing".

The motion was adopted.

Mr. Chairman: Then we go to Shri Mulchand Dube's amendment (No. 57) that in page 4, line 21, for "use" substitute "beings". Is it acceptable?

Rajkumari Amrit Kaur: No, Sir. "to human use" is very much better than "to human beings".

Shri Mulchand Dube: I like to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: Then we go to Shri Krishna Chandra's amendment (No. 90).

Shri Krishna Chandra: There is an obvious omission here. On page 7, in line 9 the words "previous approval of the Health Officer" are used. But "Health Officer" has not been defined in the Bill. Health Officers are called by different names in different States and different regions. I have simply made an effort to define "Health Officer" so that there may be no difficulty. I have said that "Health Officer" means an officer in charge of health administration in a region or a local area of a State by whatever name he is called—just on the lines on which "Health Authority" has been defined in the Bill. There is this lacuna and therefore I hope this amendment will be accepted.

Rajkumari Amrit Kaur: I am not willing to accept the amendment. If I go into details like this I shall have to accept so many other things.

Shri Krishna Chandra: Sir, I am not pressing my amendment.

Mr. Chairman: What about the second part that 'ghee' means animal fat etc.?

Shri Krishna Chandra: I am not pressing it.

Mr. Chairman: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3. (*Central Committee for Food Standards*).

Shri Kasliwal (Kotah-Jhalawar): I beg to move:

In page 4, for lines 23 to 28 substitute:

"3. *The Central Committee for Food Standards.*—(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Committee for Food Standards—

(a) to advise the Central Government and State Governments on matters arising out of the administration of this Act;

(b) to take suitable steps to create a social consciousness among the people regarding food standards; and

(c) to carry out other functions assigned to it under this Act."

I have already made a speech about this and I would like to know whether the hon. Minister is prepared to accept it.

Rajkumari Amrit Kaur: If the hon. Member would like me to say "(a) and (b)" I do not mind dividing the sentence. I do not, however, think it is necessary because it is perfectly clear. But it cannot be the duty of this Committee to take suitable steps to create a social consciousness among the people. This is a Committee meant to advise Government. The Governments will be advised as to what steps they can take for advertisement, publicity and so on. I do not think that item (b) as put forward in the amendment is at all necessary. You cannot take suitable steps to create a social consciousness in an Act; I mean it is not possible. Therefore I think the clause should stand as it is.

1 P.M.

Shri Kasliwal: Then I do not press the amendment.

Shri B. K. Das (Contal): I beg to move:

In page 4, line 26, after "matters" insert "relating to the proper implementation and".

I want that the functions of the Central Committee for Food Standards should be clearly stated. Of course it is not defined as to what duties and functions this Central Committee for Food Standards will perform; it is intended that it will be an advisory body and that it will advise the Central and State Governments on matters arising out of the administration of this Act. It is not clear whether in the matter of implementation of this Act also this Central Committee will perform certain functions. I want that the Central Committee should be a committee which will also scrutinise and supervise how the provisions of this Act are being implemented. If the words I have suggested are put in, then the function of this Committee will be more clear.

Of course when the rules are made under sections 23 and 24, this Committee will be consulted, and this Committee will also generally advise the State and Central Governments. But in my opinion if these words are put in the Act itself, then this Committee will have a wider scope and it will function better.

Rajkumari Amrit Kaur: I think that rather than widening the scope, this will be narrowing it. I think "to advise the Central Government and the State Governments on matters arising out of the administration of this Act" is perfectly clear, and it is very wide. And "to carry out the other functions assigned to it under this Act" means implementation. I would rather not narrow the clause; I think it is a good clause as it stands.

Shri B. K. Das: I do not press the amendment.

Shri S. V. Ramaswamy: I beg to move:

In page 5, after line 2, add:

"(1) two representatives of the food industry".

[Shri S. V. Ramaswamy]

This is only to clarify things. Clause (g) on page 4 says "two representatives of industry and commerce nominated by the Central Government". I want it to be more specific, that representatives of the food industry be appointed, because this deals with food adulteration. Therefore it may be specific that it will be representatives, not of any other industry and commerce, but of industry and commerce dealing with food. That is my only object.

Rajkumari Amrit Kaur: I can assure the hon. Member that, naturally, it will be the food industry that will be represented there and not an industry which is wholly unconnected with the Bill. And in addition there are experts to be nominated by the Central Government. We have tried to keep the membership as wide as possible. And I do not think the addition of the word "food" is necessary.

Shri S. V. Ramaswamy: I do not press it.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(Central Food Laboratory).

Shri S. V. Ramaswamy: I beg to move:

(i) In page 5, line 19, after "Laboratory" insert "at a central place in India".

(ii) In page 5, after line 32, add:
(3) "All such rules shall be laid on the Table of the House within one month of their being framed."

In amendment No. 22, all that I was anxious about is that it may be located at a place central to India. Perhaps this is not germane to the Act. But, I want an assurance from the

hon. Minister that it would be in a place central to India. If the hon. Minister is pleased to give an assurance, I shall be content.

Mr. Chairman: The hon. Minister has already said that in her speech.

Shri S. V. Ramaswamy: I do not press amendment No. 22. With regard to amendment No. 23, the hon. Minister has been pleased to give an amendment No. 134 on the lines of my amendment. It reads as follows:

"All rules made by the Central Government under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

This is with regard to another clause. I want a similar provision to be made for clause 4 also. I do not think the hon. Minister can have any objection.

Shri K. K. Basu (Diamond Harbour): Speak to the House. The House must be convinced before it could vote.

Shri S. V. Ramaswamy: There are certain rules to be framed for the Central Food Laboratory. There is no provision in the Bill for placing these rules framed by the Government before this House. In principle, the hon. Minister has accepted the position which I have urged in another amendment, No. 46, wherein I have stated that the rules under clause 23 must be placed before the House. To the same extent, the hon. Minister has moved amendment No. 134, accepting in principle what I have urged. If it can be accepted in respect of clause 23, there cannot be any difficulty in accepting the same position for clause 4. Any rules under clause 4 may therefore be placed before this House. That is my object.

Rajkumari Amrit Kaur: These amendments were placed on my table at about quarter past ten. I have been busy in the House and I have not had the time to study them. Considering

that I am bringing an amendment that all rules made by the Central Government under this Act shall, as soon as may be, after they are made, be placed before both Houses of Parliament, surely, that should be sufficient. You do not want anything more after each clause about rules. My amendment says, all rules made under the Act.

Mr. Chairman: The other amendment is all inclusive.

Shri S. V. Ramaswamy: I do not press my amendments.

Mr. Chairman: There is no other amendment to clause 4.

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clauses 5 to 8 were added to the Bill.

Clause 9.— (Food Inspectors).

Shri S. N. Das (Darbhanga Central): The first amendment that I have proposed is No. 24. That was the original amendment. This is a consequential amendment.

Mr. Chairman: We are now on clause 9. The hon. Member's amendment is No. 25, list No. 2. Clause 8 has been passed.

Shri S. N. Das: I say regarding clause 9. This is with regard to the appointment of Food Inspectors.

I beg to move:

In page 6, lines 41 and 42, after "qualifications" insert "and in a manner as may be prescribed".

The qualifications should be as laid down by rules which will be framed by the Central Government. The purpose of my amendment is this. The manner of appointment should also be as laid down in the rules. Of course, the qualifications will be laid down. There should be some Board which the Central Government will prescribe and through that Board, the appointment of all Food Inspectors should be

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made. Therefore, I am suggesting that these words may be inserted. The clause as amended will read as follows:

"(1) Subject to the provisions of section 14 the State Government may, by notification in the Official Gazette, appoint persons in such numbers as it thinks fit, having the prescribed qualifications and in a manner as may be prescribed....."

Rajkumari Amrit Kaur: I think this is quite unnecessary. After all, every State has its own rules and its own procedure for appointment. They will always prescribe them. It would be absurd for me in a Central Act to put these down. We have to leave it to the States.

Shri S. N. Das: I do not press my amendment.

Mr. Chairman: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10.— (Powers of Food Inspectors).

Shri Hem Raj (Kangra): I beg to move:

In page 7, line 23, after "such article" insert "and shall also inquire from him the source of the article, if any".

सभापति महोदय, क्लॉज १० का जो मंश्रा है वह यह है कि जो मिलावट होती है लुकाक की चीजों में उस को रोकना। लेकिन विधेयक का मनशा यह है कि जिस के कन्व में वह चीज होगी वही कानून की गिरिफ्त में आवेगा और जहाँ से वह चीज चलती है वह गिरिफ्त में नहीं आ सकता है। इसी लिये मैं ने पृष्ठ ७ पर लाइन २२ में अपना यह एमैन्डमेन्ट दिया है। जहाँ से वह चीज चलती है वहाँ पर चेक होना चाहिये। इस वक्त के वाक्यात को देखते हुए जो चोर की मां है

[Shri Hem Raj]

उस को पकड़ा जाय। जहाँ से वह चीज चलती है वहाँ पर सारा एंडल्टरेशन होता है लेकिन उन को पकड़ा नहीं जाता लेकिन जो रिटर्न डीलर होते हैं, छोट-छोट दुकानदार होते हैं वे ही पकड़े जाते हैं। जितने चालान होते हैं अगर उन को देखा जाय तो आप पायेंगे कि जितने छोट-छोट दुकानदार हैं उन्हीं का चालान होता है और जहाँ से वह चीज चलती है उस को कोई पकड़ने वाला नहीं है। जहाँ पर आप ने डिफेन्सज का मामला लिया है वहाँ पर आप ने यह कर दिया है कि जो पकड़ा जाय वह अगर यह कह दे कि फलां जगह से लिये हैं तो वह छूट सकता है। लेकिन यह होता नहीं है। करने वाला जो दूर से यह काम करता है उस को कोर्ट में लाया जाय। इसी को ठीक करने के लिये मैं ने अपना एमेंडमेंट दिया है। मुझे उम्मीद है कि मेरी बात को स्वास्थ्य मंत्री जी कबूल कर लेंगी।

Rajkumari Amrit Kaur: The amendment is that the Food Inspector should enquire as to the source from where the article of food has come. It is not part and parcel of the job of the Food Inspector. How can you put this kind of an inquisitorial burden on him?

Shri Hem Raj: If the hon. Minister is not accepting it, I do not press my amendment.

राजकुमारी अमृत कौर : मैं इल्मीनान दिलाना चाहती हूँ कि ऐसे लोगों का पकड़ना इन्स्पेक्टरों का काम नहीं है। लेकिन जिस वक्त कार्रवाई शुरू होगी तो जरूर इस बात की खातिर होगी कि कहीं से वह चीज आई, उस का बालिदिक कौन है और उस के खिलाफ हमें करना चाहिये। लेकिन यहाँ तो इस को नहीं लिखना चाहिये।

I beg to move:

In page 7, after line 31, insert:

"Provided further that the food inspector shall, in exercising the powers of entry upon, and inspec-

tion of any place under this Section, follow, as far as may be, the provisions of the Code of Criminal Procedure (Act V of 1898), relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code."

Shri S. V. Ramaswamy: What about my amendment No. 26?

Mr. Chairman: Let us finish this.

Is any discussion necessary on this amendment?

Some Hon. Members: No discussion.

Mr. Chairman: I put it to the House.

The question is:

In page 7, after line 31, insert:

"Provided further that the food inspector shall, in exercising the powers of entry upon, and inspection of any place under this Section, follow, as far as may be, the provisions of the Code of Criminal Procedure (Act V of 1898), relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code"

Shri Tek Chand (Ambala-Simla): On an important clause like that. I thought you were inviting some contribution

Mr. Chairman: The hon. Member was perhaps not attentive. I distinctly asked Members if they wanted to discuss this. Nobody stood up. Instead of accepting the blame for not standing up in time, the hon. Member wants to blame the Chair.

Shri Tek Chand: I do not want to blame you.

Mr. Chairman: I put it specifically to the House if anybody wanted to speak. Now, I have to put the motion.

Shri Tek Chand: If you will kindly allow.....

Mr. Chairman: I am sorry I have put the motion before the House. I am taking the vote now.

In page 7, after line 31, insert:

"Provided further that the food inspector shall, in exercising the powers of entry upon, and inspection of any place under this Section, follow, as far as may be, the provisions of the Code of Criminal Procedure (Act V of 1898), relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code."

The motion was adopted.

Mr. Chairman: There are other amendments also. They are fairly good in number. So, we cannot finish.

Shri S. S. More: Time is up.

Mr. Chairman: Let him kindly resume his seat. After all, I am stating the same thing, that the amendments are too many and therefore I do not want to proceed further. Why should the hon. Member be so impatient? He should resume his seat.

The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 25th August, 1954.