

**ESSENTIAL COMMODITIES BILL—
contd.**

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South West): I have given notice of an amendment and I think it will be better, for the information of the Members of the Select Committee and of the House, for me to give the reasons why I gave notice of that amendment. An important question arises when we have passed the Act and have left the rules to be made by the Government. Everybody knows that it is a matter which requires due consideration.

In this connection, the chief complaint I heard which I want to bring to the notice of the House is that while making the rules under the Essential Supplies Act for food and fruits, encroachment was made on certain products which are chemically prepared by some Hakims or Vaidis in the form of syrups and sherbets. Of course, so far as medical preparations are concerned, they are admittedly out of the scope of the Act, and they are to be governed if they are to be governed at all, by the Drugs Act. But unfortunately, the Drugs Act also does not deal with certain preparations which are made by Vaidis or Hakims according to the Ayurvedic or Unani system of medicine respectively. In this particular case, what happened is that they framed a rule under this Act—the Food Products (Control) Order, 1948. In sub-rule (2) of rule 18, they say that this order shall not apply in relation to sherbets containing fruit juices sold for medicinal use provided that they are sold in bottles where on clean labels, the word for 'medicinal use' either in English or in the language and script of the locality are written up.

Now, a perusal of this rule would show that fruit juices sold for medicinal use shall be exempt from the operation of this order provided the words 'for medicinal use' are written and provided they are contained in bottles bearing a plain label. The question was—the test was given

—whether they were to be used for medicinal purposes or not. But the test prescribed was that if they were contained in a bottle with a clean label, a plain label, then they will be exempt from the operation of this order. If, instead, there were some pictures on that label, if that label showed some flowers of some vegetables or something of the kind, the item would be governed by this order. One of the strangest things that I was thinking about was that how the matter is to be determined by a picture on the label of a bottle—whether it was to be governed by the Food Control Order or not. I submit that I am personally of the opinion that there must be some rule or law regulating medicinal preparations which are prepared by Hakims and Vaidis.

I am in favour of the control that is to be exercised on them. I consider it to be more necessary than the control which is on food and which must be only of a temporary kind. But, at the same time, I do not think that the Food Department, while they are providing for the preservation of food, should encroach upon the medical field. The only test that they have prescribed is that if a particular bottle has got a picture of vegetables or fruits, that bottle or medicine will be considered to be not a medicine but a food product coming under the Food Control Act. So, the reason why I have given notice of an amendment is that we must clarify the position. If we want to check the medical preparations by Hakims and Vaidis, we are perfectly entitled to do so, but that must be done by a separate legislation. This Essential Supplies Act is not to be used for the purposes for which it is not meant. I think that the Government will also consider this aspect. If necessary, they may include a provision for supervision of all these syrups that are prepared by Vaidis or Hakims under the supervision of a Board consisting of Hakims and Vaidis. I have no objection to it. That is probably necessary. But we cannot hang over this matter to the control of the Food Department while they are

[Shri Kazmi]

administering the Act only for the preservation of food.

BUSINESS OF THE HOUSE

Mr. Chairman: In view of the fact that several Members wanted more time to be added to the consideration and passing of the Bill—the Working Journalists (Industrial Disputes) Bill—which we are to take up on the 10th March, I think it is proper to put the question to the House. The following is the amendment to the Business Advisory Committee's recommendation:

"The House, while agreeing to the recommendation of the Business Advisory Committee, suggests that the question of making available further time for the Bill may be considered when the Bill is taken up by the House."

I hope the House agrees.

Hon. Members: Yes.

ESSENTIAL COMMODITIES BILL

Shri Ramchandra Reddi (Nellore): I have got to make a couple of observations on this Bill. It is noticed under clause 3 (2) (b) that an order may provide for bringing under cultivation any waste or arable land, etc. I feel that it is out of place in this Bill. It should naturally find its place in any Bill relating to the land reforms, the land development and land management. At any rate, land is not a commodity which can be brought under this control. I therefore suggest that this sub-clause might be deleted. I suggest that the Select Committee should go into this matter in greater detail.

Another suggestion that I would make is this. In the same clause, that is, clause 3 (2), an order can be issued providing for regulating licences, bringing under cultivation any waste land, etc. Usually, I am told, that in legislations made by the Centre, the orders are simply approved and published in the gazette. But in the State Governments, we find, by

practice or convention, that the draft orders are published in the gazette and then six weeks' time is given within which period objections are invited and considered. And then, the Government would take their decision on those objections, if any. If such a provision is made in this Bill, it will go a great way to allay the fears of the people who have to be governed by this measure. These are the two suggestions that I wanted to make.

The Deputy Minister of Railways and Transport (Shri Alagesan): I am sorry it has not been possible for my friend, Shri Karmarkar, to return the House to reply, but I may be permitted to reply on his behalf. I am not going to say much. I have been listening to the speeches very attentively, and I have also been taking note of the suggestions which I shall pass on to my colleague, Shri Karmarkar. It is fortunate that this Bill going before the Select Committee. So, all these valuable suggestions made by hon. Members here will be taken due note of by the Select Committee when they begin to deliberate on this Bill. I can only say that on behalf of the Government we are pleased to accept the motion to refer the Bill to a Select Committee moved by Shri Venkataraman.

Mr. Chairman: The question is:

"That the Bill be referred to a Select Committee consisting of Shri N. M. Lingam, Dr. Suresh Chandra, Shri Ganesh Sadashiv Altekar, Shri Basanta Kumar Das, Shri Ghamandi Lal Bansal, Shri Radheshyam Ramkumar Morarka, Shri Bhagwat Jha Azad, Shrimati Tarkeshwari Sinha, Shri Tribhuan Narayan Singh, Shri Raichandbhai N. Shah, Shri Nandlal Joshi, Shri Chaudhri Muhammed Shaftee, Shri Bishwa Nath Roy, Shri Khushi Ram Sharrpa, Shri Debeswar Sarmah, Shri Banarsi Prasad Jhunjunwala, Pandit Thakur Das Bhargava, Shri Narendra P. Nathwani, Shri

Shivram Rango Rane, Shri Tek Chand, Shri Tulsidas Kilachand, Shri Asoka Mehta, Shri M. S. Gurupadaswamy, Shri Shankar Shantaram More, Shri A. M. Thomas, Shri U. M. Trivedi, Shri Kamal Kumar Basu, Shri Tusshar Chatterjea, Shri D. P. Karmarkar, Shri T. T. Krishnamachari, and the Mover, with instructions to report by the 15th of March, 1955."

The motion was adopted.

RAILWAY STORES (UNLAWFUL POSSESSION) BILL—contd.

The Deputy Minister of Railways and Transport (Shri Alakesan): I beg to move:

"That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, as passed by Rajya Sabha, be taken into consideration."

Sir, this is a small Bill which seeks to achieve two things; one to replace the Railway Stores (Unlawful Possession) Ordinance promulgated on 13th May, 1944 which is still valid and applies to the whole of what was British India, and, secondly to make the provision of the legislation applicable throughout the Republic with a view to preventing persons from having unlawful possession of railway stores and trading in them thereby endangering the safety of railway operation. It became necessary during the last war to provide that whoever is found or proved to have in possession of any article of railway stores shall be punishable with imprisonment for a term which may extend to five years or with fine or with both if the court sees reasonable grounds to show that such article happens to be or to have been the property of any railway administration unless he proves that the article came into his possession lawfully. But being an Ordinance, although not restricted to six months only, in validity, some of the States were not aware of its continuance, its applica-

tion was also not extended to most of the present Part B States. The police and security organisations have therefore met with serious difficulty in curbing the anti-social elements who have been making profit at the expense of the railway revenue by selling railway articles and trading in them. In certain important railway centres the States have experienced serious difficulties in launching prosecution against the smugglers or culprits on account of the presence of the Ordinance not being applicable to some of the Part B States. The Bill is intended to remedy this defect. When it is passed into law the Railway Stores (Unlawful Possession) Ordinance will cease to be in operation and its provisions will apply to all the States throughout the Indian Union including the Part B States as a permanent measure.

Mr. Chairman: Motion moved:

"That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, the whole of India and to re-enact its provisions, as passed by Rajya Sabha, be taken into consideration."

Shri Nambiar (Mayuram): I have gone through the Bill carefully and as the Deputy Minister for Railways has just now said, it is a very small one. He says it is a non-controversial Bill, it is after all a very good Bill for the benefit of the railways of the country and, therefore, it may be passed straightaway. That is his argument and he says that at present there is something like a law of that kind existing as a result of the legislation or, rather, extraordinary decision taken by the Governor-General 1944 in the way of an Ordinance. He says the whole thing is still in vogue throughout India except the Part B States. Therefore according to him there is already a law in existence and what he wants is only to extend it to the Part B States also.

But, I do not consider it in that light. There may be a law existing today as a result of the Ordinance issued by