

the next day, that is, on Sunday. And, on Sunday too the examination could not take place. But the IIM management says that it is a minor issue and nothing serious has happened. The contract for conducting this online examination was given to an American company. I would not like to name that company here. But the same company has been entrusted the responsibility of conducting the GMAT examination too. I don't know what is the status in the matter, now. Sir, at least, 50 per cent of the students could not take their examination. What is their fate? What is their future? The students, who are aspiring to take admissions in the IIMs, the foremost and premium management education institutes in India, have really been working hard to get success in the examination. But, when the time came, they could not even log on. You can imagine the plight and the mental situation of those students.

Sir, in Mumbai, students, not only from the city but also from the remote areas, had come on Friday night to appear in the examination. They spend a night there. On Saturday, they go to the examination Centre. They are asked to hold on for another day. Again, on Sunday, they go to the examination centre, but they are asked to go back. Where do they stay? In the morning, I received a complaint from a candidate from Lucknow. Children, from areas near to Lucknow had also come there. There was a cold wave. They stranded in Lucknow for two days and, again, went back. Now, the IIM is saying that exams have been rescheduled. Rescheduling of exam will be of no use. If the exam is rescheduled for sometime in December, at that time, (Time-bell) there would be other examinations also. Therefore, I request the House to take up the matter. Please do not play with the future of these children. They are our future managers. Therefore, I request the hon. Minister to take care of this and come back to the House with a proper answer.

SHRI RUDRA NARAYAN PANY (Orissa): Sir, I associate myself with the issue raised by the hon. Member.

MR. DEPUTY CHAIRMAN: The House is adjourned to meet at 2.00 p.m.

The House then adjourned for lunch at forty-one minutes  
past twelve of the clock.

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The House reassembled after lunch at two of the clock,  
[MR. DEPUTY CHAIRMAN in the Chair.]

#### **GOVERNMENT BILL**

##### **The Legal Metrology Bill, 2008**

MR. DEPUTY CHAIRMAN: Let us take up the Legal Metrology Bill, 2008. Yes; Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K.V. THOMAS): Sir, I beg to move that the Bill to establish and enforce standards of

weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matter connected therewith or incidental thereto, be taken into consideration.

*The question was proposed.*

श्री एस.एस. अहलुवालिया (झारखंड): उपसभापति महोदय, we are discussing the विधिक मापविज्ञान विधेयक, 2008, *i.e.*, the Legal Metrology Bill, 2008 and I would like to make some observations on it. Sir, many Members were asking, 'what is this 'legal metrology and is there any 'illegal metrology' also? So, why is this name!'

Then, what does this 'metrology' mean? If we read the Hindi name of 'metrology', it is 'मापविज्ञान'; the Hindi name is 'मापविज्ञान', 'science to measure'. Sir, it is not a new thing. If you read the ancient text, 'मनुस्मृति', you will find that one of the duties of the King was that the King should examine the weights and balances every six months to ensure true measurement and to mark them with the royal stamp. I am not saying this; it is mentioned in 'मनुस्मृति', Chapter 8 and Shloka number 403. So, this was mentioned in ancient India. ... *(Interruptions)*... अरे, उहलिए भाई। मैं हर चीज का पंडित नहीं हूँ। मैं संस्कृत में शपथ जरूर लेता हूँ, लेकिन श्लोक याद नहीं रखता। ...*(व्यवधान)*... मैं आपको इतिहास याद दिलाता हूँ और याद दिलाने के लिए यह बताता हूँ कि जब जहांगीर के यहां बेटा हुआ, तो उसका वजन करने के लिए उसको भी एक तराजू पर बैठाकर वजन किया गया। That is also a way of measurement. अब आप कहेंगे कि मैं जहांगीर के टाइम में पैदा ही नहीं हुआ, तो कोट क्यों कर रहा हूँ, ऐसा नहीं है। ....*(Interruptions)*...

SHRI M. RAMA JOIS (Karnataka: Ahluwaliaji, my book 'Legal and Constitutional History of India', is a textbook for the law degree; everything is there, including Shloka.

SHRI S.S. AHLUWALIA: Good, Sir. Good, good. ...*(Interruptions)*... Sir, in the Harappan era, which is nearly 5000 years old, one finds excellent examples of town planning and architecture. That is again a metrology. The sizes of the bricks were the same all over the region. Even the brick size is same. In Harappan excavation, the Archaeological Department's people and the foreign archaeologists found the bricks of same size in the entire Harappan area. That means that there was a system earlier. Now we have three inch thick and six inch thick bricks available, but in those days, different types of bricks of the same size were available. Sir, during the time of Chandragupta Maurya, some 2400 years ago, there was a well-defined system of weights and measures. The Government of that time ensured that everybody used the same system. In the Indian medical system, Ayurveda, the units of mass and volume were well-defined. Sir, when we were under the Imperial rule of Britain and during the time of Mughals, the system of yard or gaj was used. Even now, when we go to the rural parts of India, they say, कितने गज का सामान लेना है? And if you go to Maharashtra and ask for a saree, they ask, 'कितने हाथ की साड़ी लेनी है, सात हाथ, नौ हाथ, तेरह हाथ?' So, they measured it with hands.

**श्री विजय जवाहरलाल दर्डा (महाराष्ट्र):** आप साड़ी को बीच में क्यों लाए?

**श्री एस.एस. अहलुवालिया:** मैं गज और मीटर की बात कह रहा हूँ। जो बिल पढ़ा है, इसमें इन्होंने कहा है, to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto. मापना, नापना और नंबर अर्थात् संख्या से गिनना, इन तीनों चीजों का जो मापदंड है, उसके लिए यह legal metrology बिल है।

Sir, after 1947, the Britishers discussed with the Indian Government and they wanted to bring a new Bill. They wanted to bring changes; पहले तौला, रत्ती तौला, मासा, सेर, मन, पसेरी का हिसाब चलता था, उसके बाद they thought they should use ounces, pounds, gallons and all these things. Then we switched over to the metric system. The first Bill came in 1956 — the legislation of Weights and Measures Act, 1956. After that there were two Bills — one in 1976 and another in 1985 — and now they have brought this Bill in 2008, which is not only a new Bill but also seeks to repeal the earlier two Bills. I do not know why, the provisions that you wish to incorporate today were not incorporated in the 1976 or 1985 Bills. Most of the clauses that are being brought today were part of the regulation passed in 1985. Sir, this Bill seeks to bring in laboratories and testing centres. In January, 1950, the National Physical Laboratory was inaugurated by the then Deputy Prime Minister, Sardar Vallabhbhai Patel. The prime duty of the National Physical Laboratory was to look into the issue of the legal metrology system and they were the testing centres. With the passage of time, and with globalisation, the markets lying in far-flung areas came closer. Earlier we were not doing trade and commerce with many countries; now the entire world is open for trade and commerce. Now, we have to interact with them and we have to do trade and commerce with those countries or Governments. So we have to maintain universal metrology, which means we need to see whether the measures are same or not, whether the weight is same or not, whether the number is same or not. When we are talking about European Union; when we are talking about America; when we are talking about Britain and when we are talking about ASEAN countries, we have to maintain a uniform metrology.

Sir, something new that this Bill has brought is that it allows a company to nominate one of its Directors to be responsible if the company commits an offence. I think this has come from this notion that, say, a pharmaceutical company is manufacturing a tablet of 10 mg that you are taking for your treatment, and instead of 10 mg the tablet is carrying 9.5 mg. For each tablet, the company is saving 0.5 mg. If it is caught, who will be responsible in the whole company? Now to fix the responsibility of one man, this Bill is brought. Now suppose it is gold. It may be 10 gm gold, or, 20 gm gold, or, 50 gm gold or 100 gm gold. It's value is very high. If it is 9.999 gm in place of 10 gm, who will be responsible? Normally, they write 9.999 per cent purity. If in the guise of this mention they cheat customers, who will be responsible? Similar is the case for grocery items also. You buy a packet because you believe the packet and what is written on the label. When you buy cloth or wire or anything which can be measured by length, you believe the

stamping on the product and what is written on the product. The entire trade and commerce is done on the basis of quality and quantity. For quality, there are standards. For quantity also there are standards, but still we are lacking something. So, there we want a uniformed system which can match the international market, and that is the reason that this Bill is brought. Now, there is a procedure for appeals. The appeal procedure does not follow the principle of separation of power because it allows senior Government officers to act as an appellate body instead of courts. Now, everything is in your hands. Why do you want to keep this appellate authority in your hand? You are a regulator. The appellate authority should be under the judiciary or some other independent organisation. Then the Bill is not clear whether imported pre-packaged goods can display other units in addition to the standard units of weights and measures. Also non-metric system is used in land measurement. Today the Chinese products are flooded in the market. If you buy a Chinese product, sometimes you do not find anything or any instruction in English. It is in Chinese or in Arabic. You cannot read what is written there and what is the specification. Not only the measurements, but also other instructions and cautions should be mentioned in an international language which is known in that area. Chinese and Arabic are international languages as far as the United Nations is concerned, but they are not known to the Indian population.

Of course, if it is written in English, one can understand. So, there is no such provision for the imported packaged products. Now, although the Standing Committee has recommended about the Government-approved testing centres to verify the weights and measures, rule-making power should remain with the State Governments. Since local conditions differ from State to State, there should be provisions for taking cognisance of offence.

Now, while framing this Bill, a Central Act, you should see this aspect also. I was looking into the websites of the Maharashtra Government. The Legal Metrology Department of Maharashtra is well advanced. So, if they are advanced and they have a system, local laws are there, local legal formalities are there, have you incorporated those conditions that tomorrow, if you want to enforce this for those who are violating this, whether they can be punished under the Central Act or the State Act? Who will be the enforcement agency? And, if it is a State, and if States are objecting because they already have their laws, are they also going to repeal their laws and ultimately adopt this law? Or, are they going to accept it in totality and pass similar laws in their States? That point is not clear. Sir, there are certain discrepancies. I just wanted to do a small comparison between the Bill of 2008 and The Standard of Weights and Measures Act, 1976, and Standard of Weights and Measures (Enforcement) Act, 1985. The definition in the 2008 Bill is, "Legal metrology means the treatment of instruments and units of weights and measures to meet mandatory technical and legal requirements in order to ensure the security and accuracy of the weights and measures." I believe, you have taken this from Manu Smriti,

where a King is bound to check this within six months' time. And, I do not know since when UPA Government started copying the Manu Smriti because, this definition was not there in the Acts of 1976 or 1985. ...(*Interruptions*)...

Now, Sir, regarding exports, the Bill says, "provisions of the Act do not apply if weight or measures is manufactured exclusively for export", whereas in 1976 or 1985, exports of weights and measures is regulated. Now, in the case of export, why is it not regulated? One should see in detail as to why it is not regulated. Then, I come to 'approval of model'. Every person has to get an approval of the model of weight or measures he wants to import or manufacture from an authority to be prescribed. Some categories are exempted such as cast iron, brass, bullions, etc. The Standard of Weights and Measures Act of 1976 and the Act of 1985 say that every person has to get an approval of the model of weight or measures he wants to make or manufacture in the manner to be prescribed from the Central Government. Some categories are exempted such as cast iron, brass, bullion, etc, and any means for measuring instrument manufactured for exclusive domestic use unless used by the medical profession. Here, the point was different. Now, there are three types of measurements done — one is the manual measurement; another is the mechanised measurement; and the third is the digital measurement. Now, who is going to do the calibration? It was done by the National Metrological Institute and especially the National Physical Laboratory will do it, or you are going to come out with a new National Metrological Institute which is going to do it — the calibration and regulation check of the calibrations.

With regard to registration, a person has to register with the Director in order to import any weight or measure; the imported weight or measure has to conform to specified standards. In the Acts of 1976 and 1985, it was written, a person has to register with the Director in order to import or export any weight or measure; and, all users of weights and measures have to register with the Controller except the international vendors.

As far as verification is concerned, weight or measure to be used for transactions has to be verified in the prescribed manner by the Controller. According to the earlier law, the weight or measure to be used for transaction has to be verified in the prescribed manner by the Controller, and, it has to be re-verified periodically. So, it was little better. But now, it is 'once'. The 2008 Bill speaks about allowing Government approved test centres to verify prescribed weights and measures. The centre shall be notified by either the Central or the State Government; which was not allowed by the earlier Act.

With regard to the liability of the Company, a company can nominate a Director who shall be responsible for complying with the provisions of the law. The earlier provision was that every person, who was in charge of the company, shall be liable in case the company has committed an offence. Normally, what happens is that the Chairman or the Managing Director decides the policy of the company. The calibration is done. The calibration of the equipment, weighing balances is done by the National Physical Laboratory or the National Metrological Institute. But

later on, it is manipulated. The worker or the person who is working on them is not aware of the manipulation done on the weighing scale or manipulation done in the calibration. Now, only one person, the Director, the nominated Director is the scapegoat. Not the policymaker, who will take the decision, commercial decision, or, the manufacturing decision, but a director, maybe a law officer, or, maybe an instrument officer, will be liable for this. I do not know whether he will be a certified person or not because the qualification of the Director is not mentioned here. If he is not an instrument engineer, what will he do and how will he know that the calibration is not manipulated. If he is only a shareholder of the company or *rishtedaar* of the owner, he will manipulate these things.

As far as rules are concerned, the Central Government has the power to make rules. The earlier provision was, the State Government may make rules relating to enforcement after consulting the Central Government. We are discussing this matter in the Council of States, and, if the right of the State is snatched by the Central Government, I would protest there. As a Member of the Council of States, I am duty-bound to protect the interest of my State. So, why will you not allow a State Government to make rules with the approval of the Central Government?

Now, for packaged commodity, every pre-packaged commodity has to be manufactured, packed, imported or sold in such standard quantities or numbers as may be prescribed. But whereas in 1976 or 1985, it mentioned, commodities in package form shall be made or sold with the label, which states the identity of the commodity, the net quantity, accurate number of the commodity, if sold by number, sale price and unit sale price.

Now, everyday we watch the *Jago Grahak* campaign in television. The customer must wake up. And, there they say don't believe what is written there. That is the maximum retail price. You can still bargain. But now you want a packaged system where the price is not mentioned. Why? You must have a price. Otherwise it will be a self-defeating argument on television by the Consumer Department, Government of India that *Jago Grahak*.

Then come penalties. It enhances fines for offences and in some cases terms of imprisonment. Earlier it prescribed fines and imprisonment for offences such as use, manufacture or sale of non-standard weight or measure, use of unverified weight or measure and use of counterfeit seals. So, simply saying that we have enhanced the fines and imprisonment is not going to solve the problem. What are the offences? That should be specified. Why has it not been specified in this 2008 Bill? Sir, clause 49 sub clauses (1) and (2) talk about nomination of Director which I have already explained. Then, clause 50 sub clause (1) talks about appeals. I have already raised that issue. Then, Sir, use of non-metric system, that is, clause 11 and 7. The Bill states that only standard weights, measures or numbers shall be used and it defines standard weights and measures as weights and measures which follow the metric system. Use of non-standard weights or measures is a punishable offence. I can understand that instead of using kilogram, they can't use *sair* or in place of tons or metric tons,

they cannot use mans. That I can understand. But here there is a lacuna. It is not clear that if a good displays some other unit such as pound — if it is Great Britain, it is pound — whether we will accept it or not. It is not mentioned here. In addition to standard units, this issue may frequently occur in case of pre-packaged goods imported from countries that use different system.

MR. DEPUTY CHAIRMAN: How much time will you take?

SHRI S.S. AHLUWALIA: I am just concluding, Sir. Currently non-metric measurements are frequently used in some fields such as land measurement. Still we are calculating our land into *bighas* and acres. We have not started the measurement in metric system. This Bill would require all such measurement to use the metric system only.

Sir, the Standing Committee very categorically said that instead of allowing Government-approved test centres to verify weights and measures, the State Government organisations should be strengthened, trained and equipped through Central grant to carry on verification because Central Government cannot start these testing centres in every State, right from Kashmir to Kanyakumari and from Kutch to Kohima. They may be planning to outsource it. They may bring some foreign company and outsource it. Some weights and measures company from Canada or U.K. or France or Germany will come and take over. So, instead of doing that, I believe, that it should be done by some Government organisation because if you allow the multi-national weights and measures company, which is the normal practice in Europe and America, if you adopt the similar line here, then, there are chances of manipulation because you are not depending on Government authority, you are depending on individuals or business houses which are making money.

Their business is to earn more money. So, they may be pliable. They may be going to play in the hands of the manipulators. That is not fair. Rule-making powers should remain with the State Government since local conditions differ from State to State.

If you go to Nagaland, you will find different situations; if you go to Goa, you will find another system; and if you go to rural Bihar, or Bengal, or Orissa, you will find another system. Why don't you allow the State Governments to make the rules? There should be provisions for cognisance of offence. First you take cognisance of it and then say, yes, he has done some cognisable offence. Then only you can fine or punish a person. That can be done by an enforcement officer at the ground level, that is, a Government officer. Otherwise, what will happen if you outsource everything? An outsourcing company will report to you and on the basis of his report — which may be a manipulated one, that is my apprehension — you are going to punish your own people.

These are my small submissions before the House. While passing the Bill if the Minister confirms that he is going to bring all these things together, I am in support of the Bill. Thank you, Sir.

**श्री विजय जवाहरलाल दर्डा:** इनका जो भाषण हुआ, इनको measurement करके भाषण देना चाहिए था।

**श्री उपसभापति:** वह measurement हम करेंगे।

**श्री एस०एस० अहलुवालिया:** आपने बोला था 20 से 30 मिनट में खत्म कर दीजिएगा, मैंने 29 मिनट में खत्म कर दिया।

SHRI P. KANNAN (Puducherry): Sir, I am very happy to speak on the Legal Metrology Bill, 2008. It is my maiden speech or deliberations or comments. Our party leader, Kurien sahib, contacted me today and asked me if I will speak on it. I agreed happily because this is a thing which is very much affecting the people of the country, particularly the poor people of the country. Our perception of measurement may be an inch or a gram, but in respect of money, we cannot imagine the amount looted by big houses — not all big houses but some big houses — and some companies and some people who are in the trade. At least I cannot imagine how much money they make by illegal means. That money belongs to poor people, the middle class people. And, of course, affluent people also pay for that without minding for that.

Sir, I would like to bring these things to the notice of the House. If I start from the Public Distribution System (PDS), I am hundred per cent sure, not only in my State but, invariably, throughout the country, people living below the poverty line are not given the quantity or amount they should be given. I can say that it is 100 per cent true, whichever Government may be in the State. I don't want to do any politics here. No politics. I have seen many people coming to me and telling that instead of one kilogram, they are given 700 or 800 grams, particularly sugar and all those things. They don't have pucca measurement. They don't have uniform measurement machines throughout the country, as Mr. Ahluwalia said. I don't know what can be done in this regard throughout the country because it is a matter of whole country. States have got their own powers. Mr. Deputy Chairman, Sir, through you, I would like to bring to the notice of the House that we can do something in this regard to have uniform measurement machines as we do in elections, like Electronic Voting Machines. When you can do it for voting, why don't you do it for PDS, for every measure and for every commodity? If it can be done in coordination with the State Governments, then, we can sort out the differences in measurement so that people can get the correct quantity.

Sir, we are seeing some good advertisements on television. I really appreciate that. Sometimes, even if it is in Hindi, it serves the purpose. It's a very good thing. We have seen on television the advertisement that one lady is purchasing and the other lady comes and tells her the nitty-gritty about price, measurement, etc. It is a good thing. It has to be done vigorously and rigorously. It has to go to the rural people. Then, there will be awareness. Without people's awareness, we can't do this successfully.

Secondly, Sir, the supervisory machinery normally is with the Government people. Of course, there are bureaucrats. Without bureaucrats and executive, we can't implement all these things. We need them. We want them. There are many good bureaucrats. Of course, our Prime

Minister, hon. Manmohan Singhji, was a bureaucrat. We had such a wonderful bureaucrat and he has become the Prime Minister of the nation. By God's grace, now he is leading the nation...*(Interruptions)*... I am sorry. He is leading the nation in a new era, I can say, in a golden era. It is not because I belong to the Congress Party that is why I am saying this. He is being appreciated throughout the world. But, Sir, we can't totally rely on bureaucrats and bureaucracy. Things like what to do and how to do have to be sorted out. I am just putting forward this suggestion. This can be subject to alteration, correction or anything else. I don't mind rejection. You are there to reject. Mr. Deputy Chairman is here.

The next thing is, I would like to involve consumers, sellers and officers. Not only one officer. Normally, when we go to Revenue Department to get a certificate, the certificate is not given by a single officer. You all must be knowing that. What they call it is a lower level officer. It is a village level officer. He gives the certificate and it is endorsed by the Deputy Tehsildar and the Tehsildar. Then, it goes on like that. In this case also, it has to be like that. You cannot give it to one person. Sir, I am sorry to say, I am ashamed to say, we know people who are in this Department, people who have been working in this Department are big, big crorepatists in the country. How? When they work in some vulnerable departments, they become money makers, great money makers, because the system is making them to loot money like this. Kindly don't entrust this to a single officer, whosoever he may be. So, we must have a collective responsibility. And on the company side also — I have not studied it completely, Sir, honestly speaking, but I have just gone through it and I have heard that — do not fix the responsibility on one executive; otherwise, he will become a scapegoat. The company will make him a scapegoat. Let the company give him the responsibility. Let it fix the responsibility on this one gentleman. I am not saying, let us hang him for this kind of a small crime or an offence. But the company must take the responsibility and say, "Yes, we have committed a mistake. We have done the wrong thing. We will correct it." If we ask the press, whenever they make some mistake, to publish it tomorrow, the responsible press does it. The next day, they correct it and publish it. Like that, companies have to come forward and say that they have committed the mistakes, that their companies have committed the mistakes and they will correct it in future; it will not be repeated in future. Like that, companies must fix the responsibility. Sir, the Legal Metrology Bill is a fundamental Bill; the measurements and other things you need; I know that. It is a very interesting thing. Many people may not be knowing. Even in the sale of gold, illiterate people are, what should I say, fooled by some companies, by some merchants. Gold is not a small thing; it is not an ordinary thing. "Yellow Metal" is not an ordinary thing. Instead of two grams they give only 1.7 grams! How do they know? That is a very serious problem, Sir. I do not know every thing. Our seniors are there. I request my seniors, who are sitting here, to appreciate me if I say anything correct. I request my colleagues, if I do or say anything wrong, to educate me, to correct me. I am not a person who knows everything. I am only a learner as far as this

House is concerned. My guru is sitting over there, our Deputy Chairman! And you are all my professors! Teach me. Kindly teach me. So, Sir, my heart goes to the people of my nation. Whether it is an all-India thing or whether it is vested with the Government of State, let us make coordination. Let us not split it wholly as a State power or as a Central power. This thing needs both Governments' involvement and their role. Then only it could be a successful one. With these words, I wind it up, Sir. Thank you, Sir.

SHRI MATILAL SARKAR (Tripura): Mr. Deputy Chairman, Sir, I would like to make some observations on the Legal Metrology Bill. I think, the word "legal" should not have been included here because when a Bill becomes an Act, it becomes legal! When a Bill becomes an Act, it is legal. It has legal status. By adding the word "legal", we are just emphasising on one undesirable thing. I just remember the method of measurements during my childhood. That was a very complicated system. Inches, feet, yards, miles, maunds, seers, chataks and all these units were there. In the calculation, sometimes the parameters were 40 and sometimes the parameters are 16 and like this. When the new system emerged, we were afraid whether the sellers would be benefited and the consumers would be the loser. If the new systems come into force, some traders might deprive innocent persons. When this new system came into vogue, the metre system or the decimal system, was much more easier to understand than the earlier one. Even then we can't measure certain things. It is beyond our reach. We can't measure a point. We can't measure a straight line as a whole. We can't get the biggest number. We can't get the smallest number. Even then we are measuring length, volume and weight and now we are measuring time also. Though time does not come under this Legal Metrology Bill, it is an important thing.

Coming to the Bill, Sir, the main point is: Who will have the power of regulation, whether it is the Centre or the State? This is a matter where the Centre can curb the rights of the States. The Centre will make the Act and frame the rules, and it will be executed fully in the States. If the States don't have any role in the making of the rules, it will be very difficult for the States to execute it.

Coming to the definition of the GATC, Government Approved Test Centre, it was pointed out in the Standing Committee more than once as to why there was no definition of GATC. In Legal Metrology Bill there is no definition. What does the Government Approved Test Centre mean? What is its function? How far is it going to be beneficial and whom? It is not defined. That is why the Standing Committee was of the opinion that the GATC concept should be removed. I am a Member of the Standing Committee. In the Standing Committee meeting the Members suggested that the Government Approved Test Centre should be removed because there was no definition and the works to be done by this Centre can be done by the State Governments. You strengthen the State Governments. You give them grant. You give them suggestions. You make programmes for all the States. You are switching over to a new system,

whatever it may be. The State Government will do what you are going to do by giving powers to the GATC. But that was not considered. The Standing Committee recommendation was not considered and I find that the GATC, the Government Approved Test Centre, exists in the Bill.

What was the reply of the Government? The reply of the Government was, "It is self-explanatory." So it does not require any explanation as to what is meant by GATC. I think this complication still exists there and it needs to be revisited, whether GATC should remain or it should be removed. The State Government may do these works. You may render whatever suggestions you want to render to the State Government. The Standing Committee was of the opinion that Government Approved Test Centre should be done away with. If you maintain GATC, it will be under which Government? Will it be under the Central Government or the State Government? Then there will be a variety of approved test centres. The situation will become more cumbersome. That is why the Standing Committee was of the opinion that the concept of GATC should be done away with.

Now I come to clause 52 — power to make rules. It is said that power to make rules would vest with the Central Government, not with the State Government. Sir, every morning, fishermen come to my house and say, "Sir, you take some fish from us." They are generally having one kilogram weighing appliance. But if we have to take small quantity, then what we see is, they bring some stone or a piece of brick and place it on one side of the weighing instrument and on the other side they place the fish. We do not mind it because they are poor people. They cannot purchase these weighing boxes. The whole problem is its cost. They are very poor. Somehow, they could purchase one kilogram weighing instrument, but for weighing half a kilogram, they use some stone or a piece of brick. These fellows are not thieves. They are poor people. My earnest request to the Government is, the Government should provide these weighing appliances to the small traders at the cheapest possible rates. They should be provided with these appliances at subsidised rates so that they do not face any difficulty. If due to switchover of the system they have to lose their jobs, they have to lose their profession, the situation will become more difficult for them. Therefore, my earnest request to the Government is, wherever you are going to enforce it, you provide these measuring appliances to the small traders at subsidised rates.

Now I come to the punishment part. If a company commits any offence by weighing less, then the person concerned will be punished, not the company. It is the company which is sending that person. So the person, who is in charge, becomes the scapegoat. He will bear the brunt of punishment and the company will escape. This was discussed in the Standing Committee. The whole company should be held responsible. Maybe, the person is involved in it. He may be serving the company. He is, after all, working for the company.

3.00 P.M.

Sir, in the case of outsourcing, the Government has taken into account a wide range of imports. Now, sugar also comes under this arena of import. Rice was not imported earlier for some years. But now, rice is also going to be imported. So, we are becoming a very weak country having large imports, and we are legalising all these criteria. We are going to liberalise all these conditions. When this is going on in a tremendous way, what will be the fate of these measuring appliances? Who will care for these things? You have mentioned that 'sophisticated appliances', delicate and accurate, will be provided. We all admit that qualities of honesty are very much needed. There it needs to have accuracy. But the thing is that in the name of sophistication, we are going to eradicate a large section of traders from the market saying that they are not abiding by the new system. They will have to drop from the field. Only those who are capable of maintaining all these sophistic methods will survive. It is a threat to those who are working at the grassroots, the poor traders and small businessmen. What security will be there for them? Sir, the capacity to make rules and the power to make rules should vest entirely with the State Government, not on the Centre. This should be entirely left to the State Governments. The Centre should provide some model rules. The State Governments will adopt these rules according to the suitability to the States because different States have different systems, different set of environment and different practices. We cannot override them. We cannot bulldoze them. There should be some model rules initiated at the Centre. But, for adopting them, the States will devise its own policies, its own systems. That should be the main purpose of this Bill. Otherwise, the whole spirit will be defeated. Thank you.

**श्री बृजभूषण तिवारी (उत्तर प्रदेश):** महोदय, जो विधेयक लाया गया है, इसके उद्देश्यों में यह बात कही गई है कि समय को देखते हुए और जिस प्रकार से टेक्नॉलोजी का विकास हो रहा है उसको देखते हुए अब तक के जो पुराने नियम और कानून थे, जैसे 1956, फिर 1976 और फिर उसके बाद 1985 का था, इन सब के बाद 2008 का यह विधेयक लाया गया है। इस विधेयक पर स्टैंडिंग कमेटी में भी काफी तफसील से चर्चा हुई थी। परन्तु उसके बहुत से सुझावों को इसमें स्वीकार नहीं किया गया है। अभी माननीय सदस्यों ने कुछ बिन्दुओं पर जो अपने विचार व्यक्त किए, उनके कई बिन्दुओं से मैं भी सहमत हूँ, क्योंकि यह ठीक है कि पूरे देश में एक प्रकार की व्यवस्था या सिस्टम माप-बाट का होना चाहिए, क्योंकि आप जानते हैं कि हमारे देश में गरीब लोग हैं और जो उपभोक्ता है वही विक्रेता भी है। तो जो छोटे लोग हैं जैसा कि माननीय सदस्य ने अभी कहा कि कहीं ईट के टुकड़े से नापा जाता है, कहीं अनाज को अनाज के बराबर तौल कर और फिर उसका आधार बनाकर के उसका नाप तौल होता है।

परन्तु इसमें जो बड़े लोग हैं, बड़ी कम्पनियां हैं, वे छोटे लोगों के साथ बहुत दगा करती हैं। मेरे इलाके में गन्ना चीनी मिलें हैं और गन्ना किसान अपना गन्ना लेकर जब बिक्री केन्द्रों पर जाता है, तब बहुत से नामी-गिरामी जो चीनी मिल मालिक हैं, उनकी कमाई का बहुत बड़ा श्रोत घट-तौली होता है। गन्ना किसान बेचारा गन्ना बेचने जाता है और वे (मिल मालिक) नई-नई किस्म के नये तरीके ईजाद करके, उन मशीनों में हेरफेर और गड़बड़ी करते हैं। यही हालत पेट्रोल पम्पों पर होती है और जो बड़ी-बड़ी कम्पनियां पैक सामान बाजार में लाती हैं, उनमें जो क्वांटिटी अंकित है या दिखाई गई है, उसके बराबर उसका माप सही नहीं होता है, इस

प्रकार की व्यवस्था हमारे यहां है। यह एक अच्छा प्रयास है, एक अच्छा कदम है कि आपने पूरे देश के पैमाने पर एक नाप की मशीन की व्यवस्था की है और उसके लिए जो आपने पेनल्टी प्रावधान किए हैं, वे भी स्वागत योग्य हैं।

इस सम्बन्ध में मेरा एक सुझाव है, इन मशीनों का ज्यादा उत्पादन करेंगे, ज्यादा मशीनों का निर्माण करेंगे और उसके लिए आपको कम से कम सबसिडी भी देनी पड़े, अगर आप सबसिडी देंगे, तो यह छोटे दुकानदारों तक या गांव के दुकानदारों तक पहुंच सकता है। अब इसके लिए कई प्रकार की व्यवस्थाएं हो सकती हैं, लेकिन वह टेस्ट सेंटर से सम्भव नहीं है। यह अधिकार आपको राज्य को देना पड़ेगा, क्योंकि राज्य में माप-बाट विभाग है और वह विभाग इसकी वैरिफिकेशन करने का काम, जांच-पड़ताल करने का काम, मुकदमा लिखाने का काम, ये सारा काम करता है। परन्तु आप ज्यादा से ज्यादा जिन नई मशीनों का इस्तेमाल करवाना चाहते हैं, अगर आप उसकी सोसायटी बनवा दीजिए या व्यक्तिगत कोई सबसिडाइज्ड रेट पर लेना चाहे, तो वह ले सकता है, तो इस प्रकार से इन मशीनों को उपलब्ध कराने की अगर आप व्यापक पैमाने पर व्यवस्था करेंगे, तो मैं समझता हूं कि इससे उपभोक्ता को भी फायदा होगा और विक्रेता को भी फायदा होगा।

दूसरी बात यह है कि आपने इसका नियम बनाने का अधिकार सेंटर को दे दिया है। हमारा देश बहुत बड़ा है और इसकी अपनी अलग-अलग व्यवस्थाएं हैं, अलग-अलग तौर-तरीके हैं, मैं समझता हूं कि इसको प्रभावी तरीके से अमल में लाने के लिए यह आवश्यक है कि आप राज्य सरकारों को यह अधिकार दें कि वह अपने हिसाब से इस सिलसिले में नियम बनाएं। जो सबसे ज्यादा आपत्ति और आशंका का जो प्रावधान है, वह गवर्नमेंट एप्रूव्ड टेस्ट सेंटर का प्रावधान है। ठीक ही कहा है कि स्टैंडिंग कमेटी ने इसको रिजेक्ट किया, कई राज्यों ने भी इसको रिजेक्ट किया है। वह कहते हैं कि ensuring public guarantee is the prime importance to Government, whereas private venture, approved test centre is primarily guided by profit and loss consideration. इसके लिए कोई इंस्टीट्यूशन हो या अंतर्राष्ट्रीय स्तर की कोई प्रयोगशाला हो, तब तो उसकी विश्वसनीयता पर विश्वास किया जा सकता है, परन्तु अगर आपने ऐसे ही लाइसेंस दे दिया, उसकी कोई क्वालिफिकेशन नहीं रखी, कोई शर्त नहीं रखी और आप इस तरह की व्यवस्था करने जा रहे हैं, तो मैं समझता हूं कि इससे बहुत ही अराजकता की स्थिति पैदा होगी और व्यापक पैमाने पर भ्रष्टाचार होगा। इसीलिए स्टैंडिंग कमेटी ने बहुत सोच-विचार करने के बाद यह निर्णय लिया कि इस प्रावधान को इस एक्ट से खारिज कर देना चाहिए, राज्यों ने भी ऐसा ही किया, मैं भी इसके बारे में यही कहना चाहता हूं। मैं बताना चाहता हूं कि राज्यों में सरकारी विभाग हैं, जिसे माप-तौल विभाग कहते हैं, जिसमें लाखों लोगों को रोजगार मिला हुआ है। यह विभाग इसलिए प्रभावी नहीं हो पा रहा था क्योंकि इसमें मैन-पावर की कमी थी। इसमें आदमी थे ही नहीं, इन्स्पेक्टर थे ही नहीं। जो इन्स्पेक्टर है, वह यदि तीन-तीन ब्लॉकों की जिम्मेदारी लेगा, तो फिर कैसे इसकी जांच करेगा? इसलिए यह आवश्यक है कि हमें मैन पावर बढ़ानी चाहिए और राज्य सरकार की एक अलग विश्वसनीयता है। उसका मुकाबला प्राइवेट एजेंसियां नहीं कर सकती हैं, लेकिन प्राइवेटाइजेशन की धूम चली हुई है, इसका पता नहीं क्या मकसद है? स्टैंडिंग कमेटी ने ठीक ही कहा है। जब इस पर स्पष्टीकरण मांगा गया तो आपने कह दिया कि this provision is self explanatory. यह self explanatory क्या है? आप शर्त बताइए, आप आधार बताइए, आप उसकी आवश्यकता क्यों महसूस करते हैं, कारण बताइये, तब तो इस पर विश्वास किया जा सकता है। क्योंकि इस प्रकार की बहुत सी फ्रॉड एजेंसियां काम करने लगेंगी। आप उनको रजिस्टर्ड करवा लीजिए। आप और हम यह सब जानते हैं कि रजिस्ट्रेशन कैसे होता है? अगर आप इस प्रकार यह व्यवस्था करेंगे, तो इस पूरे विधेयक का ही अर्थ बदल जाएगा और इसका सारा प्रभाव खत्म हो जाएगा। इस बात को लेकर केवल हमारे उत्तर प्रदेश में ही नहीं बल्कि सभी राज्यों में जो माप विभाग के कर्मचारी हैं, वे बहुत ही आतंकित हैं। यदि इस आउटसोर्सिंग के जरिए यह सिलसिला शुरू हो

गया, तो आप जानते हैं कि इस तरीके से तमाम सरकारी विभाग या अर्ध-सरकारी विभाग या सहकारी विभाग दिनों-दिन खत्म होते जाएंगे, चाहे वे कॉन्ट्रैक्ट लेबर या कॉन्ट्रैक्ट कर्मचारी हों अथवा चाहे शिक्षा विभाग से हों या किसी अन्य विभाग से हों। इसी तरह से माप विभाग भी प्राइवेटाइजेशन के गर्त में चला जाएगा। इसमें केवल उन्हीं को फायदा होगा, जो बिग प्लेयर्स हैं। चाहे वे बिग प्लेयर्स राष्ट्रीय हों या अंतर्राष्ट्रीय हों और वे ही मैनिपुलेट कर लेंगे। सरकार का किसी भी प्रकार का कोई नियंत्रण नहीं रह जाएगा। इसलिए मैं पुरजोर शब्दों में यह मांग करता हूँ कि जो स्टैंडिंग कमेटी की राय है और जो विभिन्न राज्यों ने अपनी राय दी है, सदन की राय भी यही है **...(समय की घंटी)...** कि इस प्रावधान को इस विधेयक से खत्म किया जाए। मैं इन्हीं शब्दों के साथ अपनी बात समाप्त करता हूँ।

SHRI SYED AZEEZ PASHA (Andhra Pradesh): Mr. Deputy Chairman, Sir, thank you very much for giving me this opportunity. On behalf of the CPI, I rise here to make certain observations in regard to the Legal Metrology Bill, 2008. The Standing Committee which visited various States found several indiscrepancies. They found that the infrastructure was not sufficient and the manpower too was very much lacking. To their utter dismay, they found in one district headquarters that there were only 3-4 persons managing the entire show. There is every need that we have to add more to the manpower and then our infrastructure also should be strengthened. In some corners, there are persons who are also speaking about outsourcing, by giving examples of Germany and other countries. There, each and every thing is managed from outsourcing—from water meters to electric meters. If we also implement same sort of things, then things may not improve. What we feel is that, first of all, we have to expand our own manpower and we have to do proper justice to our own infrastructure. Then only we can strengthen the Department of Legal Metrology.

There are several ways of manipulating in weights and measurements. In measurement of petrol, diesel and gas, we have seen that there are several ways of manipulation. There is a reason why they shed lakhs of rupees in getting a licence to petrol and gas companies; because, if they strictly adhere to the State or the Central Government's profit margins, then they will get paltry amount of 2 paise or 5 paise, which cannot cater to the needs. That is why they are bound to do manipulation.

Unfortunately, in our inspection teams which are there, they are very few in number and they are not regularly going and inspecting those places and they are not keeping proper vigilance. That is why the consumers are very much cheated. The primary reason of the Legal Metrology is to protect the interests of consumers. But, unfortunately, due to lack of proper manpower, this is not properly maintained. Now, we have seen that big companies like Reliance and others want to dilute the very Act so that they can manipulate and loot. So, we have to take into consideration these things and we should see to it that it is not diluted and that it is further strengthened.

Lastly, previously, if anybody is doing an offence for the third time, there used to be imprisonment. But now, we are proposing imprisonment in the second instance. But, what I suggest is that why give this second chance. Whenever you find somebody doing some offence or manipulating the things, he should be sent directly to the jail and he should not be given any

shelter, using one more chance. So, this is my concrete suggestion. Instead of two times, one offence is sufficient to take legal action; the punishment should be more stringent and deterrent so that persons indulging in this sort of manipulation should not repeat this mistake in future. Thank you.

**श्री राजनीति प्रसाद (बिहार):** उपसभापति जी, यह जो बिल है, मैं इसका समर्थन करने के लिए खड़ा हुआ हूँ। मैं निवेदन करना चाहता हूँ कि हमारे जो भी ऐक्ट बने हैं, कानून बने हैं, उन कानूनों में मैंने आज तक अपनी लीगल प्रैक्टिस में नहीं देखा है कि किसी बड़ी कंपनी को सजा मिली हो। छोटे लोग, जो एकदम छोटे-छोटे रोजगार करने वाले लोग हैं, उनको सजा मिलती है। उसका कारण क्या है? ये जो बड़े लोग हैं, जिनको सही सामान देना है, मेजर करके देना है, वे लोग सजा से वंचित रहते हैं। वे इसलिए वंचित रहते हैं, क्योंकि इनकी मिली-भगत होती है। जो इंस्पेक्टर लोग होते हैं, जांच करने वाले लोग होते हैं, उनके साथ उनकी मिली-भगत होती है। आपने इसमें दिया है कि इतना फाइन होगा। मेरी राय में, क्योंकि सिचुएशन बदल गई है, पूरे ग्लोबल सर्कल में आज सिचुएशन बदल गई है, इसलिए आपने इसमें लिखा है कि फाइन होगा या सजा होगी, मेरा आपसे यह निवेदन है कि छोटे लोग, जो पाव और सेर में बेचते हैं, उनके लिए यह ज्यादा कष्टकारक होता है। वे टोकरी में जो सामान लेते हैं, वे दस रुपए, बीस रुपए, पचास रुपए का सामान बेचते हैं। उनके पास जो वेट होता है, वह वेट, वे जहां से लेते हों, अगर वह देने वाला ही कम वेट देता है, तो वे क्या करेंगे? हम लोगों को विश्वास पर ही चलना पड़ता है। यह पत्तल का सेर है, यह पत्तल का पौआ है, यह पत्तल का अदला है, इसी विश्वास पर चलना पड़ता है। सर, यह परंपरा रही है। हम लोगों ने आज तक यह नहीं देखा है कि जो मेजरमेंट करके घी, तेल देते हैं, उस घी, तेल में जो मेजरमेंट होता है, उसमें जो क्वान्टम रहता है, जो सामान रहता है, उस सामान का कितना नैट वेट है और उसके टिन का कितना वेट है। यह पूरा स्पेसिफाई करके मेजरमेंट करने का काम न तो किसी सरकारी ऑफीसर ने, न मेट्रोलॉजी डिपार्टमेंट ने किया है कि टिन का दाम ले रहे हैं माल के दाम में या आप सामान का दाम ले रहे हैं या जो कंटेनर होता है, उसका दाम ले रहे हैं। यह एक मुसीबत है। हमारे मतिलाल सरकार जी ने ठीक कहा कि ये जो परिस्थितियां हैं, ये परिस्थितियां इसीलिए कारगर नहीं हो पाती हैं क्योंकि हमारे पास मैन पावर नहीं है, हमारे पास ज्यादा आदमी नहीं है। अब इतनी measurement होती है, आज भी यहाँ दिल्ली में जाइए, तो कोई मीट्रिक प्रणाली से काम नहीं करता, वह कहता है कि कितनी जमीन है, तो यह 100 गज जमीन है। गज का अभी भी प्रचलन है — 100 गज, 200 गज, 300 गज। ...**(व्यवधान)**... सब्जी भी पाव के हिसाब से देते हैं। अभी भी पाव चलता है। इसलिए यह बड़ा मुश्किल काम है।

सर, आपने जो सजा का प्रावधान रखा है, वह सजा का प्रावधान सही है, लेकिन उसमें गरीब लोग, जो पाव और सेर में बेचते हैं, जो खोमचों में बेचते हैं, जो ठेलागाड़ियों में बेचते हैं, सबसे ज्यादा punishment उनको ही मिलती है। बड़े लोगों को मिलेगी ही नहीं, बड़े लोग आराम से निकल जाएंगे। तिवारी जी ने बहुत अच्छी बात कही कि outsourcing नहीं होना चाहिए। अगर outsourcing होगा, तो फिर उन लोगों को गरीबों को सताने का लाइसेंस मिल जाएगा। बड़े लोग तो बच जाएंगे, लेकिन गरीब लोग सताए जाएंगे। इसलिए मेरी राय है कि कुछ ऐसे नियम, कुछ ऐसे कानून बनने चाहिए, जिनसे जो गरीब लोग हैं, उनको बहुत सस्ती दर पर weights and measurement का सामान मिले। अगर उन्हें सस्ती दर पर ये चीजें मिलती हैं, तो वे सही माल खरीदेंगे। अगर सही weights and measurement का प्रावधान नहीं रखेंगे, तो फिर वही पत्थर से, लोहे से या हाथ से नाप कर वे सब खरीदने वाले हैं। फिर आपने जो कानून बनाया है, आपका वह कानून जहाँ है, वहीं रहेगा, लेकिन यह जो हाथ का नाप है या पत्थर की माप है, वह खत्म होने वाली नहीं है। इसलिए मैं आपसे यह निवेदन करूँगा कि ऐसा कोई प्रावधान बनाना चाहिए, ऐसा कोई नियम बनाना चाहिए, ताकि हम लोगों का

standard भी maintain हो जाए और जो गरीब लोग हैं, जो साधारण काम करने वाले हैं, उनकी रक्षा भी हो जाए। धन्यवाद।

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Sir, I support this Bill. But, at the same time, I would like to draw the attention of the Government on certain important issues. This enactment is now repealing the earlier enactment which was a very successful enactment made during the period of Madam Indira Gandhi when she implemented the Twenty Point Programme. The Standards of Weights and Measures Act, 1976 was brought by her. It gave a lot of strength to the common man and consumers. Throughout India people were very happy that they are going to get clear weighed measures and they are going to get the materials in a proper method. That was also imposed as part of the successful Emergency Rule. But, at the same time, the enforcement was subsequently made by way of another enactment, Standards of Weights and Measures (Enforcement) Act, 1989 during Rajiv Gandhi's period. Now, we are coming forward, taking both the enactments together in the new Bill. But, at the same time, I would like to draw the attention of the Government that we have missed the main part, *i.e.* this enactment is for the consumers, for the people. But, there is no participation for the consumers or for the people in any of the positions throughout the enactment. Even now, we are thinking only in the name of enforcing things as if we are having all powers to enforce certain things and we have got very big machinery to enforce. But, it can never happen. The country is a very big country. There are 106 crores of consumers. We cannot find out how the consumer is going to benefit, in which way this enactment is violated by a particular group of people or corporate bodies or multi-nationals.

We are not having examples to say that multinational companies were prosecuted and their company's share has fallen due to enforcement of a particular provision of this enactment. We cannot cite even a single instance that a very popular company, which has a wide consumer base in India, is not following the rules of weights and measures and, therefore, it was prosecuted or its Director was prosecuted. It never happened. It cannot happen, because the society like is that. We have to bring awareness among the people about their rights. We can very easily say that print and electronic media fight every time to increase their TRP Ratings. Even if there is a small violation here and there, they are making it a live telecast, but not consumer issues. It is only the DD and the AIR which are bringing awareness among the people. They are telecasting advertisements. They are educating consumer how to measure a particular product and see whether it is properly measured or properly packed. They also educate that if there is any violation, the consumer can go to the Consumer Court and claim damages.

Sir, financial commitment of Rs. 25 crores has also been mentioned in this Bill. I would say that money committed should not be used for salaries or other perquisites for employees alone. When we are enforcing this kind of legislation, we have to recruit many people. There is no doubt, many people will get employment. We are happy about it. But, at the same time, we must spend a considerable amount of money for bringing awareness among the consumers. We have to educate the consumer that he has got such and such right. I find a small word included

under Clause 15. But, it is not giving a clear meaning that rights are given to the consumer. When we are making enactment, I feel, we have to think about the international standards. The international standards are made for the people and by the people. They are looking after it. The regulatory authority is only guiding and helping them to see that enforcement is properly made. Here, under Clause 15, it says, "Whether from any information given to him by any person and taking down in writing or from personal knowledge or otherwise..." This is the power given to Director, Controller or any legal Metrology Officer. That means, we think that this can be enforced only by an officer. That will never happen. They will go only for statistics purpose as to how many cases have been registered every week, etc. Sir, a poor borrows money from a nationalised bank and starts his business. And, officer will go to that shop and tell him, "look here, there is an Act, if you are ready to pay Rs. 2,500, I am ready to leave you. Otherwise, I will send you behind the bars for six months." That fellow will, naturally, give money. This is the thing that is happening in the country.

Similarly, if you think the other way, then the consumer, who is affected by that, who is not getting a proper measure or weight of a particular product after spending some money, and if he is not satisfied, he should have a right to prosecute that retailer or the company which has that brand name or the person has packed it or weighed it or who has certified it. Here, we are not giving that right to the consumer. The consumer participation is totally absent in this Bill. We have to draw inspiration only from the Consumer Protection Act. Why should we go to that Act? When we are making legislation, we can very well bring that provision in this and give power to the consumer. When you are giving power under Clause 15 of the Bill, I hope, the hon. Minister, Prof. Thomas, who is very famous and successful Minister, he can understand the common man's problem. Clause 15 is only for employees and officers and not for the common man. Therefore, the common man has to be heard. I hope the hon. Minister might have noted this. He has to, at least, bring some amendment giving power to consumer to prosecute when there is violation of law.

Similarly, I would like to request the Government to think about punishing companies not just by way of fine. Now, under the proposed Bill, compounding system of penalty has also been provided. It is very easy for them. They will pay Rs. 25,000 or even any amount for that matter through its representative. It is very easy for any corporate body. If it is so, how the Director is going to be liable? He takes the plea that he is not knowing it. It is given by a retailer or by its agent.

Therefore, they will also have to be made responsible. But, at the same time, if the measurement or the weightage is not properly given, then, that company should be de-listed. When a company issues new shares, it should put in its prospectus how many violations it had made under this particular enactment, how many cases were lodged against it, how many convictions have been made, how much money it had paid as penalties, how many Directors or

employees had been prisoned for the violation of this enactment. These types of things have to be put in the prospectus, only then the people would be able to understand to what extent the company had violated the law and, then, decide whether they should invest in that company or not. These types of modern things have to be introduced. But we are taking just the same provision from the old enactment. Then, Sir, this enactment, more or less, falls under criminal law category. I mean, offences, under this enactment, are treated as criminal offences. That means, a prosecution has to be lodged before a magistrate. Are we providing money for starting the courts? Are we providing money for prosecutors? Are we providing money for keeping undertrial and convicted persons in jail? If they are imprisoned, who is going to pay the money for keeping them in jail? We are going on pushing the cases in the courts, but we never pay money from the nodal departments. That is why we have even been repeatedly recommending in various reports of our Committees also that when a particular nodal department is enforcing a law for enforcement of that law, for implementation of that law, for making prosecution and conviction and for enforcing the sentence, charges should also to be paid by the nodal agency. That department should pay the money for that. They should not just push on the cases into the courts and, then, say that the courts are having crores of cases and they will have to find some other means for disposal of the cases. Who is the culprit? Actually the departments who are enacting and pushing the law everywhere — in every Parliament Session we are pushing new laws, in every Assembly Sessions we are pushing new laws — but nobody thinks that it directly burdens the courts, the prosecution agency and also the prisons, and we never pay for that. This is the state of affairs. Therefore, I would like to request that the Government should come forward and ensure that the nodal department makes the payment for all this.

Sir, finally, I would like to conclude with the observation that when we are making a law, it should be a comprehensive one. We are already having the Bureau of Standards. The standards are fixed by one enactment, for which an institute is working. They are giving the ISO-2001 or ISO-2009 certification. The private agencies are also coming up. They are also putting the standards. Now, the fashion of the world, more or less, is giving everything to the professional bodies rather than keeping everything with the Government. But we are even now keeping everything with the Government. We think that only the Government can ensure the law. No, Sir; it is not so. It is the discipline that has to be brought in among the people and among the participants, who may be a manufacturer, who may be a distributor, who may be a retailer. That has to be enforced collectively. Therefore, the participation of the countrymen and the common man in everything has to be brought in. Take the examples of Western Countries and the USA, they are giving this type of enactments to the professional bodies. They are giving to the Federation of Chambers; they are endowed with the regulatory authorities; they lay the standards; they enforce it. If they do not properly enforce it, then, they are dissolved and the

Government comes into picture and put the new bodies in place. Rather than keeping the powers with the Government and Government officials, if we give it to the actual stakeholders, it would be a very good enforceable enactment. And, that can succeed in this democracy. Thank very much, Sir.

MR. DEPUTY CHAIRMAN: The discussion on the Legal Meteorology Bill, 2008 is over. The reply and the passing of the Bill will be taken up tomorrow.

Now, we shall take up Special Mentions.

#### SPECIAL MENTIONS

MR. DEPUTY CHAIRMAN: Shri Lalit Kishore Chaturvedi; he is not here. Shri Santosh Bagrodia; he is also not here. Shri Vijay Jawaharlal Darda; he is not here. Dr. T. Subbarami Reddy; he is not here.

#### **Demand to start recruitment in security forces to fulfill the requirement of the security forces of the States**

**श्री कलराज मिश्र** (उत्तर प्रदेश): महोदय, आंतरिक सुरक्षा के मोर्चे पर जब देश दहशत में जी रहा है, राज्य सरकारें सुरक्षा बलों की कमी से जूझ रही हैं, ऐसे में गृह मंत्रालय और वित्त मंत्रालय द्वारा आपसी खींचतान में सुरक्षा बलों की भर्ती न हो पाना चिन्ताजनक है।

गृह मंत्रालय के पास 7 लाख सुरक्षा बल हैं, किन्तु नक्सली हिंसा में बढ़ोत्तरी आंतरिक सुरक्षा के लिए चुनौती बनते आतंकवादियों से निपटने में राज्य सरकारें भी अपने को असहाय पा रही हैं। झारखंड, उत्तर प्रदेश, आंध्र प्रदेश, पश्चिमी बंगाल, नेपाल से सटे बिहार के क्षेत्र के लिए तत्काल बड़ी संख्या में सुरक्षा बलों को बढ़ाये जाने की आवश्यकता है। एस.एस.बी., आई.टी.बी.पी., सी.आर.पी.एफ. ने अतिरिक्त बल मुहैया कराये जाने से हाथ खड़े कर दिये हैं। सुरक्षा बलों के सूत्रों के अनुसार, इन क्षेत्रों में लगभग 1 लाख अतिरिक्त बलों की भर्ती की आवश्यकता है। 210 बटालियन वाले सी.आर.पी.एफ. के पास भी अब सुरक्षा बल नहीं बचे हैं। अभी झारखंड के लिए बिहार से सुरक्षा बल को हटाकर भेजा गया है। सुरक्षा बलों पर किये गये अध्ययन के अनुसार, ज्यादा दिनों तक नक्सल प्रभावित इलाकों में तैनात रहने के परिणामस्वरूप सुरक्षा बलों में अवसाद की स्थिति बन रही है, जिससे अनुशासनहीनता और दुर्व्यवहार की घटनाएं बढ़ रही हैं। इन क्षेत्रों में तैनात सुरक्षा बलों को हटाना भी जोखिम भरा काम है, क्योंकि ये सभी क्षेत्र काफी संवेदनशील हैं।

मैं सदन के माध्यम से मांग करता हूँ कि सरकार तत्काल सुरक्षा बलों की भर्ती करके राज्यों में आवश्यकतानुसार सुरक्षा बल मुहैया कराये।

**श्री कुमार दीपक दास** (असम): महोदय, मैं इस विषय से अपने आपको संबद्ध करता हूँ।

**श्री नतुजी हालाजी ठाकोर** (गुजरात): महोदय, मैं इस विषय से अपने आपको संबद्ध करता हूँ।

MR. DEPUTY CHAIRMAN: Shri Gireesh Kumar Sanghi. He is not here. Shrimati Jaya Bachchan. She is also not here.