

(1) 1969-70 के वर्ष के लिए नेशनल स्माल इंडस्ट्रीज कारपोरेशन लिमिटेड नयी दिल्ली का 15 वां वार्षिक प्रतिवेदन तथा लेखे, लेखों पर लेखापरीक्षकों के प्रतिवेदन और उस पर भारत के नियन्त्रक महालेखापरीक्षक की टिप्पणियों सहित।

(2) कारपोरेशन के कार्यकरण के सरकार द्वारा समीक्षा। [Placed in Library. See No. LT-1184/71 for (1) and (2)].

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE (1971-72)

SHRI B. K. KAUL(Rajasthan): Sir, I beg to lay on the Table a copy each of the following Reports of the Public Accounts Committee (1971-72):—

(a) Fourteenth Report on action taken by Government on the recommendations of the Public Accounts Committee contained in their 112th Report (1969-70) on Appropriation Accounts (P&T), 1967-68 and Audit Report (P & T), 1969.

(b) Twenty-first Report on action taken by Government on the recommendations of the Public Accounts Committee contained in their 101st Report (1969-70), relating to National Malaria Eradication Programme (Department of Health).

MESSAGE FROM THE LOK SABHA

SECRETARY : Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary of the Lok Sabha :

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on the 17th November, 1971, has adopted the following motion further extending the time for presentation of the Report of the Joint Committee on amendments to election law:—

MOTION

"That this House do further extend the time for the presentation of the Report of the Joint Committee on amendments to election law upto the 15th December, 1971"

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.00 P.M.

The House then adjourned for lunch at eight minutes past one of the clock.

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

THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL, 1971—*contd.*

DR. K. NAGAPPA ALVA (Mysore) : Sir, I support the amendment in the Prevention of Food Adulteration Act of 1954. I would like to say at the outset that this was overdue. I also suggest to the Government in all seriousness that all the Acts which have not been extended to the State of Jammu and Kashmir should be extended at the earliest possible time.

Sir, it is, I think, very necessary that I should make a few remarks because this Act is a very important one considering the health, strength and even the morale of the people of this country. This Act has got a Central Committee for Food Standards and I am sure the purpose of the Committee, the duties and functions of the Committee were mainly to advise the Government on the working of this Act, the administration of the Act and also to note from time to time the lapses and difficulties that are being experienced. But today we are seeing that the enforcement of this Act is simply a farce because from the sample survey conducted and the analysis of the adulterated food it has been made clear that not less than 75 per cent of the food articles in this country are adulterated.

Likewise, I want to make a reference about the drug adulteration because these two things go together. These are the vital needs for the health and strength of an individual. Of course, something has been done but it is also necessary that there must be in all the States Food Control Departments, naturally, attached to the Medical and Health Directorates. But as it is, it is unfortunate that many States have not started separate Food Control Departments with separate drug testing laboratories, of course attached to the Health Directorates. Because then only it will be possible to implement

[Dr. K. Nagappa Alva]

the Act. This is a vast country and each one of our States can be compared to any country in the world. When such is the magnitude of the problem we have, the way it is being enforced is very funny. There are no analysts, no laboratories and no Inspectors worth the name in many States. It is only the Health Inspector or the Sanitary Inspector who is doing this job and it is a well-known fact that these anti-social merchants and dealers pay them much more than their pay. We know how these people can be corrupted, can be influenced. It is only one per cent of the cases that are detected and even out of that in most cases the accused are not found guilty because the arrangements that are necessary are not there at all. Here I must also make a reference to the health condition of the people. As a medical man having practised medicine for over 15 years I know 25 per cent of the gastro-intestinal disorders are due to this food adulteration. Particularly adulterated food-stuffs affect the poorer sections of the people more. In food we know there is first class variety, there is second class variety and all sorts of things and the lower the class the greater the adulteration. So it is our primary duty to see that these Acts are implemented. Unfortunately in this country while we have these Acts, in the matter of implementation nothing is being done. Particularly in this case I would with all seriousness request the Government. I would make an earnest appeal to the Government that each State should be compelled to have a separate Department for this and also have a laboratory; otherwise one central laboratory here or there would not do. For the information of the Government. I must say that in the year 1966 a sum of Rs. 12 crores was set apart for implementing this measure effectively. After all, twelve crores is nothing much and when the question of ten per cent cut came this was the first to be cut. I say prevention of food adulteration must be given a very high priority and the punishment must be made very very severe. Crores and crores of rupees we are spending on so many things and sometimes wasting. Here there is already a scheme for Rs. 12 crores; besides of course the recurring expenses will be there. I say this is a very important matter and with these words I support the amending Bill.

SHRI CHITTA BASU (West Bengal) :
Mr. Deputy Chairman, Sir, I agree with the hon. Minister that the scope of the Bill is very limited. It seeks to extend the Act to Jammu and Kashmir. As a matter of fact, there is no reason why all the legislations passed by Parliament should not be extended to Jammu and Kashmir, which is very much a part of India. This should have been done earlier. Before passing this Bill for the extension of the Act to Jammu and Kashmir, I think the House should have the benefit of getting certain information from the Government. My experience shows that the provisions of this Act have not been properly implemented in any State. Of course, it is admitted by all that the offence committed by the food dealers of adulteration constitutes an offence not against an individual, but against the society and the nation as a whole. There has been no elaborate machinery for the implementation of the provisions of this Act. May I know from the hon. Minister at this stage, as to the number of cases in which the person or the man who has committed the offence has been tried and sent to prison? What is the amount so far realised by way of fine in different States? I do not know whether the hon. Minister is in possession of this vital information. My feeling is that this Act has not been implemented at all in any State. Where it has been implemented, it has been implemented not against the big company men, not against those who indulge in adulteration of foodstuffs, not those who matter in the society, but against humble persons. I know in Calcutta and in many other cities the ordinary food-sellers are punished under this Act. I do not support them. It constitutes an offence which can be tried under the provisions of this Act, but ordinary fruit sellers, ordinary hawkers in the streets of Calcutta are being punished under the provisions of this Act. There are big companies which are not at all punished under this Act, because they have a certain pull with the Government machinery, with the inspectorate. They can get things done and get away with whatever they do. Therefore, I would urge upon the Government that there should be enough attempt on the part of the Government to see that it is properly implemented and implemented in a way that it has a deterrent effect on those anti-social elements who practise it or indulge in food adulteration. Whatever be the earlier experience, I want to draw the attention of the Government to the fact

that they should take adequate steps to bring forward necessary amendments.

THE MINISTER OF STATE IN THE
DEPARTMENT OF PARLIAMENTARY

संसदीय

कार्य विभाग तथा नौवहन और परिवहन मंत्रालय
में राज्य मंत्री

OM MEHTA) : Is he going to do something about political adulteration also? Suggest something.

SHRI CHITTA BASU : I think you are very much politically adulterated. I think at least the Minister has become very much politically adulterated. His political conviction was something earlier and I think after the process of adulteration he has chosen to sit with you. That is the biggest example of political adulteration.

SHRI OM MEHTA : No, no.

SHRI CHITTA BASU : I do not know who has adulterated whom.

SHRI OM MEHTA : You had adulterated him earlier, but now he is on the right path.

SHRI CHITTA BASU : He has adulterated Gandhism with Marxism.

MR. DEPUTY CHAIRMAN : Please continue.

SHRI CHITTA BASU : Let us not continue the dialogue. Marxism is Marxism and it is unadulterated. Anyway, the Government had sought to amend this Act in 1965, but that amendment was not of any consequence. The penal provision of the Act is not adequate. In section 16 (f) the punishment which has been provided for is merely imprisonment for a term which shall not be less than six months but which may extend to six years and fine which should not be less than Rs. 1,000. This punishment is not adequate to punish the anti-social elements who have committed a grave offence not against an individual, but against the whole of the society, against the nation as a whole. Without discussing much on this point, I merely want to draw the attention of the hon. Minister to the recent recommendation of the Law Commission in this respect. The Law Commission has been pleased to observe—

"The Commission is of the view that the punishment prescribed for such anti-social offences...."

as I have mentioned

"are generally low".

and the Commission recommended that—

"the offences should be made punishable with rigorous imprisonment up to fourteen years and with fine."

Sir, the Law Commission in its recent Report has really gone into the basic problem that in the case of anti-social practices if the punishment is not of an exemplary nature, if it is not of a deterrent nature, then the punishment is of no consequence. It does not preclude adulteration; the way the Act is being implemented encourages adulteration. Therefore, may I ask the hon. Minister to examine the proposal of the Law Commission in this regard—a specific recommendation—that the punishment should extend to 14 years and with fine, so that it may have some deterrent effect and would really be of some check on those anti-social elements?

With these words, I hope that the Minister will give proper thought and consideration to the recommendation of the Law Commission itself.

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY

PLANNING/स्वास्थ्य और परिवार नियोजन
मंत्रालय में राज्य मंत्री

(DR. DEBIPRASAD CHATTOPADHYAYA) : Sir, the remarks of the hon. Members who participated in the debate show that this Bill is not a controversial one and that they strongly recommend it. However, two hon. Members, Dr. Alva and Shri China Basu, have observed something very important, I should say. Before I refer to the specific points made by them, I would like to reiterate the point that the proposed amendment is a very small one, the purpose being just to enable the Government to apply the Prevention of Food Adulteration Act of 1954 to the whole of India, from which Jammu and Kashmir had been excluded previously. But even then, taking advantage of the observations made by the hon. Members. I would like to make two or three points. Firstly, Dr. Alva has

[Dr.DebiprasadChattopadhyaya]

spoken of the necessity of strengthening the Food Inspectorate and also of improving the laboratory facilities now available to the Central Government and the State Governments. Now, I would like to inform Dr. Alva through you, Sir, that already Government is thinking of setting up three zonal organisations to strengthen the laboratory facilities and improve the quality of food analysis, and the desirability of having separate Directorates of Food Analysis and Drug Analysis has also been accepted in principle. In fact, the Maharashtra Government has already set up a separate Directorate for checking food adulteration and controlling the quality of drugs, etc., and I hope I rust that other Governments will be following the model set by the Maharashtra Government. The Central government on their part is also setting up a Central Food Standardisation Laboratory. In the budget of this year we have made financial provision for this purpose. So the points raised by Dr. Alva are valid and are being looked into; in fact they are being implemented.

DR. K. NAGAPPA ALVA : The case 1 made out was that in every State the Food Directorate is necessary, a Food Control Department is necessary. Also a Food Analyst laboratory is necessary. You know the magnitude of the question is so much and every State is so big. As I said, once again I ask: Is the hon'ble Minister not convinced that the machinery has to be extended all over? At the same time the responsibility of the Central Government is so much in this matter. They have to start this thing and we have to help them. Only when the Central Government set apart money and give assurance to the States the States will be able to do something. Now what happens? The States are not realising the importance of this subject. I appeal to you it is not a question of simply appreciating it. It will serve no purpose if only one or two States do it. There must be a separate wing attached to the Medical Health Directorate which should be encouraged and supported everywhere.

DR. DEBIPRASAD CHATTOPADH-
YAYA : I am thankful to Dr. Alva for pressing the point. Personally speaking, I am convinced and lean assure him, through you, that the Central Government is very

much aware of the importance of the problem. But, Sir, you know, primarily it is for the State Governments to take the initiative. So far as we are concerned, I have already told you that we are proposed to set up three zonal organisations under the auspices of which the State Governments will be pursued and helped in every way possible. But the actual quantum of help that might be made available to them depends upon our resources. So I can tell Dr. Alva that we are quite aware of this problem and the desirability of having a Food Directorate for controlling the quality of food and other things in every State. But the question of having a separate State Directorate, equipped with necessary facilities, is a question of time and money. In this matter we take note of his views and I think we can do something about it in the near future.

About Shri Chitta Basil's reference to the inadequacy of the penal measures referred to inlaw, that also is a very important point indeed. But I think a close reading of the penal measures for adulterating food articles referred to in sections 272 to 276 of the I. P. C. and what has been provided in this Prevention of Food Adulteration Act, 1954 under section 16 will show that the Government is quite aware of the necessity of providing more rigorous imprisonment or other sort of punishments. Previously it was thought that those who are indulging in this sort of impermissible activities they may be imprisoned for, say, up to six months. But now we have made the provision for not less than six months and it may be extended up to six years. So, Sir, lot of change has been envisaged. However, I do not think that this is enough. Something more exemplary is called for. I am sure the Law Commission' recommendations in the matter will be looked into. With the Law Minister sitting just beside me, how can I say that the recommendations of the Law Commission will not be seriously taken into account? I hope when some such law or amendment of the law in this respect is taken up in future, this question will be gone into. But as the scope of this particular legislation is very limited, I can only say that we may take note of his views. But just at the moment we cannot do anything about it.

SHRI CHITTA BASU : Will it take one year?

DR. DEBIPRASAD CHATTOPADH-
YAYA : I do not think we will take that
much of time. We will do in the near future
but exact date I cannot give, nor is it the
time for giving any date.

Another thing in which Mr. Basu evinced
interest is how many people have been really
prosecuted or the amount of fine that has
been realised in the course of the last few
years. For his information, I may state that in
1965, the number of prosecutions launched
was 46,246 and the number of people con-
victed was 30,250. In 1969 and this is the
latest figure that I have with me there were
15,795 convictions, and the number of per-
sons imprisoned was 6,122. The total amount
of fines realised in the year 1969 is Rs.
34,08,259. It is a good figure, may be not
impressive enough for Mr. Chitta Basu. But j
there is a lot to be done in this matter.

SHRI CHITTA BASU : How many of
those who have been convicted are big
businessmen and how many are ordinary
food sellers or hawkers ?

DR. DEBIPRASAD
CHATTO-

PADHYAYA : I have not got the figures
category-wise. But I believe some big guys
are also there ; how many, I cannot tell you
at the moment.

With these words, Sir, I commend the
Bill for acceptance by the House.

MR. DEPUTY CHAIRMAN : The
question is.

"That the Bill further to amend the
Prevention of Food Adulteration Act,
1954, as passed by the Lok Sabha, betaken
into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN : We shall
now take up clause by clause consideration
of the Bill.

Clauses 2 to 4 were added to the Bill.

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

DR. DEBIPRASAD
CHATTO-

PADHYAYA : Sir, I move :

"That the Bill be passed."

*The question was
proposed.*

SHRI K. CHANDRA SEKHARAN
(Kerala) : Mr. Deputy Chairman, Sir, this is a
legislation which has seen a large number of
amendments in the past, and particularly there
have been many amendments to the Schedule to
the Act. The legislation has provided basis for
litigation to a very large extent. And in spite of
the fact that a scheme of deterrent punishment is
now embodied in the penal provisions of the
Act, violations of this enactment, as has been
pointed out during the course of the discussion
on this amending Bill, are quite large. I have
taken this opportunity only to remind the hon.
Minister of one aspect in regard to the
implementation of this Act particularly in the
future. In the past, large numbers of small
traders were victims, so to say, of this legisla-
tion. They take the food articles from the
wholesalers and bring them to the villages. And
these small traders are caught, brought to the
court and punished. But a large number of
wholesalers who constitute the bulk of the
offenders of this enactment go scot-free. I
would, therefore, request the hon. Minister to
take it up with the implementing agencies, viz.,
the State Governments, that greater care and
attention should be shown hereafter at least in
the matter of catching hold of the large-scale
traders and wholesalers of food articles who
really constitute the bulk of the offenders of this
Act.

श्री देवदत्त कुमार कीकाभाई पटेल
(गुजरात) : श्रीमन्, जहां तक इस खाद्य
अपमिश्रण निवारण (संशोधन) अधिनियम का
प्रश्न है, मैं समझता हूँ कि उसका अमल ठीक
ढंग से नहीं होता है, क्योंकि जो वास्तव में
गुनहगार हैं, जो मिलावट करते हैं, वे छूट जाते
हैं और जो छोटे-छोटे रीटेलर्स और दुकानदार हैं
वे पकड़े जाते हैं। बहुत से केसेज में इन्सपेक्टर्स
वगैरह जो होते हैं, वे रिश्तत लेते हैं और गुनह-
गारों को छोड़ने का प्रयास करते हैं और इस
प्रकार कई एक को छोड़ देते हैं।

श्रीमन्, जहां तक आम जनता के स्वास्थ्य
का प्रश्न है, इस कानून का बहुत कड़े ढंग से
इम्प्लीमेंटेशन और एप्लीकेशन होना चाहिए
और जो इन्सपेक्टर्स हैं उनके ऊपर भी निगरानी
रखनी चाहिए और अगर वे रिश्तत लें, तो
उनके खिलाफ सख्त कदम उठाए जाएं ताकि

[श्री देवदत्त कुमार कीकाभाई पटेल]

इसमें जो स्वास्थ्य के साथ सीधा सम्बन्ध है, इस अधिनियम का जो उद्देश्य है, उससे उसकी पूर्ति हो सके।

जहां तक इस विधेयक को पारित करने का प्रश्न है, मैं समझता हूं, इसमें कोई आपत्ति नहीं है और मैं इस अधिनियम के अन्तर्गत जो संशोधन है, उसका अनुमोदन करता हूं।

DR. (MRS.) MANGLADEVI TALWAR (Rajasthan): I just wanted to say that food adulteration, as you know, is a very important subject from the health point of view and nowadays even atta and condiments which used to be prepared at home are sold in the market. There are big merchants who are dealing in these and these powdered articles are adulterated with very harmful things. I would suggest to the Minister that the classification of food articles may be done properly and greater vigilance should be exercised especially in regard to powdered articles because adulteration is not otherwise easily detected.

DR. DEBIPRASAD CHATTOPADH-YAYA : Sir, I have nothing to add except to point out that in section 14 A of the original Act there is provision for saving small sellers from the sins committed by the big manufacturers, etc. On the necessity of greater vigilance etc. there are no two opinions.

MR. DEPUTY CHAIRMAN : The question is:

"That the Bill be passed."

The motion was adopted.

THE CONTEMPT OF COURTS BILL, 1968

MR. DEPUTY CHAIRMAN : Shri Gokhale.

SHRI BHUPESH GUPTA (West Bengal): Sir, I have a suggestion to make. Government have brought forward a number of amendments and some of them are of subs-

initially in this House and then went to the Select Committee. The Select Committee had long deliberations. I was a member along with some other colleagues. It is agreed that it should be passed in the form in which it has come. We did not press very many amendments there. Now Government is sponsoring its own amendments. Some of them were rejected by the Select Committee. For instance amendment No. 3 in the list of amendments had been discussed in the Select Committee. And, Sir, it was rejected by the Select Committee and now the Government wants the majority—perhaps they have it here—to be used for pushing this thing. Sir, is it the proper way of functioning by a Select Committee? I can understand a Private Member doing this when they have failed. But the Government should not do it. I can tell you, Sir, Mr. Chavan presided..... sorry, Mr. Bhargava was the Chairman and Mr. Chavan was there and he pressed for something which he lost. When he lost, he said, "I accept the defeat". I thought he had very strong views. For example, he did not like the definition in the Bill. But he lost it and he was in a minority. Then, the next day, he gracefully said, "I have lost. But I stand by the majority decision of the Committee and that is my decision also." Sir, that spirit is sought to be broken here and violated and defiled by an amendment which has been brought in with a view to negating some of the good work which was done after the long deliberations in the Select Committee. I would, therefore, ask Mr. Gokhale to consider this matter and not to press us for this kind of thing and I hope he will have this much of generosity in this matter, after what he has done, like Mr. Chavan.

MR. DEPUTY CHAIRMAN : All right, Mr. Bhupesh Gupta. Yes, Mr. Gokhale.

THE MINISTER OF LAW AND JUSTICE/विधि और न्याय मंत्री (SHRI H. R. GOKHALE): Sir, I beg to move.

"That the Bill to define and limit the powers of certain courts in punishing contempts of courts and to regulate the procedure in relation thereto, as reported by the Joint Committee of the Houses, be taken into consideration."