

not actually exist, if the contractor is not traceable, naturally the principal employer will come into the picture and we will catch hold of the principal employer and see that he implements the provisions of the Act.

SHRI A. D. MANI : Do not catch hold of them physically.

SHRI D. SANJIVAYYA : Suppose *Hitavada* is published from Bhopal and Mr. Mani is the employer. Suppose he, in the name of a fictitious person, employs 20 people and deals with them; and we are not able to find out that fictitious person, then, we proceed against Mr. Mani. (Interruption) I am only giving an example.

Then with regard to the other questions raised by the hon. Members which were not acceptable to me, we will certainly see what we can do when we frame the rules.

MR. DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL, 1970

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY) : Sir, I move :

"That the Bill further to amend the Prevention of Food Adulteration Act 1954, be taken into consideration."

Bill.

Mine is a very short and non-controversial Bill.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

Prior to 1954 almost every State in India had its own food laws to deal with prevention of food adulteration, and as such the laws were not uniform and their standards also varied from State to State. The need for a uniform legislation was keenly felt and the result was that the Central Government enacted the Prevention of Food Adulteration Act, 1954. The Act applied to the whole of India except the State of Jammu and Kashmir.

The penalties prescribed under the Prevention of Food Adulteration Act, 1954, were not so deterrent as to counter-balance the gains obtained by selling adulterated goods. With a view to plugging the loop

holes and for the effective implementation of the Prevention of Food Adulteration Act the law was amended in 1964, and as a result, the Prevention of Food Adulteration (Amendment) Act, 1964 came into force from the 1st March, 1965. The main features of the amending Act are as follows:

(i) Concurrent powers have been given to the Central Government to appoint Food Inspectors and Public Analysis thus enabling the Central Government for better and effective implementation of the Prevention of Food Adulteration Act.

(ii) Punishments have been made more deterrent. The minimum punishment now prescribed for cases of proved adulteration is imprisonment for a term not less than six months and a fine of not less than Rs. 1,000. However, discretionary powers have been given to the courts in cases of misbranding or substandard foods.

Even the amended Act of 1964 could not be made applicable to Jammu and Kashmir as it was relatable to Entry 18 of the Concurrent List (Adulteration of Foodstuffs and other goods) in the Seventh Schedule to the Constitution. As long as the said Entry did not apply to the State of Jammu and Kashmir, the Prevention of Food Adulteration Act, 1954, could not be extended to the State. Subsequently, the Ministry of Home Affairs took steps to amend the Constitution so as to provide for the application to the State of Jammu and Kashmir of Entry 18 of the Concurrent List in the Seventh Schedule to the Constitution and in exercise of the powers conferred by Clause (1) to Article 370 of the Constitution issued the necessary Presidential Order, namely, the Constitution (Application to Jammu and Kashmir) Fourth Amendment Order, 1967 published in the Gazette of India Extraordinary dated the 26th December, 1967.

The draft Bill for extending the Prevention of Food Adulteration Act, 1954, to the State of Jammu and Kashmir was referred to the State Government on the 28th February, 1968, for their comments, particularly, with regard to the pending proceedings, if any, under the corresponding State law which may have to be saved and continued. The Government of Jammu and Kashmir had no objection to the extension of the Central Prevention of Food Adulteration Act, 1954, to the State subject to the condition that a saving clause is provided in the said Act for saving and continuing the proceedings already instituted, orders and appointments made and other action

[Shri B. S. Murthy]

taken under the Jammu and Kashmir Prevention of Food Adulteration Act, 1958. Sir, I may clarify the position like this. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Murthy, it is only to extend it to the State of Jammu and Kashmir.

SHRI K. CHANDRASEKHARAN (Kerala) : Sir, we want to hear him. Let him read the entire thing.

SHRI MULKA GOVINDA REDDY (Mysore) : Let him say Sir. Why should he be prevented from clarifying it ?

SHRI B. S. MURTHY : I shall answer the question raised later on.

The question was proposed.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The motion is open for discussion. Shri Mathur.

श्री जगदीश प्रसाद माथुर (राजस्थान) : उपमहा-
ध्यक्ष महोदय, जो विधेयक माननीय मंत्री महोदय
लेकर आए हैं उसका तो मैं स्वागत करता हूँ। लेकिन इसके
साथ ही साथ मैं सदन के नेता से एक निवेदन करूँगा कि
जिस प्रकार से बार-बार सदन का समय लेने के लिये
हर विधेयक पर एक संशोधन लेकर आते हैं कि जम्मू
और काश्मीर पर भी वह लागू हो, तो क्यों नहीं वह
एक बार सरकार में बैठ कर निर्णय कर ले कि सविधान
की धारा 370 को हटा दें तो सारे के सारे कानून जम्मू
और काश्मीर पर लागू हो जायें। इस विधेयक को अब
ले कर आए हैं, आज तक जम्मू और काश्मीर के अंदर
यह कानून लागू नहीं था। इसके परिणामस्वरूप वहाँ
के नागरिकों के लिये प्रिवेन्शन आफ फूड एडल्टरेशन
ऐक्ट लागू होने के बाद जो सुविधाएँ मिल सकती थी
बाकी स्थानों की तरह, वह नहीं मिल सकी। यह अलग
विषय है लेकिन फिर भी जहाँ हम बाकी भागों में मिलावट
को रोकने के लिये कानून लागू कर सकते थे, वह जम्मू
और काश्मीर में हम नहीं ला सके थे। और भी कई
तरह के कानून हैं जिनके बारे में इसी प्रकार के अमेन्ड-
मेंट लाने पड़ते हैं कि जम्मू और काश्मीर में भी वह लागू
हों। तो सरकार से मेरा निवेदन है कि इस बारे में वह
एक बार निर्णय ले लें।

दूसरी बात इस विधेयक के बारे में मुझे यह कहनी
है कि इसको लाने के साथ मंत्री महोदय इस सारी समस्या
पर गम्भीरता से विचार करते कि वास्तव में इस फूड
एडल्टरेशन को रोकने के लिये क्या केवल एक समस्या
थी अपने देश में कि जो जम्मू और काश्मीर में लागू नहीं
होती थी। वर्तमान में जो कानून बना हुआ है, अगर उस
पूरे कानून को खोलते रहे, तो इसके बारे में मैं मंत्री
महोदय से निवेदन करूँगा कि वे सदन के सदस्यों की
समिति बनाकर इस सारे कानून पर विचार करें।
आज पकड़ा कौन जाता है। जो दुकानदार बाजार में
बैठ कर चीज बेचता है, वह बेचने वाला पकड़ा जाता है
कि उसने मिलावट की है। जो माल को प्रोड्यूस करता
है, प्रोड्यूस करने के बाद दुकान पर वह चीज रखी जाती
है और जब दुकान पर छपा मारता है इन्स्पेक्टर तो
वही पकड़ा जाता है। दुकानदार जो घी, तेल या कोई
भी चीजें बेचता है वह सारे जिनने कन्ज्यूमर्स हैं, खरीदने
वाले उनकी गाली का भागीदार बनता है और सरकार
जो सजा देना चाहती है उसका भी भागीदार वह दुकान-
दार बनता है। तो प्रश्न यह है कि मिलावट सोर्स से
प्रारम्भ होती है। तो सोर्स को पकड़ने के लिये सरकार
का क्या तरीका है। आज तक ज्यादा जो पकड़े जाते
है वह दुकानदार है, जो माल बेचते हैं। अगर कोई दूध
बेचने वाला है, वह दूध घर से लाता है, उसमें उसने
पानी मिला दिया और हलवाई के यहाँ दे जाता है
और इन्स्पेक्टर मशीन लेकर हलवाई के पास यह देखने
जाता है कि मिलावट है या नहीं, तो उसमें यह नहीं देखा
जाता कि किस सोर्स से वह आया। तो आज जहाँ-जहाँ
पर सोर्स है मिलावट करने के, उनको पकड़ने की व्यवस्था
आप कानून में कर सकते हैं। कानून को जितना आप
कड़ा बना सके हमें इसमें आपत्ति नहीं है। हमारे नागरिकों
को बाजार में चाहे धनिया हो, मिर्च हो, हल्दी हो, तेल
हो, ऐसी कौन सी चीज है जिसमें मिलावट नहीं मिलती।
मंत्री जी बताये उनके मंत्रालय के अंदर कौन सी बीमारी
नहीं है जो उनकी वजह से नहीं होती। वह दोनों विभाग
के मंत्री हैं : बीमार यह बनाते हैं और बीमारी की
दवाई यह करते हैं कि क्योंकि मिलावट की रोकथाम न
करने से लोग बीमार होते हैं। यह सरकार पर दुगुना
खर्चा आपकी वजह से बनता है। आप चाहे तो इस कानून
को कड़ाई से अमल करें, सदन आपका साथ देगा।
उमसे आपका जो खर्चा होता है दवाई देने में वह खर्चा
बचेगा।

हमारी सरकार की नारी की सारी अर्थ व्यवस्था मिश्रित है। तभी उन्होंने सं वा होगा मिश्रण को रोकेंगे नहीं। कांग्रेस के दो टुकड़े : ए लोगों ने सोचा था कांग्रेस का शुद्धीकरण हो जायेगा। आप शुद्ध हो गये या नहीं हुए यह आप जाने लेकिन आपके अंदर सारे के मारे एलीमेंट्स जिस प्रकार से घुसे : ए है उसको देखते हुए आप शुद्धीकरण नहीं कर सकते। फिर भी जहाँ भी शुद्धीकरण का नवाल आयेगा, उसमें हम आपके साथ होंगे।

मैं आपको अपना समर्थन देना चाहता हूँ। लेकिन माननीय मंत्री जी से फिर कहूँ कि अगर इतना ही इस विधेयक का आशय है कि जम्मू और काश्मीर पर यह लागू हो तो सरकार ने चाहिये धारा 370 को संविधान से हटा दीजिए, जिसने हिन्दुस्तान के बारे के सारे कानून जम्मू और काश्मीर में लागू हो जायें। मेरा निवेदन है कि सदन के सदस्यों की एक समिति बना कर पूरे कानून पर विचार कीजिए कि क्या क्या मिलावट होती है और इस कानून को जितना कड़ा से कड़ा बना सकते हैं उतना कड़ा बनाइये। हम इस मामले में आपका साथ देंगे।

श्री नवल किशो (उत्तर प्रदेश) : मान्यवर, यह एक बहुत छोटा विधेयक है और मैं इसका समर्थन करता हूँ। मान्यवर, यह बिल पहले सन् 1954 में पास हुआ था और आज 16 साल के बाद इस बात का संशोधन हमारे सामने आया कि इसको जम्मू और काश्मीर पर भी लागू किया जाय। यह बात सर्ववर्धित है और सत्य है कि जम्मू और काश्मीर हिन्दुस्तान का एक भाग है, इन्टीग्रल पार्ट है। तो आज जो अमेन्डमेंट हमारे सामने आया है, मैं समझता हूँ कि उसको बहुत पहले ही आ जाना चाहिये था।

जैसा अभी हमारे मित्र श्री माथुर ने कहा कि बेहतर तो यह होगा कि इस संविधान की धारा 370 को एक दफा चेन्ज कर दें कि हमेशा के लिए जितने भी कानून हिन्दुस्तान के लिए होते हैं, वे जम्मू और काश्मीर पर भी लागू हो जायेंगे। इस तरह की मांग बहुत दिनों से ही रही है। सरकार ने पहले यह कानून सन् 1954 में पास किया था और सन् 1964 में इसमें संशोधन करके सेन्ट्रल की जो कंवेन्ट पावर स्टेट्स के साथ साथ थी वह सेन्टर की भी हो गई। इसके माने यह हुए कि सेन्टर की जिम्मेवारी पहले के मुकाबले में ज्यादा बढ़ गई। मान्यवर, आपने भी अखबारों में पढ़ा होगा कि

भारत सरकार के एक कृषि मंत्री ने बतलाया कि हर तीसरी चीज खाने पीने की जो हिन्दुस्तान में तैयार होती है उसमें मिलावट होती है और वह इम्प्योर होती है। मैं समझता हूँ कि कोई भी कृषि मंत्री या खाद्य मंत्री इससे ज्यादा ईमानदारी की बात नहीं कह सकता है और न ही सरकार की कमजोरी को इस तरह से कन्फेश कर सकता है। मैं नहीं समझता कि इतनी बड़ी गवर्नमेंट यहाँ पर बैठी हुई है और उसका कृषि मंत्री यह कहे कि हर तीसरी चीज जो खाने पीने की तैयार होती है उसमें मिलावट है, तो इसके माने यह हुए कि 33 परसेंट में मिलावट है अर्थात् एक तिहाई खाने का सामान जो हिन्दुस्तान में तैयार होता है वह अडल्टेरेटेड है और इम्प्योर है। वह जो सामान है पवित्र नहीं है। मेरे भाई ने अभी कहा कि चाहे आप दूध पीयें, घी खायें, तो आपको मिलावट वाली चीज मिलेगी। आज आप देखेंगे कि बाजार में जो खोया मिलता है उसमें ग्लाइसिफाइड पेपर का मिश्रण मिला हुआ होता है। इसी तरह से जितने भी तेल और दूसरी चीजें बाजार में बिकती हैं वे इम्प्योर होती हैं। यही नहीं, जो दवाएँ बाजार में बिकती हैं वे भी एडल्टेरेटेड होती हैं।

मेरे भाई ने अभी कहा कि इस सरकार की इकोनोमी भी प्योर नहीं है। तो मैं यह कहना चाहता हूँ कि श्री ओम् मेहता जो उधर बैठे हैं उनकी सरकार भी प्योर नहीं है। उनकी सरकार आज अडल्टेरेटेड सरकार है, जिसमें डी० एम० के० घुसे हैं, सी० पी० आई० घुसी है, सी० पी० एम० घुसी है और मुस्लिम लीग घुसी है। तो मान्यवर, न इस सरकार की इकोनोमी प्योर है, न पोलिटिक्स प्योर है और न ही गवर्नमेंट प्योर है। इसके चारों तरफ एडल्टेरेशन है और श्री ओम् मेहता उस अडल्टेरेशन के सिम्बुल हैं। जब गवर्नमेंट अडल्टेरेटेड हो, तो उससे क्या यह उम्मीद की जा सकती है कि वह एडल्टेरेशन की समस्या को हल कर सकेगी तथा बंद कर सकेगी। मैं कहना चाहता हूँ कि यह सरकार बंद नहीं कर सकती है।

अभी माननीय मंत्री जी ने कहा कि हमने इस बिल द्वारा जो दंड की व्यवस्था की है वह छोटी है यानी 6 महीने की सजा और एक हजार रुपये फाईन। तो मैं यह जानना चाहता हूँ कि अभी तक इस सम्बन्ध में कितने लोगों का कालान किया गया और कितने आदमी इस बिल के द्वारा कंविक्ट किये गये हैं, क्या वे

[श्री जगदीश प्रसाद माथुर]

इस सम्बन्ध में स्टेटवाइज ब्रांकड़े देगे, दुर्भाग्य की बात तो यह है कि इस सदन में दवाओं के दाम कम करने की घोषणा सरकार की ओर से की जाती है, लेकिन बाजार में दवाओं के दाम कम नहीं होते। यह सरकार बहुत सी घोषणाएं करती है, कानून बनाती है, मगर यह नपुंसक सरकार अपनी घोषणाओं को इम्प्लीमेंट नहीं कर पाती है। उसकी घोषणाओं का कोई असर नहीं पड़ता, बल्कि उसका असर विपरीत पड़ता है। तो मैं यह बात कहना चाहता हूं और जैमा मैने शुरू में कहा कि यह एक छोटा सा अमेडिंग बिल है जो जम्मू और काश्मीर में भी लागू किया जा रहा है। लेकिन मैं सदन का ध्यान इस बात की तरफ दिलाना चाहता हूं कि इस सरकार ने पिछले 16 सालों से दवाओं और खाने पीने के सामान में जो एडल्टरेशन इस समय चल रहा है उसको बन्द नहीं कर सकी है। सरकार को इस तरफ और ज्यादा सख्ती के साथ कदम उठाना चाहिये। हम देखते हैं कि आज इस मिलावट के मामले में बहुत बड़ा भ्रष्टाचार बाजार में फैला हुआ है। जो आफिसर मिलावट की चीजों को पकड़ने में लगे हुए हैं, उनका दुकानदारों से बंधा हुआ रहता है और इसीलिए मिलावट के सम्बन्ध में कोई कार्यवाही नहीं हो पाती है। पांच परसेंट केसेज में चालान होता है और इस पांच परसेंट में भी मुश्किल से कुछ केसेज में क्विक्शन होते हैं। तो आज हमारे देश में इस तरह की स्थिति है, जिसकी तरफ मैं इस सरकार का ध्यान आकृष्ट करना चाहता हूं। यह एक छोटा सा विधेयक है और मैं इसका समर्थन करता हूँ।

DR. (MRS.) MANGLADEVI TALWAR (Rajasthan) : I welcome this Bill. I am glad that the State Government concerned has given its consent and concurrence for the extension of this legislation to be applied to Jammu and Kashmir. I agree with the previous speaker that all the regulations and Acts that we pass in the Parliament should apply also to Jammu and Kashmir and the Constitution should be suitably amended. Jammu and Kashmir, specially Kashmir, is a tourist centre in India and I am rather surprised that this Bill has come in 1970 and not earlier. It is a laudable objective of this Bill to secure uniform application of the Act which would enable the Government of Jammu and Kashmir to prevent the sale of sub-standard food containing substances which are harmful and poisonous to the health of the people. If harmful and poisonous food

is being sold till now and if that has been the condition where tourists from all over the world and all parts of India visit that place, I would like to know the steps taken by the State Government to prevent this state of affairs. Have they made any regulations—locally there—to prevent this state of affairs? However, it is better late than never. So the amending Bill has come and I welcome it and I support it and I hope that the original Act of 1954 should also be looked into as suggested by a Member and the implementation of it should be more effective. It is the experience of everybody that the food-stuffs in this country, in Delhi, are adulterated and they are adulterated to such an extent that they are harmful to the health of the people. Condiments or masalas are greatly mixed with adulterating agents and sold to the people. I hope the original Act will be suitably amended if it is necessary and, if not, the implementation of it should be made more effective to protect the health of the people.

SHRI K. CHANDRASEKHARAN : The Prevention of Food Adulteration Act is a post-independence enactment in this country, enacted first in 1954, and rightly the Minister at this stage went slightly into the history of this legislation and reminded us that in 1964 the enactment underwent large-scale amendments. The idea of the amendments was to prevent food adulteration or at least reduce it but somehow, in spite of the working of this Act in this country, adulteration every year has been on the increase and the result is three-fold. One is, it affects very adversely the health of the ordinary citizen. Secondly there has been an enormous increase in litigation under the Act and thirdly there has been corruption on a massive scale among Food Inspectors and others appointed for implementing the provisions of this Act. I am only to suggest, therefore, that not much purpose would be served by extending the provisions of this Act to Jammu and Kashmir. It may be that since there is absolutely no legislation in that area.

SHRI B. S. MURTHY : There is.

SHRI K. CHANDRASEKHARAN : ...in regard to food adulteration it may do good but if as the Minister now states that there is some legislation, I am not sure whether the legislation that we are now extending to that area would be in any way better or worse than the legislation that exists there.

I am only to suggest two things, Sir, and one is this. We had been trying with

the idea of some sort of a preventive punishment, punishment of a very severe nature, so that it may be a deterrent. We tried it in two social legislations. Firstly we tried it in the various States where the law of prohibition was in force by virtue of the prohibition enactment. We have tried it in the case of the Food Adulteration Act. In both these cases the preventive or the deterrent aspect of severe punishment has been, if not a total failure, very much of a failure, rather than doing anything contributory to the prevention of offences which were sought to be prevented.

Then, Sir, another aspect is that, when this Act is actually administered, it will be the small dealer who will be often proceeded against. These dealers, Sir, have no chance to know whether an article is adulterated or not. And they got these articles only the previous day or the before from the wholesalers. And the wholesalers, in turn, may be, they got them from other States from the producers or the manufacturers. And very wrongly, if I may say so, the provisions of laws such as this are being applied at the last level instead of at the first level. No attempt has been made to implement the provisions of this Act either at the producer's level or the manufacturer's level or the wholesaler's level. Then again, Sir, in prosecutions manufacturers and wholesalers are often left out from the chargesheet on the ground that they belong to another State and, therefore, no prosecution in a particular State is possible.

Then again, Sir, the defects in the prescribed standards which are solely attributable to the conditions of the soil of the region, in which the articles are produced, are not taken into account when the dealers are prosecuted for selling sub-standard quality of articles, as for example oilseeds. There is no provision, Sir, for Agmarking of the goods nor is the Agmark on a sealed container treated as protection, so far as the retail dealer is concerned, for the purpose of the retailer being saved from harassment by the inspectors appointed under this Act.

These are matters of detail which have got to be gone into by Government at some stage or other, and now that the Prevention of Food Adulteration Act is extended to the whole of India including Jammu and Kashmir, I would suggest that (1) Government request the Law Commission to go into the matter and (2) Government appoint an all-India committee—because this is a matter of national importance and national urgency—to go into the working of the

provisions of this enactment and suggest the necessary and healthy amendments.

Thank you, Sir.

SHRI N. SRI RAMA REDDY (Mysore) : Sir, I rise to welcome this amendment that is now before us. It is not too late either. In this connection I am tempted to refer to one aspect; that is, wherever such words occur, in whatever Act they might be, they should be deleted. It should not be only in the case of this Prevention of Food Adulteration Act but this should be done in respect of all Acts. These words look to be stinking to me. Jammu and Kashmir being part and parcel of India it is absolutely necessary that we should delete these words in whichever Act they occur. Therefore I make bold to advise the Government that they should bring forward an amendment to delete these words from all Acts, wherever they occur, whatever Act it might be. Sir, this is a blot on the very Constitution of India and that is why I am suggesting to the Government to bring forward an amendment . . .

SHRI K. CHANDRASEKHARAN : To article 370 of the Constitution.

SHRI N. SRI RAMA REDDY : He is a lawyer. Thank you very much. Such anomalies should not be allowed to remain any more. It is a fact, that Jammu and Kashmir is a part and parcel of India. Therefore I would advise the Government to bring forward the amendment very soon, if not in this session at least in the next session. Let them make a comprehensive study of the entire thing and amend all the Acts, not necessarily in the Department of Health alone.

The next thing I would like to refer to is this. What is the philosophy behind this? It looks to me that the very Act itself speaks of something derogatory to the national character of this country. What is the basic defect? The basic defect is there is less production of everything that a man needs in this country. With shortages in everything human beings as we are, probably it is very difficult to avoid adulteration. Any amount of law you may make but still the law will not be operative effectively. After all the Government is not all-pervasive, it is not omnipotent.

SHRI B. S. MURTHY : Thank you.

SHRI N. SRI RAMA REDDY : Therefore I say that the root cause of this adulteration must be tackled. That can be done only with concerted efforts. For instance I came to Parliament in the year 1960.

[Shri N. Sri Rama Reddy]

In 1960 the Government was thinking of producing a harmless colouring material which could be mixed with the vegetable product so that the vegetable oil could not be used for adulterating pure ghee. For the last ten years the Government has failed miserably. With all the crores of rupees they are spending in all their laboratories they have not been able to produce one single colouring material which if added to the vegetable product would prevent the vegetable product being used as an adulterant for pure ghee. Government has signally failed in that.

Similarly, Sir, all over Europe, wherever you do, they do not know a thing like adding water to the milk. Here people are jocularly saying that we add milk to water. That is the order here. What is the basic defect? The basic defect, as I said before, is production. In every field you must increase production, you must maximise your production and see that the complete requirements of every human being in the country is provided for. Then there would be no necessity for a measure like this. This Act itself—pardon my saying so—speaks much of the national behaviour as such. I am not very happy about these words in the Statement of Objects and Reasons. It says : “.....to prevent the sale of sub-standard food containing substances which are harmful and poisonous and thereby protect the health of the general public.....”

Therefore, in order to be punishable the material should be harmful and poisonous. Suppose you add water to milk. It is not harmful and it is not poisonous. Therefore, it is not punishable either. Does it mean that the adding of water to milk is all right? If you add vegetable oil to ghee, it is not harmful and it is not poisonous.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : But it comes under adulteration.

SHRI N. SRI RAMA REDDY : The words that are used here speak differently from the objects of the Bill. If a particular instance is questioned in a court of law, I do not know whether this will stand or fall. Anyway, I am not very happy with the words that have been used. First of all, I want the Government to tackle the problem of production in every field, in regard to all the foodstuffs that are required. That is a national problem. All the same strenuous efforts have got to be made to to maximise production in every field, which will be far more effective than all the

laws that you pass. The plethora of laws that you pass will not do any good and only for the satisfaction of the Government laws have got to be passed. The more the laws, the greater the corruption in this country. The greater the corruption, the greater the loss of character. The greater the loss of character, the more the nation will go down. Let us not do anything by which the nation goes down. Therefore, I say, first of all tackle the problem at the very root. An Act here and there will not eliminate the problem. While welcoming the Bill I once again stress this. Wherever the words “except the State of Jammu and Kashmir” occur, they have to be removed completely. As he says, article 370 should be deleted sooner than later.

SHRI B. S. MURTHY : I thank the Members for the lively interest taken by them in this short and small amending Bill. I am especially thankful to Mr. Sri Rama Reddy for having come to my rescue by answering the questions raised by Mr. Nawal Kishore. Mr. Nawal Kishore said that everything is adulterated. He said the Government is adulterated. Even a colleague of mine is proof of adulteration. The only question is whether he himself is adulterated. If he is also adulterated, perhaps he is justified in calling others adulterated.

SHRI NAWAL KISHORE : The Government is adulterated, of which you are also a Minister.

SHRI B. S. MURTHY : About this adulteration and pointing fingers at others, I am reminded of the story in the Bible. A woman was brought before Jesus Christ and she was accused of having committed adultery. For adultery, according to the Mosaic law, the woman had to be stoned to death. They told Jesus Christ : “You come as a new creature and say : Love thy neighbour. Here is a woman, who is guilty of adultery. The Mosaic law says she should be stoned to death. What will you advise us?” Then, he took some time. Perhaps that is the one occasion when Jesus Christ took a lot of time. He said : “Yes, stone her to death, but let the first stone be dropped by the man who is not guilty of the sin.” Then, he was looking at the sands of the Sea of Galilee and then after some time not a single person was found.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : There is difference between adultery and adulteration.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Let us come to the Bill.

SHRI B. S. MURTHY : Then, she fell at the feet of Jesus and said : Lord, 5 P.M. forgive me.] The only advice he gave was : Do not sin any more. Therefore, adulteration is a relative term. As I said, this is only extending the Act to Jammu and Kashmir. As I explained, it could not be done because of that article 370 and other things. Now that hurdle has been removed and therefore we are now extending...

DR. BHAI MAHAVIR (Delhi) : Has article 370 been removed ?

SHRI B. S. MURTHY : It need not be removed.

DR. BHAI MAHAVIR : Does it need to be kept ?

SHRI B. S. MURTHY : I would like to remind you that even this amended Act of 1964 could not be made applicable to Jammu and Kashmir as it was relatable to entry 18 of the Concurrent List (Adulteration of Foodstuffs and other goods) in the Seventh Schedule to the Constitution. As long as the said entry did not apply to the State of Jammu and Kashmir, the P.F.A. Act, 1954 could not be extended to the State. Subsequently, the Ministry of Home Affairs took steps to amend the Constitution so as to provide for the application to the State of Jammu and Kashmir of entry 18 of the Concurrent List in the Seventh Schedule to the Constitution and in exercise of the powers conferred by clause (1) to article 370 of the Constitution issued the necessary Presidential Order, namely, the Constitution (Application to Jammu and Kashmir) Fourth Amendment Order, 1967, published in the Gazette of India Extraordinary dated the 26th December, 1967. This I gave to the House so that they could know why this has been delayed.

DR. BHAI MAHAVIR : What we are interested in knowing is why article 370 is being kept at all, why a separate legislation has to be enacted.

SHRI B. S. MURTHY : This is a limited question and I want to get myself limited to this only, I do not want to go beyond this.

Some friends have asked me about the working of this legislation. I am giving some figures :

Number of food samples examined :

1960	.	.	.	1,22,119
1968	.	.	.	1,60,188

Number of samples found adulterated :

1960	.	.	.	37,837
1968	.	.	.	40,084

Percentage of samples found adulterated : ...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You need not go into all those figures.

SHRI B. S. MURTHY : They have asked for some information and I am trying to give them. I will take only two or three minutes. I do not want to take much time of the House.

... Percentage of samples found adulterated : ...

1960	.	.	.	31.0
1968	.	.	.	25.0

Number of convictions :

1960	.	.	.	22,886
1968	.	.	.	17,518

Number of persons imprisoned :

1960	.	.	.	601
1968	.	.	.	5,698

Fines realised :

1960	.	Rs.	16,62,510.00
1968	.	Rs.	33,58,559.80

Another question was raised that only the small retailers are being punished. This is not a fact. Everyone who is found guilty is being challanned and then according to the court he is being let out or otherwise.

There was another question raised as to what about other things. There is a Sub-Committee which is now looking into the various aspects of the working of this Act, and as soon as it finalises its collection of evidence and other material, we are thinking of amending the Act, if necessary.

Sir, there are a number of points. But the time is over. I want to assure the House that this Food Adulteration Act will not be applied to innocent people and that care is taken to see that all protection is given to honest traders. Sir, I move that the Bill be taken into consideration.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration,"

The motion was adopted.

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THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

SHRI DEV DATT PURI (Haryana) : Sir, sub-clause (b) of clause 4 reads like this—

“For the avoidance of doubt, it is hereby declared that the provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897 which shall also apply to the repeal of the corresponding law in force in the State of Jammu and Kashmir as if such corresponding law had been an enactment.”

This is a drafting monstrosity of a magnitude that I have never encountered in my fifteen years of experience as a legislator. I have asked eight or nine senior Members of this House to go through this clause and to see if they can make out any head or tail of it. I think this clause should have been spread into two or three parts. That is why the entire debate in the House, except for certain observations which really refer to the State of Jammu and Kashmir, has been in regard to adulteration in general

and not in regard to the Bill itself, and the fault entirely lies in the drafting of the Bill and particularly of this clause.

SHRI B. S. MURTHY : The hon. Member is giving his view. I can only say that we have been guided by the Law Ministry in drafting this Bill.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

“That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

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

SHRI B. S. MURTHY : Sir I move :

“That the Bill be passed”

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at eight minutes past five of the clock till eleven of the clock on Thursday, the 20th August, 1970.