

[श्रीमती सावित्री निगम]

कि डेफिनिशंस के (ix) (d) में दिया है कि—

"if it is so coloured, flavoured or coated, powdered or polished that the fact that the article is damaged is concealed or if the article is made to appear better or of greater value than it really is" तो जहां तक पैकिंग का सवाल है, श्रीमन्, अक्सर ऐसा होता है कि मामूली से मामूली चीज भी लोग बेचते हैं मगर लोगों को अट्रैक्ट करने के लिए उसकी पैकिंग आदि इतनी खूबसूरत बना देते हैं कि वे उसे खरीद लेते हैं तो यह एक अच्छी चीज है कि इसको भी एक तरह से गैर कानूनी बना रहे हैं। और भी बहुत सी चीजें हैं जिनको कि और वक्ता और साथी भाषणवर्त्ता पोंड्रट आऊट करेंगे। उनको भी इस कानून में कोई ऐसा डिस्प्यूटेड पोंड्रट रखना ही नहीं चाहिए कि जिससे मुकदमेबाजी बढ़ने पावे। इसलिए इस क्लोज में थोड़ा सा संशोधन और ऐसा सुधार कर लिया जाय, जिसमें कि मुकदमेबाजी की कोई गुंजायश न रहे तो मैं मंत्री महोदया को बहुत धन्यवाद दूंगी।

श्रीमन्, फूड इंस्पेक्टर्स के बारे में मुझे यह कहना है कि आम तौर से ऐसा होता है कि जो इंस्पेक्टर्स होते हैं वे लोग कभी परिस्थितियों में फंस कर या कुछ और कारणों से डिपेंडेंस में पड़ जाते हैं और अपराध कर बैठते हैं। इसलिए जहां इंस्पेक्टर्स का जिक्र आया है, वहां यह भी बढ़ा दिया जाय कि इंस्पेक्टर्स उन्हीं संस्थाओं से लिए जायेंगे जो बहुत प्रमाणित संस्थाएं हों। देश के अन्दर ऐसी बड़ी बड़ी संस्थाएं हैं जैसे पीपुल्स सोसाइटी है, भारत सवक समाज है या रामकृष्ण मिशन है, जिनका उद्देश्य देशवासियों का हित करना है।

मुझे यकीन है कि इन संस्थाओं से जो लोग लिये जायेंगे वे कुछ तो अपनी संस्था के अनुशासन के डर से और कुछ सरकार के अकुश और नियमावलि द्वारा, जिनका उन्हें पालन करना पड़ेगा, अच्छी सेवा कर सकेंगे। वे लोग इंस्पेक्शन कर के बेईमानी को ज्यादा अच्छी तरह से रोक सकेंगे।

श्रीमन्, एक बात मैं और कहना चाहती हूं कि यदि सरकार चाहती है कि इस बिल का पूरा पूरा उपयोग हो तो उसे जितनी समाजसेवी संस्थाएं हैं उनका भी सहयोग लेने के लिए सदैव तत्पर रहना चाहिए और उनका सहयोग लेकर देश के अन्दर लोगों में जो कुरीति नस नस में समाई हुई है, यानी नशा करने की जो लत है उसको भी रोकना चाहिए। यदि इस चीज के लिए सरकार कटिबद्ध है तो उसे समाज-सेवी संस्थाओं का सहयोग अवश्य लेना चाहिए।

#### POSTPONEMENT OF DISCUSSION ON BANK AWARD

MR. DEPUTY CHAIRMAN: Before Dr. Barlingay begins his speech, I have to make an announcement. The Chairman has decided that the discussion on the Bank Award set down for 11:15 A.M. today will stand postponed to 11:15 A.M. tomorrow as there is an emergent Cabinet meeting today, and tomorrow both the Finance Minister and the Prime Minister are expected to take part in the debate.

#### THE PREVENTION OF FOOD ADULTERATION BILL, 1954—continued

DR. W. S. BARLINGAY (Madhya Pradesh): Sir, I rise to support this Bill in as strong terms as I can possibly command and I must congratulate the hon. Minister for Health for bringing forward such a comprehensive measure before this House. But

at the same time I have to say that merely penalizing certain wrong-doings in society does not really improve society. What is of the utmost consequence in such matters is that the Government and society should take a proper attitude towards the entire question. I do not speak here with any feeling of bitterness. I do not also say that the policy of the Government is mistaken or that it has got to be altered in material particulars. I am also fully conscious of the fact that in our Health Minister today we have got a person who has got an aptitude to adorn whatever she touches. Nonetheless I do want to say, and to say very frankly, what I feel about this whole matter. I want to refer especially to the production of what is called Dalda or vegetable ghee in this country. The hon. Health Minister has drunk deep at the feet of the Father of the Nation and I sure what I want to say in this connection would appeal to her personally even if it does not appeal to the Government as a whole. Sir, I feel very strongly about this matter. I do not want to raise the entire question as to whether this Dalda or vegetable ghee is harmful to the health of the individual in this country. It is just possible—although I have got very grave doubts myself about the matter—that this Dalda or vegetable ghee is not injurious to the health of human beings. It is quite possible to hold that view but nonetheless I have no doubt in my mind that the manufacture of such products in this country is absolutely unessential. Suppose somebody wants to use vegetable ghee, perhaps we need have no objection to his doing so and in a country which follows the principle of *laissez faire*, the method of looking at it would be entirely different. But we are told that this is a Welfare State and we believe in planned economy. Is it not therefore surprising to find, if I may say so, as I said before, without the least bitterness and with the fullest sympathy with the object of this Bill, that even in the Five Year Plan, which by itself is a very great document, there are

development schemes which concern the production of Dalda and vegetable ghee? In a country where oil is available in plenty and where the food habits of the people do not require that this oil be refined in any way or be turned into Dalda or vegetable ghee—I for one and I am sure several of us here use oil every day of our life—is it not surprising to find that in a Welfare State like this, you should have development schemes for the production of Dalda and vegetable ghee?

It does seem to me that there is something wrong somewhere so far as this matter is concerned. We ought not to waste national energy, we ought not to waste national money in the production of vegetable oil in any manner and when you find that it is included even in the Five Year Plan, will you excuse me if I say that this would amount to a planned waste of national energy?

AN HON. MEMBER: No.

DR. W S. BARLINGAY: Somebody here says, "No". Of course it is democracy and I fully realise that everybody is entitled to his own opinion. I also have my views on this matter and the hon. Minister will surely excuse me if I air my views in a very, very frank manner.

Take another instance. The other day we were told something about synthetic rice. I for one do not really understand why we should have any such synthetic food at all. Actually the very ingredients are commonly eaten here in the country. It is said with regard to synthetic rice that that particular kind of rice would contain tapioca and groundnut and some other substances which are not injurious to health. Now, every one of these substances is being eaten by our people and there is no kind of compunction with regard to the eating of it. So there is no difficulty about eating it. In these circumstances, I really fail to understand why we should encourage the production of this synthe-

[Dr. W. S. Barlingay.]  
tic rice at all. This I would call a waste of national energy for nothing and the only thing it will lead to is adulteration and adulteration galore. I object to the production of Dalda or vegetable ghee also. My objection to these and to the production of synthetic rice is not necessarily on the ground that they are injurious to health but on the ground that they make ghee, and so far as synthetic rice is concerned, they will make rice, I mean good rice, natural rice, very difficult to obtain in the markets of this country.

In the same way I want to say something about the *ghani* industry also. The other day, Prof. Ranga quite rightly pointed out that the policy of the Government, so far as this matter is concerned, appears to be—what shall I say—not very satisfactory. I speak, of course, subject to correction. I have been one of those who have tried to support the *ghani* industry in my own State and I can say with some amount of experience that no scheme with regard to the improvement of *ghani* will ever succeed when the present policy with regard to manufacture of oils in this country continues.

I say all this because I find that while on the one hand the hon. Minister for Health is extremely anxious to see that our foods are not adulterated, we find on the other hand that a policy consciously or unconsciously—I do not know which—is being followed which will go counter to what she wants to achieve by passing Bills like the present one.

Next, may I refer to some of the clauses of this Bill? Take for instance the question of adulteration of ghee with Dalda or vegetable ghee. I would humbly ask the hon. Minister for Health, whether adulterated ghee, that is to say, ghee mixed with Dalda, is covered by the definition given in (i) (a), (i) (b) or (i) (c) of clause 2. Perhaps it is covered by (i) (a). No

doubt the hon. Minister will reply that it is covered by (j) and (l), but as we have it in the definition here, that will depend on the question of what sort of rules are prescribed by the Government in this behalf. So far as (i) (a) is concerned, I want to humbly point out that this sort of definition is purely subjective. (i) (a) says:

"If the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be;"

This is indeed, a very valuable definition and I do not suggest that it should be omitted or anything of that kind. But it will readily be granted by any lawyer that this is purely a subjective definition. What is really wanted is an objective definition of the word "adulterated". The only two places where you get this objective definition are (i) (b) and (i) (c). I would humbly ask the hon. Minister for Health whether, if I adulterate pure ghee with dalda, that sort of mischief could be covered by either (i) (b) or (i) (c). I humbly submit that it would not be covered. And while I do not want to make any insinuations, I do feel that the wording of (i) (b) and (i) (c) has been made as it is, because we want to save, somehow or other, the manufacture of Dalda or *vanaspati*.

I want to say one thing with regard to *vanaspati* ghee. I am fully aware of the fact that so far as my knowledge goes at present we have not been able to find any substance, any colouring matter which if added to the *vanaspati* ghee lasts for over six months or so.

The difficulty really is, as the Health Minister will no doubt point out, that there is nothing, no colouring matter or any chemical substance which could be mixed up with this Dalda so that this could be distinguished from pure

ghee. I am sure she will point this out but I am told—and I speak subject to correction—that there are substances which keep their colour for at least about six months. I know that that will not really meet the needs of the situation but then even six months is a good enough time, I take it, and even if adulteration will not be completely prevented by addition of such substances, nonetheless by adding such substances which have efficacy at least for six months, adulteration will no doubt be lessened at least to some extent.

There are other aspects of the Bill to which I would now advert. I would say that so far as the penalties are concerned, clause 16 of this Bill is a definite improvement on the corresponding clauses of the previous Acts. Nonetheless, it does seem to me that even these penalties are not very adequate. I am referring especially to the fine which this clause says cannot exceed Rs. 2,000. I very humbly wish to point out that those people who deal in adulteration hardly feel an imposition of a fine of Rs. 2,000 as a punishment at all. While they make tons and tons of money by adulteration, if you impose a mere fine of Rs. 2,000, I suppose they would regard it as mere child's play. To them probably it will mean nothing at all. It would mean no hardship. I am sure that the matter is so very important—and I am sure that the Health Minister would agree with me that the matter is so very important—that I feel that a much stronger punishment is necessary. Of course, as I said some time ago, even whipping would not be enough so far as adulteration of food is concerned, but since that punishment is very uncivilised, I would certainly not advocate that sort of punishment except only to indicate my feelings in the matter. Although I am not proposing any amendments to this clause, I would suggest that on a future occasion the question of penalties under this Act may be taken up.

There is just one other thing to which I want to refer. It will be found

in the definitions that everywhere the word used is "injurious". Take clause 2(i)(b). It says, "If the article contains any other substance which affects, or if the article is so processed as to affect, *injuriously* the nature, substance or quality thereof" etc. Now, obviously, the word '*injuriously*' means injurious to health or harmful to health.

KAZI KARIMUDDIN: Adversely

DR. W. S. BARLINGAY: 'Injurious' has got reference to bodily feelings, bodily pains. That is what I take it to be. If you want to import more into it than what appears to be the case, *prima facie* I will have no objection. But as my hon. friend Kazi Karimuddin has just pointed out, perhaps that word might have been a better word but the word '*injuriously*'. I submit with all respect to my friend, has got reference to bodily pain or bodily feeling or discomfort. If that be so, I do feel that it is not really necessary to have the word to A. M. '*injuriously*' inserted everywhere in these definitions. We could have some better word but since I have not proposed any amendments to this Bill I submit this view of mine for whatever it may be worth, for the consideration of the hon. Minister.

In the course of my speech I may have said something which may not have been palatable but after all everybody is entitled to his own views.

SHRI M. SATYANARAYANA (Nominated): They are not adulterated.

DR. W. S. BARLINGAY: This is a democracy and whatever I may have said, I can assure the hon. Minister, has not been said with any feeling of bitterness or with any feeling of disappointment so far as the policy of the Government is concerned as a whole.

With these remarks I wholeheartedly support this Bill.

SHRI T. BODRA (Bihar): Mr. Deputy Chairman, I welcome wholeheartedly this Prevention of Food Adulteration Bill, 1954 and I congratulate the hon. Health Minister for it.

Looking at the definitions contained in clause 2, I do not think they are exhaustive. Why I say this is because of the following. Recently, an officer went into the shop of a sweetmeat seller in the District of Palamau and found that the preparations were made in adulterated ghee. Ghee was boiling in the *karahi* and *jalebi* was being prepared out of it. A school teacher went there and purchased half a seer of *jalebi* at the time when the officer was taking it. The officer found out that the ghee that was boiling in the *karahi* was adulterated and he took three samples; one he sent to the Chemical Examiner, Calcutta, the second he gave to the shopkeeper and the third he gave to the school teacher who purchased the *jalebi* prepared out of that boiling ghee in the *karahi*. That shopkeeper was convicted and sentenced to undergo rigorous imprisonment for three months as well as to a fine of Rs. 500. That case came up before the Judicial Commissioner of Ranchi and I was hearing that case. To my utter amazement it so happened that the shopkeeper was acquitted and the plea was that the shopkeeper was not selling adulterated ghee but that he was selling only the *jalebi*. According to the definitions, it became very difficult for the Judge to say that the offence falls within that Act; the shopkeeper pleaded that he was only selling *jalebi* which might have been prepared out of adulterated ghee a sample of which was taken by the officer. Unless it is very clearly and specifically mentioned in the definitions that any food prepared out of any adulterated substance also comes within the purview of this Act and that the man who deals in such things is liable for criminal action, the definition will remain incomplete. Of course, it has been indirectly hinted in all the sub-clauses of clause 2, but I would request that it should be very clearly and in specific terms incorporat-

ed in the definitions that if any article—let it be *jalebi*, *laddu* or *pera*—any item of food prepared out of an adulterated substance is presented to the public for sale in any manner the shop keeper or any one who deals in such things will come within the purview of this Act.

Now I come to clause 8 and it runs thus:

“The State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such qualifications as may be prescribed, to be public analysts and define the local areas over which they shall exercise jurisdiction:

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be so appointed:

Provided further that the State Government may appoint one public analyst for two or more local areas, such local areas being regarded as one unit for the purposes of this Act.”

Of course, Sir, this clause has been incorporated in this Bill, and as the Health Minister knows, there have been modest attempts in almost all the States of India to produce an Act for the prevention of adulteration in food articles. In this clause, Sir my opinion is that the State Governments should be compelled under this Act, to appoint a Deputy Collector, a Deputy Magistrate to go and check the wagons which contain a thing like mustard oil. In a place like Jamshedpur where so many wagons were coming and being stationed, at the Jamshedpur railway platform it should be the duty of the State Government to appoint a Deputy Magistrate specifically for this purpose, to accompany the Public Health Officer and the Food Inspector and they should be empowered to open that big opening of the wagon and take samples of mustard oil or ghee, as

the case may be, and it must be analysed and checked in the presence of the Deputy Magistrate and the wagon should be released to the merchant who has ordered for it only after the signature and satisfaction of the Deputy Magistrate. In clause 8, Sir, only if the State Governments are compelled to appoint a Deputy Magistrate for this specific purpose adulteration of a thing like mustard oil, which is always there for the need of the poor can be controlled. It is not open for all the people to take ghee and almost the whole nation, millions of Indians, are preparing their food out of this mustard oil. Especially in industrial places like Dhanbad or Sndri or Jamshedpur where lakhs of people are living and are preparing their vegetables out of mustard oil, until the Deputy Magistrate checks the stuff with the help of the Public Health Officer, the Food Inspector and other officers and satisfies himself that it is good, it should not be released to the public for sale and consumption and therefore Sir, I propose that in clause 8 something should be done something should be mentioned so as to compel the State Governments to appoint a Deputy Magistrate specifically for this purpose so that until he checks it the contents of the wagons should not be released for sale to the public.

Now I come to clause 10, Sir dealing with 'Powers of food inspector'. There is every chance that the food inspectors—I presume, Sir, that their pay will not be more than the scale of Rs 150—Rs 350—will be appointed by each and every State for this purpose. If the food inspectors are going to be appointed, they must be gazetted officers whose pay should be on the scale of Rs 250—Rs 850. If the food inspectors are going to be appointed for this purpose, who will be getting a salary of only Rs 150 or Rs 200 or Rs 250 or even Rs 300, then they are bound to be dishonest, the food inspectors will be bound to be dishonest in my opinion because that salary will not be sufficient to maintain themselves, their wives and children and to maintain the integ-

rity of the State Governments and the Central Government in the administration of this Act. Therefore, Sir either the food inspectors should be made gazetted officers, and if that is not possible under the present economic condition of the country, then the food inspectors should be always sent round for the search of all these things with a posse of armed force or constables or with a sub-inspector of police, because, Sir, if the food inspectors just like other marketing officers or vegetable inspectors or cloth inspectors, go alone, either they will be bought over by the shopkeepers or perhaps they will be assaulted because a food inspector, unless he is gazetted does not get the morale behind him to go and take the initiative in the best of his zeal, and if the food inspectors do come from III Grade officers in the State Government or in the Central Government, then they must be always accompanied by the sub-inspector of police in charge of the thana in whose jurisdiction he is going to check the shopkeepers, and, Sir, I request that these food inspectors should be vested with all the powers of a sub-inspector of police to arrest the shopkeepers immediately, then and there.

I would also suggest that the police sub-inspectors in charge of thanas should not be deprived of the powers of detecting food adulteration, it should not be confined only to the duties of the food inspectors to go and check the shopkeepers and others concerned because, Sir, a police officer may find that someone is contravening this Act, and if the police sub-inspectors are not vested with these powers of detecting adulteration and arresting the persons concerned, it will happen in the long run that there will be a tie between the two, the food inspector *versus* the police sub-inspector, with the result, Sir, that when the food inspector is trying to hand over the accused to the thana officer, the thana officer will try to refuse to accept him and there will be a kind of a tug-of-war and the purpose, the good purpose and the

[Shri T. S. Bodra.]  
honest desires of the State Governments will be frustrated because, Sir, as Shrimati Savitry Nigam said, as 99 per cent. of the population of India today are being affected in their health by this food adulteration, I submit that some such thing should kindly be introduced so that the purpose for which this Bill is being introduced, may succeed in its entirety.

BEGAM AIZAZ RASUL (Uttar Pradesh): Mr. Deputy Chairman, I rise to give my wholehearted support to the measure that is being discussed on the floor of this House and I congratulate the hon. the Health Minister for bringing forward this very necessary legislation. There can be no two opinions, Sir, about the necessity, and the great necessity of some kind of legislation on a matter which has been before the public, and which has been a demand of the public for a long time. I am sorry to hear from the Health Minister, Sir, that in spite of the fact that this Bill was ready some time before, other so-called important legislation stood in the way of its being discussed in Parliament. I should have thought, Sir, that this was such an important measure which affected the health and the physical fitness of the people of this country that it should have got a very high priority. Now that this Bill is being enacted and this legislation is going to be put on the Statute Book, I have every hope, Sir, that this will bring about an improvement in the state of affairs of adulterated food, which is rampant to such an extent in our country that, as I said before, the health of the people has been impaired to a great extent.

Unfortunately, we have not much public opinion in our country, if I may say so, otherwise I think there would have been such a hue and cry over this matter which is really causing so much harm and because of which rich and poor alike have been suffering for the past few years. During the time when there was food shortage in the country this aspect

of the matter got worse and during these last few years it has been going from bad to worse. Therefore it is none too soon that this legislation is coming.

I know that some States have some laws about this, but I am afraid that these laws have not done much to improve conditions and they have not eradicated this evil from our country as was expected. And that brings me to the point that although the Government in all its high hopes and with its great desire to fulfil the demands of the people and to improve their condition in many aspects does pass legislation, the implementation of that legislation has not been so satisfactory as to do really as much good as was intended. Therefore, I would request the hon. the Health Minister to see that the implementation of this very important legislation after it has been passed here and after it is placed on the Statute Book is done in the most strict manner possible.

Now, Sir, I need not go into very great details about adulteration because everyone of us here knows how every possible kind of food is adulterated in our country. Unfortunately, it involves the morals of our people. I say with a great deal of shame that if our people themselves had higher morals as regards business methods and ethics not only of selling but of buying as well, there would not have been so much adulteration of food. No one thinks of how it will affect the people who take such food-stuffs. The seller does not think of it; he is only thinking of his profit. Sometimes the buyer also from the point of view that he has to give less or pay a smaller price for an article thinks that he is getting something at a lower rate and he buys it but the detriment to his health is not kept in view. Adulteration of food in every respect is most deplorable. Every kind of food is liable to adulteration and is being adulterated but the most common is milk, butter and ghee. And these are the three important items in our food that should

be adulterated as little as possible. Even if we get a smaller amount of butter or ghee to eat or milk to drink, if it was pure it would have far more beneficial effects on the health than if we took a larger amount of milk, butter or ghee which is adulterated.

Sir, I understand that *vanaspati* does not come under this Bill and naturally so because only adulterated foodstuffs come under this. *Vanaspati* as such cannot be called adulterated because everyone knows that it is not pure ghee, but at the same time I would request the Health Minister to kindly consider the suggestion that there should be some kind of colour prescribed to ghee which is not pure ghee, and *vanaspati* should be included in that. This question has been before the State legislatures and also before the public and there have been demands that ghee other than pure ghee should have some colour given to it so that the public when they buy would know that they are not buying pure ghee. Sir, I know personally and I know from many friends also that ghee is sold as pure ghee, but we all know that what we get from vendors and from shops is not pure ghee. A small portion of it may be pure but the rest of it is either *vanaspati* or some other kind of mixture that is mixed with pure ghee and sold as pure ghee. Now, this could be prevented if ghee other than pure ghee including *vanaspati* was ordered to be coloured so that there would be a clear distinction.

As I said just now, it is the implementation of this legislation that has to be carefully watched to see that the purpose in view is achieved. I hope that this legislation will not be enforced to the harassment of the poor vendors while the rich people, the producers and owners of big companies who are usually involved in the production of foodstuffs go scot-free. We know they will find many ways by which they can escape; they will find out many loopholes and the poor people will suffer. Of course, I

am not saying that if some foodstuff sold by a vendor is bad, he should not be punished. He should be prosecuted, but you have to see the greater amount of harm and injury that is done by the things that are sold by big companies and concerns. how they affect a larger number of people and how they go scot-free. I have myself seen and I have heard from many how in cities and other places these Food Inspectors go about and if they see a poor vendor sitting on the side of the road with his food exposed to flies or something of that kind, they just topple over the whole of his basket and the poor man has nothing to earn for the day. It is a great hardship for the poor man. I am not suggesting that he should be allowed to sell anything that is below standard or that people should be allowed to buy anything exposed to flies and all that. That aspect is there but I want to point that it is only these small vendors and poor people who suffer while the big guns go free. Our aim should be to see that these big guns do not tamper with the machinery and that they do not escape through any loopholes.

Now, clause 12 of this Bill gives the purchaser the right to have the food analysed. So far so good; but I do hope that the hon. Minister will consider that the proviso here is something which will obstruct the purchaser from making any report or getting the food analysed. It says here: "Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed." When we go to buy things either in a shop or from a vendor we just buy without ever considering that the thing will be adulterated or will not be up to the mark, so that it becomes very difficult. Now, if I buy a tin of jam, I cannot say to the shopkeeper or to the vendor that I will have it analysed because I do not know whether the contents of that tin of jam are up to the mark or not. It is only after I open the tin and after I see that it is old or adulterated or has become stale that I can



[Begam Aizaz Rasul]  
 have it analysed to make sure that it is not up to the mark. So I hope that this provision that the purchaser has to inform the vendor at the time of purchase that he will have the food analysed will be reconsidered by the hon. Minister and deleted if possible because otherwise the whole purpose of this Bill will be defeated.

I remember once, Sir, I bought a box of chocolates from a shop. I never thought that those chocolates were old or stale. I gave that box as a present to a friend's child. To my shame and to my horror that friend of mine told me that when that box was opened he found that those chocolates were very old and that in fact by eating them the child might have fallen ill. Now, I was terribly sorry about it because naturally I did not know that the tin was old and the chocolates had become stale. Now, what happens? If I go to that shopkeeper and tell him that I got this tin from him and that it was bad, he will say, "Show me the receipt, I did not sell this to you. It must have been someone else." This is what often happens. So that it is very difficult to prove that we bought the thing from that shop and it is very easy for the shopkeeper to say that he did not sell it to us. These things have to be kept in mind and if this proviso remains, then it will be very difficult for the purchaser to prove that this thing was bought and that it was not really up to the mark.

Then, another point, Sir, about these analysts. I do not know what arrangements Government will make about these analysts in rural areas, because usually there is some food adulteration and all that. For the man in a rural area it will take at least one or two days for that food to be brought to a town or a city where there is an arrangement of this kind and by that time it will naturally get stale and bad. So something should be done about immediate report and immediate analysis.

A friend of mine, a Member of this House, was telling me the other day

that he was eating some butter which it seemed to him, was bad. He sent it to the Government analyst and to his surprise, he got a report about that butter—saying that it was perfectly all right. Now, I am not casting any aspersions on any Government institutions or analysts but I would like to bring to the notice of the Government that a very, very careful watch will have to be kept and strict instructions will have to be given to Government analysts to see that a correct appraisal and a correct report of things that are sent to them is made. Otherwise, as I said, big people who own big companies and who manufacture all these articles of food which are, more or less adulterated will get off—by getting reports from analysts and also through other means.

Sir, as regards clause 20, I hope that Government\* will give instructions to the State Governments that they should institute special courts for this purpose, because as soon as this Bill comes into force, I have no doubt that there will be a great number of such reports coming in and the ordinary magistrates will not be able to cope with them. As it is, a lot of our revenue and other work goes into arrears and as these magistrates have to deal with so many cases, they will not be able to cope with the work. So I hope special people will be appointed to go into food adulteration cases.

I am glad, Sir, that the State Governments, under clause 24, have the rule-making power and that these rules will be placed before the State Legislatures. Usually when a Bill is passed it becomes an Act and it goes on the Statute Book. But when the rules are made they are such that it is more by executive orders that things are done and usually much of the purpose that the Legislature has in view when it passes the Bill is not served and I hope that by the enactment of the Food Adulteration Act, Acts that may be in force in different States will be cancelled and this Central Bill will be the guiding authority in all States also. Otherwise, if there is a difference

in the laws, it will be rather difficult to cope with them. I think that this Bill, as it is drafted, will be able to serve its purpose much better than those that are already in force in the States.

With these words, Sir, I give my whole-hearted support to this measure and I hope that it will achieve the purpose for which it is meant, that adulteration of food will become less on account of this law, and that the health of the people of our country will subsequently improve.

Thank you very much, Sir.

**श्री डी० नारायण (बम्बई) :** उपाध्यक्ष महोदय, जिस विधेयक पर इस वक्त सदन में विचार हो रहा है, उस पर न मुझे कोई खास खुशी ही होती है और न दुःख ही। क्योंकि मुझे डर है कि इस विधेयक से कोई खास लाभ होने वाला नहीं है। आम जनता में जो बीमारी 'मिलावट' की है, वह इतनी दूर तक फैली हुई है कि वह किसी तरह के कानूनों या कानूनों के डर से दूर नहीं की जा सकती।

मैंने यह देखा है कि बम्बई राज्य में और अन्य कई जगहों पर भी इस तरह के कानून मौजूद हैं, दूध में मिलावट का कानून मौजूद है, उसके ऊपर रोक लगी हुई है, इस मिलावट को रोकने के लिए सैनीटरी इंस्पेक्टरों काम करते हैं फिर भी दूध में मिलावट किसी भी जगह कम होती नहीं दिखाई देती है। यह देखा गया है कि सैनीटरी इंस्पेक्टरों को जो तनखावा मिलती है उससे १० गुना ज्यादा वे अपने इस काम से कमा लेते हैं। इस तरह से यह बीमारी फैलती ही चली जा रही है और कानून द्वारा भी नहीं रुक रही है। इसका कारण यह है कि मिलावट की बीमारी जो बड़े शहरों तक ही फैली हुई थी, अब देहातों तक पहुंच गई है। अब यह बीमारी कोई खास शहरों से ही सम्बंधित है, ऐसी बात नहीं है। कोई कारखाने से सम्बंधित है, यह बात भी नहीं

है। एक या दो इंस्पेक्टर इस तरह की फैली हुई बीमारी को दूर नहीं कर सकते हैं।

यह बीमारी हमारे जीवन के हर अंग में फैल गई है। आप चावल को ही ले लीजिये। मैंने खुद अपनी आंखों से देखा है कि व्यापारी लोग चावल का वजन बढ़ाने के लिए उसमें कंकरी मिला देते हैं ताकि उसका वजन ज्यादा हो जाय। क्या आप इस तरह की बाढ़ को एडलटरेशन नहीं कहेंगे? इसी तरह से गेहूं में मिट्टी मिला दी जाती है ताकि उसका वजन बढ़ जाय। इस तरह की बातें आज हमारे देश में हो रही हैं और खानपान की चीजों में इस तरह से मिलावट की जा रही है।

चने की दाल में इस तरह की मिलावट हो रही है कि कोई आदमी उस का अन्तर मालूम नहीं कर सकता है कि यह शुद्ध चने की दाल है या अशुद्ध। मध्य प्रदेश के जंगलों में चने की दाल की तरह की एक ऐसी चीज पैदा होती है जो चने की दाल के समान दिखाई देती है, उसका लोग बेसन बनाते हैं, और वह हजारों मन बिकता है और जनता को धोखा दिया जाता है। इस तरह से व्यापारी लोग हजारों रुपया मुनाफा प्राप्त कर रहे हैं। चने का जो छिलका होता है उसको आधा जलाकर चाय की पत्तियों के साथ मिलाया जाता है।

आप लोगों ने देखा होगा कि जिस समय कोरिया का युद्ध आरम्भ हुआ था उस समय मसालों के भाव बहुत बढ़ गये थे। उस समय काली मिर्च १५ रुपया सेर बिकने लगी थी। हमारे देश में जो पपीते का फल होता है उसका बीज काली मिर्च के समान ही होता है। व्यापारी लोग इस पपीते के बीज को दुनिया भर से इकट्ठा करके सुखाते थे और फिर काली मिर्च में मिलाते थे। इस तरह से यह बीज काली मिर्च के रूप में बाजार में १५ रुपया सेर के हिसाब से बिकता था। इसी तरह से जीरे में भी मिलावट की जाती है। आप लोगों ने कछ महीने पहले अखबारों में पढ़ा होगा कि कलकत्ते में कछ

[श्री डी० नारायण]

ऐसा जीरा पकड़ा गया था जिसमें मिट्टी से बना हुआ जीरा भी था। गुड़ में यही होता है। आप तेल को ले लीजिये। मैं इस बिल से यह नहीं समझ सका कि तेल की मिलावट को आप कैसे पकड़ेंगे। गाउँड नट आयल में खास कर व्हाइट आयल मिलाया जाता है। आजकल मिलाया जाता है या नहीं, मैं नहीं कह सकता क्योंकि व्हाइट आयल का भी भाव कम ज्यादा होता रहता है। अब वह कहाँ, फैक्ट्री में या दुकान में किस जगह पर और किस तरह मिलाया जाता है यह समझना बड़ा मुश्किल है। एक बंचारा गांव का दुकानदार दस बीस सेर तेल किसी शहर के दुकानदार से ले कर आता है और गांव में बेचता है। अब अगर वह पकड़ा जाय तो उसे यह भी पता नहीं है कि मिलावट किसने की, बीच के दुकानदार ने या फैक्ट्री वालों ने। मिलावट की एक स्ट्रैंज नहीं है, दस स्ट्रैंज हैं, इसीलिये मिलावट कहाँ पर हुई इसका पता चलना ही मुश्किल है। असल में आप यह बतलाइये कि इस बिल से आप किस तरह से इस मिलावट को रोक सकेंगे। हाँ, यह होगा कि कुछ अधिकारी बढ़ेंगे और जैसा कि आज तक होता आया है उनकी पैदाइश भी खूब बढ़ती रहेगी।

घी को आप ले लीजिये। घी में आज कल बनस्पति इस तरह से मिलाया जाता है कि आप उसका पता भी नहीं चला सकते। मैं उस जिले से आता हूँ जहाँ बनस्पति की दो मिलें हैं और काफी असली घी भी उस जिले में पैदा होता है। मेरा जिला असली घी के लिये प्रसिद्ध था। मगर आज सार्व जिले में आप को शुद्ध घी मिलना असंभव है। वहाँ पर बनस्पति को घी में मिलाया जाता है और गांव की बहनें और किसान घी मट्टीकियों में भर कर लाते हैं और बाजारों में बेचते हैं और लोगों को यह मालूम होता है कि यह किसान के यहाँ का मटका है, इस लिये इसमें शुद्ध घी होगा। परन्तु गांवों में बनस्पति ले जाया जाता है और वहाँ मिलाया

जाता है। इसके लिये कम्पनियाँ खुल गई हैं। ऐसी कम्पनियों में जो शामिल नहीं होते हैं वे घर में बनस्पति घी मिला सकते हैं। आप यह न समझें कि घी बनाते वक्त वे बनस्पति मिलाते हैं। दूध को तपाते वक्त भी वे उसको मिलाते हैं और दूध को दही करके जिस समय वे घी निकालते हैं, उस वक्त भी मिलाते हैं। यानी आप को पता नहीं चल सकता है कि किस स्ट्रैंज पर वह मिलाया जाता है। इस तरह इस बिल को कामयाब करने में कितनी दिक्कतें हैं, यह मैं आप से कह रहा हूँ। आप खान की मिठाइयों को ले लीजिये। आप किस को मिलावट कहेंगे। कई चीजों की बनी मिठाई होती है उसमें कोई चीज कम है या ज्यादा है, उसका भाव कम है या ज्यादा है। बाजार में यह कह दिया जाता है कि यह पेड़ा २ रु० सेर है, यह २ रु० सेर है और यह ४ रु० सेर है। यदि कुछ कहा जाता है तो वे यह कह देंगे कि इसमें मावा ज्यादा है और इसमें मावा कम है। अब किस तरह से आप यह मालूम करेंगे कि यह बात नहीं है। मावे में, मक्खन में मैद की भी मिलावट की जाती है। परन्तु इसका पता उस छोटे दुकानदार को नहीं चलता है जो थोड़ी सी चीजें बाजार में कहीं से ले आता है। आजकल इस तरह की बीमारी बहुत फैली हुई है और जब तक हमारा नीतिक स्तर उठगा नहीं तब तक यह बीमारी जिलों में एक या दो आफिसर कायम कर देने से मिटने वाली नहीं है। इसी प्रकार खाने की मिर्च को ले लीजिये। उसको रंग देते हैं ताकि वह कुछ ज्यादा कीमत दे सके। तो मेरे कहने का मतलब यह है कि मैंने शुरू से आखिर तक इस बिल को पढ़ा और यह जानना चाहा कि यह मिलावट किस तरह से मिट सकती है, परन्तु मुझे यह डर मालूम हुआ कि शायद इससे यह बीमारी रुकने के बजाय और अधिक बढ़ जायगी। इंसपेक्टर्स के जो अधिकार होंगे उनको वे उस जगह प्रयोग करेंगे जहाँ शायद कोई देख भी न सके। मैं देख रहा हूँ कि हमारे यहाँ बम्बई स्टेट में प्रोहिबिशन है। मैं स्वयं यह मानता हूँ कि प्रोहिबिशन अच्छी चीज है। परन्तु कानून से

कोई प्रोहिबिशन बहुत कामयाब कर सकेगा, ऐसा मैं नहीं मानता क्योंकि हममें ऐसे होशियार आदमी मौजूद हैं कि वे अच्छी तरह से यह बतलाते हैं, सिखलाते हैं और करते हैं कि कानून से किस तरह छुटकारा मिल सकता है। यह कानून भी पास करने के बाद यही होगा कि हमारे भाई वकीलों का धन्धा और अच्छा चलने लगेगा। इतना ही नतीजा इससे होगा। गांवों के छोटे दुकानदार और ऊपर का सब से बड़ा दुकानदार या कारखानेदार इनमें इतनी सीढ़ियां हैं, उन सीढ़ियों में कौन गुनहगार हैं इसे किस तरह से पहचान सकेंगे यह सब से बड़ा सवाल है। मेरा तो यह पक्का खयाल है कि जितना ज्यादा अन्तर खाने वाले में और पैदा करने वाले में होगा, उतनी ही ज्यादा मिलावट होगी। यदि दो स्टैंडर्ड होंगी तो मिलावट कम होगी और यदि चार स्टैंडर्ड होंगी तो मिलावट अधिक होगी क्योंकि खाने वाले में और पैदा करने वाले में अन्तर बढ़ जायगा। मैं अपनी माननीया बहन से यह आशा करता था कि वे कोई ऐसी व्यवस्था करने की चेष्टा करेंगी जिस से यह अन्तर खाने वाले और पैदा करने वाले का घट जाय। उसके लिये कोई ऐसी तजवीज हो जैसी कि महात्मा गांधी ने बतलाई थी। वे यह कहते थे कि खासकर जो खाने पीने की चीजें हैं वे तो पहले वहीं इस्तेमाल होनी चाहिये जहां वे पैदा होती हैं। परन्तु हम आज क्या कर रहे हैं? हजारों बीघा में जहां ज्वार हो सकती है वहां हम तम्बाकू बांते हैं, जहां गेहूं हो सकता है, वहां हम कपास बांते हैं और इस बात का सोच विचार नहीं करते कि वहां के लोगों को ज्वार और गेहूं कहां से मिलेगा। वहां के लोग ज्वार और गेहूं बाहर से माल लायेंगे और तम्बाकू बाहर भेजेंगे। इसी प्रकार लोग अपने यहां का गन्ना बाहर भेजेंगे और ज्वार, गेहूं और चावल बाहर से लायेंगे। तो उसमें मिलावट होगी ही क्योंकि दोनों तरफ के लोग पैसे के लिये और मुनाफे के लिये काम करेंगे। यानी आजकल की जो आर्थिक नीति है, आर्थिक व्यवहार है वह प्राफिट बेसिस पर चल रहा है और जब तक यह प्राफिट बेसिस का व्यवहार कम नहीं होगा तब

तक यह मिलावट भी कम होने वाली नहीं है।

अब २५ स्टैंडर्ड्स हमारे यहां हैं जिन के लिये यह कानून बनाया गया है। इसके अन्तर्गत हर स्टैंड को अपने यहां नियम बनाने का अधिकार दिया गया है। आज भी बहुत सी स्टैंड्स में ऐसे कानून मौजूद हैं। इस मामले में अगर उनसे पूछा गया होता कि इन कानूनों का उनका क्या अनुभव है तो उससे पता चलता कि कोई खास फायदा नहीं हुआ है। ऐसी हालत में तो यह अच्छा होता कि इस तरह का बिल सारी स्टैंड गवर्नमेंटों को भेजा जाता और उनकी राय ली जाती। हां, यह बात अलग है कि डर से कुछ काम होने लग जाय परन्तु मुझे तो शक है कि डर से कोई खास काम होने वाला है।

**राजकुमारी अमृत कौर :** मैं आनरीबल मेम्बर से कहना चाहती हूं कि तमाम स्टैंड्स के साथ इस मसले पर खतांकिताबत हुई, उनकी राय पूछी गई और उनकी मर्जी से यह बिल यहां लाया जा रहा है।

**श्री डी० नारायण :** धन्यवाद। हो सकता है कि आपने यह तमाम मालूम कर ली हों। मैं अपने शब्द वापस ले सकता हूं।

**काजी करीमुद्दीन :** “हो सकता है” नहीं बल्कि “हुआ है”।

**श्री डी० नारायण :** मैं मानता हूं कि हुआ है परन्तु मेरा अपने स्टैंड का तजुर्बा है जहां कि इस तरह का कानून मौजूद है। मेरा तो यह तजुर्बा है कि वहां इससे कोई खास रुकावट पैदा नहीं हुई। जिस बीमारी को अच्छा करने के लिये हम किसी हिकमत को सोचते हैं और जब हम जानते हैं कि उससे वह कम होने वाली नहीं है बल्कि बढ़ेगी, तो हमें मनुष्य के नाते कुछ दूर की सोचनी चाहिए। हमें यह सोचना चाहिये कि यह जो बीमारी गांव से ले कर शहर तक फैली हुई है

[श्री डी० नारायण]

और बड़ी हुई है उसका क्या कारण है किस कारण से बड़ी हुई है ? किस वजह से, किस कारण से, मनुष्य को खाने पीने की चीजों के लिए इतना परावलम्बी बना दिया गया है ? आज होटलों से डिब्बे मंगाये जाते हैं और सैकड़ों आदमी अपने अपने आफिस में बैठ कर खाते हैं। जब ऐसा है तो मिलावट क्यों नहीं होगी।

आल इंडिया कांग्रेस कमेटी ने भी प्रस्ताव किया था कि बनस्पति घी को रंग दिया जाय ताकि उसकी मिलावट न हो। परन्तु आखीर में यह कहा गया कि कोई रंग ही नहीं मिल रहा है जिसको कि बनस्पति में मिलाया जा सके और यह मिलावट बन्द की जा सके।

श्री राजेन्द्र प्रताप सिंह (बिहार) : वह मिल गया है।

श्री डी० नारायण : उन्हें नहीं मिला है, शायद आपको मिल गया हो। अगर महिने या दो महिने की बात हो, तो मुझे पता नहीं।

श्री राजेन्द्र प्रताप सिंह : १९५१ में एक रिपोर्ट निकली थी कि कलर हो सकता है।

श्री डी० नारायण : जिस रिपोर्ट का आप हवाला दे रहे हैं जो कि एक खास कमेटी कायम थी, उसकी रिपोर्ट को जो लिखने वाले हैं, उनसे पूछा तो मालूम हुआ कि वह रंग इस तरह का होगा कि उसको देख नहीं सकेंगे।

"It would be very ugly and nauseating in appearance".

SHRI RAJENDRA PRATAP SINHA : Is orange colour nauseating?

श्री डी० नारायण : आरेंज कलर टिक नहीं सकेगा, ऐसा कहा गया है।

SHRI RAJENDRA PRATAP SINHA : It will last for six months.

श्री डी० नारायण : यह तो आपका कहना है, मुझे उसका पता नहीं। मुझे तो यह पता है कि सतीशचन्द्र दास गुप्त ने दो रंग बनाये थे और दोनों रंगों के बारे में आखीर में यह फैसला हुआ कि एक रंग तो टिक नहीं सकेगा और दूसरा रंग दृष्टि के लिए कुछ ऐसा ना गवार होगा कि उसका देना अच्छा नहीं होगा। परन्तु खास बात तो यह है कि सरकार चाहती है कि बनस्पति चली रहे और बनस्पति के बारखाने चलते रहें। यही सबसे बड़ी बात है।

खाने की तमाम चीजें हैं, बिस्कुट है, चॉकलेट है, पिपरमिट है, आईसक्रीम है, खाने की ऐसी बहुत सी चीजें बनती हैं जिनके बारे में यह कहना बहुत मुश्किल है कि कहां पर कैसी मिलावट की जाती है। मेरे खयाल में यह एक बड़ी मुसीबत का काम है। जब तक कि काम धंधा करने वालों की, आम जनता की नीयत नहीं सुधरती है, उनमें ईमानदारी नहीं आती है तब तक मिलावट का रोकना बड़ा मुश्किल है। इसलिये मेरी तो प्रार्थना यह है, खासकर के अपनी आदरणीय बहन से, कि वह कोई ऐसी तजवीज निकालें जिससे आज हिन्दुस्तान की दुनिया में जो यह हवा पैदा हो रही है, वह कम हो। जिस वक्त महात्मा गांधी ने इस विषय पर लिखा था तो उस वक्त उन्होंने कभी किसी कानून का खयाल नहीं किया था क्योंकि वह जानते थे कि मनुष्य कानून से नहीं सुधरता, मनुष्य खुद की ताकत से, खुद

के विचार से, खुद के विवेक से सुधरा करना है और इस लिये उनकी यह कोशिश रही कि जहाँ तक हो मनुष्य को स्वावलम्बी बनाना चाहिये और गावों को स्वाश्रयी हो जाना चाहिये खास करके जो खाने पीने की और प्राथमिक जरूरतों का चर्चा है उनके बारे में तो गावों को स्वावलम्ब और स्वाश्रयी होता ही चाहिये। हम एक कानून ऐसा बना दें कि खेती के किसी गाव में वहाँ के खाने पीने के लिए बाहर में अनाज नहीं आ सकेगा।

काजी करीमुद्दीन अगर वहाँ अनाज न होता हो तब भा ?

श्री डी० नारायण खुदा ने कोई ऐसी जगह पैदा नहीं की जहाँ कि गाव हो खेती हो और वहाँ अनाज न पैदा होता हो।

श्री एच० पी० सक्सेना (उत्तर प्रदेश) सूखा पड़ जाये तो ?

श्री डी० नारायण सूखा पड़ जाय तो अलग बात है, उसके लिए हम और आप मदद को लिये तो हैं ही। जब आप इस तजवीज को करेंगे, तब मिलावट की आधी बर्माएँ आप में आप कम हो जायेंगी। नहीं तो यह बीमारी कम होने वाली नहीं है। इस मिलावट की बर्माएँ का दूसरा कारण हमारे देहातो की गरिबी है। देहातो की गरिबी की वजह से लोगों में ज्यादातर सस्ते माल को मोल लेने की इच्छा हुआ करती है। जब वे बाजार या हाटों में अपने बच्चों को लेकर मटने या पन्द्रह दिन में जाते हैं, तो मिठाई के दुकान पर जाते हैं। वे नहीं जानते कि यह मिठाई अच्छी है या नहीं, कितनी क्या मिलावट है।

उनको कोई कहने वाला भी नहीं होता कि ये चीजे न ले इनसे बीमारी पैदा होगी। कोई इस तरह की तजवीज नहीं है कि क्या बेचा जाय और क्या न बेचा जाय और जो न बेचा जाय उसको किस तरह से रोका जाय।

यह कोई बुरा बिल पुराना है नहीं, यानी कोई ऐसी बात तो नहीं कि इसके पीछे नीयत अच्छी न हो, मैं मानता हूँ कि इस बिल को लाने वालों की नीयत सबसे अच्छी है, लेकिन मेरी शिकायत तो यह है कि इससे बहुत कुछ अच्छी तजवीज हमारी बहिन कर सकती थी क्योंकि आखिर उन्होंने अपनी उम्र का बहुत सा वक्त महात्मा गांधी के पास गुजारा है। वह भी जानती होगी कि सिर्फ इस बिल के पास करने से यह बीमारी जो कि गाव गाव में फैली हुई है वह दूर होने वाली नहीं है और उसके लिये सबसे अच्छा रास्ता यही है कि गावों को हम खाने पीने के बारे में स्वाश्रयी और स्वावलम्बी बना दें। आप गावों में तेल के लिये घानिया शुरू कर दीजिये लेकिन वह तो आप करते नहीं क्योंकि मिले नहीं चाहिये। अगर आप गावों में तेल की घानी चलाते हैं और वहाँ नजदीक ही जरूरत की चीजे पैदा हो जाती हैं तो स्वाभाविक है कि उसमें मिलावट नहीं हो सकती परन्तु जब वह चीज चार सौ या पाँच सौ मील से लानी होती है तब तो उसमें मिलावट का डर रहता ही है। मैंने अपनी आँखों में देखा है कि लडाई के जमाने में और अभी दो वर्ष पहले तक जब कि मूँगफली का तेल दो रुपया और सवा दो रुपया सेर बिकता था तो उसमें आम तौर पर मिठाई डाला जाता था। एक

[श्री डी० नारायण]

दफा मेरे ही शहर मे यह पकड़ा भी गया था। तो हमे यह भी सो ना चाहिये कि किस तरह से ग्रामोशेग को बढ़ाया जा सकता है और इस मिलावट को रोका जा सकता है। सिर्फ कानून बना कर छोड़ देने से ही मिलावट नहीं रोक सकेगे, सिर्फ कानून से ही काम नहीं चल सकेगा। हमे तो उसका जो कास्ट्रक्टिव साइड है उसे सोचना चाहिए और जब तक हम कास्ट्रक्टिव साइड को नहीं सोचेंगे तब तक सिर्फ इस कानून से कोई बहुत कुछ काम होने वाला है ऐसा मैं नहीं मानता। फिर भी कुछ कोशिश हो रही है। इसलिये इस बारे में मैं बहुत कुछ नहीं कह सकता केवल आशा करता हूँ कि जिस उद्देश्य से और जिस मकसद से यह बिल लाया गया है वह मकसद पूरा हो और कामयाब हो।

SHRI KISHEN CHAND (Hyderabad)  
Mr Deputy Chairman, as has been pointed out by all previous speakers, I welcome the spirit behind this Bill but whether this Bill will do any good or curtail the evil of adulteration is very very doubtful. Before we pass a Bill, we have got to consider whether the position after bringing in Bills on the Statute Book, which cannot be enforced, will not be worse than the position before bringing in those Bills, because when we bring in Bills which are absolutely ineffective and cannot solve the problem in question, we are really bringing law itself into contempt and really encouraging people to defy the law. I submit that this whole problem of food adulteration is such a colossal problem that the appointment of a few Inspectors or the imposition of fines is not going to solve it. For example, in this city of Delhi, there are at least two lakh persons who are selling daily some article or other connected with food for human consumption

You go to the whole of Khari Bhaoli or Paharganj and other areas and if you go in the evening you will find little women selling rotten vegetables or fruits, which are absolutely decomposed, at a very nominal price

SHRI H C MATHUR (Rajasthan)  
Not adulterated

SHRI KISHEN CHAND It is unfit for human consumption. It is defined here as follows:

(f) if the article, consists wholly or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption."

It comes under that. It is decomposed vegetable matter in a putrid state and unfit for human consumption and yet it is openly sold in the streets and bazaars of Delhi. Now I come to clause 2 (1) (a) which says:

"If the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be"

then it becomes adulterated food. This is a very wide definition. I will just give one or two illustrations which will show the wide implications behind this definition. In the first instance during the last 6 or 7 years we have been importing food grains. A large part of it was unfit for human consumption. Even now we are importing a large quantity of rice from Burma part of which is unfit for human consumption and yet our own Government is selling that food grain. Our Government should be the first party who should come under the provisions of this Bill. I will give other examples.

AN HON MEMBER. The hon Minister you mean?

SHRI KISHEN CHAND: The whole Government. Why should it be only one Minister? Now we are very grateful to the Agriculture Minister for the supply of milk in various parts of Delhi but that milk contains only 3 per cent. fat. Normally buffalo milk has between 5 to 7 per cent. fat content. We are expecting that from the milk that we are purchasing we will be getting 5 per cent. fat and if it contains only 3 per cent. will that come under this Act?

AN HON. MEMBER: Why not?

SHRI KISHEN CHAND: Then your depots will have to be closed down. The milk supplied in the Depots at Bombay also contains only 3 per cent. fat. I want to prove that almost every article that is sold in the market is below the specific level and how can you possibly check this problem by the appointment of a few inspectors who will probably catch hold of the poor people who are selling *pakories* worth one pice each or two *pakories* for a pice to the poor children who probably get one pice a day from their parents as their pocket money? You are going to haul up that type of vendors and the main problem will continue to remain.

One hon. Member criticised *vanaspati*. I don't agree with it and I wish to say that this definition (i) (a) should be removed at least for the present. Later on when Government has got better organisation they may introduce this definition of 2 (i) (a). They should now confine themselves to (b) and (c) where the word "injurious" appears. The moment you put in the word 'injurious' your definition becomes much better. Because adulteration which does not lead to any injury may for the time being be overlooked, but all adulteration which leads to injury must be avoided. Several Members have taken strong objection to the use of *vanaspati* and its use in adulteration of

*ghee*. I don't hold any brief for *vanaspati* but I should like to say a few words on its behalf. I submit that there is an acute shortage of fat in the world. The whole world is feeling the need of more fat and so taking steps in the production of more fat. You know that some years back there was a great scheme of sowing groundnuts in Tanganyika by British Government. Of course it proved a failure. Several hon. Members have said that they don't want to export edible oilseeds. We don't want to

export edible oilseeds and so 11 A.M. we crush and extract oil from oilseeds. It was all right in the past ages when *ghanis* used to work in the villages and fresh oil was consumed. Fresh oil is very good for human consumption but it has certain acids and if the oil is kept for a month or two, it turns rancid. Sir, I welcome the system where as pointed by an hon. Member who preceded me, every village should have a *ghani* and everybody should use fresh oil. It is very good if that scheme is a workable one, but if you are importing oil from the mills and keep it for several months, that oil will turn rancid and will not be wholesome for human consumption. Some Members have suggested that we should have the oil refined. The moment you refine it, it has gone through certain mill processes. Then several Members have asked in this House why the Government does not permit export of refined oils. The oil-mill industry is demanding permission for export of oil. Will it not be better if instead of exporting oil, we convert it into hydrogenated oil and export it to other countries who have no objection to its use and consumption. I will assure hon. Members that a great deal of research has been carried out in Europe and America where hydrogenated oil is used. Those countries place great value on butter but apart from butter if you require more fat, then hydrogenated oil is as good as *ghee*. It is sheer waste to convert butter into *ghee*. You lose so much of the valuable part of butter when



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it is converted into ghee I would welcome greater consumption of butter in our country but if you are going to fry things, well, then ghee and hydrogenated oils are equally good. There is no difference and any amount of research has not been able to prove the slightest injurious effects of hydrogenated oil on human bodies.

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Bharat) Why then this process of hydrogenation?

SHRI KISHEN CHAND Because by hydrogenation it is solidified and it is much more easy to transport it from one place to another and the containers are not so difficult to get. Especially for exporting to foreign countries it is much easier. Of course we want pure ghee and no process has been found which can easily detect a mixture of hydrogenated oil with ghee. The hon. Member who preceded me pointed out that no colouring matter has been found so far and the outside world market is prepared to take hydrogenated oil from us. So instead of exporting oil why not we try to export hydrogenated oil? My contention is Don't be against the industry don't raise your voice against the industry or mills for hydrogenated oil. You carry on research work for finding out some sort of colouring matter which will safeguard against the mixing of hydrogenated oils with ghee. In so far as you want to safeguard against the adulteration of ghee with hydrogenated oil I am one with you, but to say that we should not have factories producing hydrogenated oil in our country is not right. We should welcome it and encourage it and we should have more and more factories converting oil which if not used for a couple of months would turn rancid. If anybody wants to use oil, he can. So my contention is that the criterion of adulteration of food should be not what is given in this definition but should only be whether that food is injurious.

This Bill should be really split up into 2 or 3 parts. One part should be for food which is bottled or packed or manufactured on a large scale and sold in containers. It is very easy to check that industry because in factories you can easily appoint inspectors who will go and inspect how the food is being prepared and packed, and the number of factories in our country will not be so large and the process will not vary from day to day so that daily checking is not necessary and by checking at intervals you can be sure that factories which are producing food for human consumption are producing them in conditions which are hygienic, that the ingredients used in that food are of pure quality, that the articles of food are properly packed, that they are labelled properly that they describe properly the contents, and more important than all that, that there is a date fixed before which that food must be consumed. After all, as we all know, every food which is kept in a container slowly and gradually deteriorates and I am indeed surprised that in this Prevention of Adulteration Bill no mention is made about fixing a time before which any food in a container should be consumed. Take your wheat or corn flake. Let it be produced in the best possible manner and under the most hygienic factory conditions, let it be packed in the best manner possible, even then, if it is kept for more than six or eight months it will automatically become bad. But there is nothing in this Bill to ensure that a date is fixed before which that article should be consumed. In the case of drugs such a date is marked on the label. Most of the drugs have it on the container, the date by which the drug must be used. Otherwise it is useless.

Sir several hon. Members have pointed out that this is a far-reaching Bill. There are various clauses in it and it is very difficult to point out which of them according to me require changes. But I would like to

point out one or two clauses which need urgent attention

There is clause 5 which deals with the import of certain articles. The import of certain articles is denied. An hon Member has pointed out that she purchased chocolates and they were found to be so old that they were unfit for human consumption. Have we any arrangements to examine the articles when we import them from other countries? You know, Sir, that in foreign countries they do not allow the import into their country of any foodstuffs from our country unless and until that foodstuff has been thoroughly tested and examined in their laboratories and they are fully assured of the quality of the article put into the packet. But, Sir, in our country, we have no such restrictions and even in this Bill I find only the words "No person shall import into India (i) any adulterated food, (ii) any misbranded food" or any licensed food. I submit it is not right that we should allow any and every kind of food to be imported in our country, irrespective of its quality, irrespective of the conditions under which it is produced. I submit that like other countries we should insist that any article which is going to be imported, samples of it should be sent to the analyst and they should be thoroughly examined before we permit the import of any foodstuff into our country. It should be on a reciprocal basis, and we should not allow import of foodstuffs from any country which is not prepared to take likewise foodstuff from our country.

I would also like to point out that there is going to be a shortage of food in the whole world and scientists should, therefore, search for ways of making artificial foods. Several hon Members must have read in papers about the plant "E" "Algae" which grows in the sea, a living organism which is fit for human consumption. I do not see any reason why they should not take it, and also eat artifi-

cial rice. Also I see no reason why there should not be the consumption of say, the groundnut cake. If groundnut cake is prepared in a proper condition and it is in a pure form, it can be very well used as a protein food. It is very rich in protein and I do not see any harm in using it for the preparation of bread, if the groundnut cake is in a pure form. Such bread would be very wholesome and it will be full of protein. But I think this Bill is going to stop the manufacture of artificial foods which are fit for human consumption. Under the garb of discouraging adulteration we would be discouraging the scientific development of new foods in our country. We do not seem to take account of the fact that the world's population is increasing rapidly and the resources of nature are limited and unless and until we utilise all the edible things to their best advantage there will be an acute shortage of food in the whole world in the near future.

Therefore, I submit that this Bill which is a very important Bill should not be rushed through this House. I know the Lok Sabha appointed a Select Committee which went into all the details of this Bill and examined its provisions. Likewise a Select Committee should be appointed by this House which should carefully examine all the clauses of this Bill and see if they can fulfil the object for which this Bill is being brought forward. It is no good being in a hurry to pass a Bill and bring it on the Statute Book and not following it up. Take for instance the case of Delhi. In the whole of Delhi, for instance, they will appoint about ten inspectors knowing full well that at least 500 milkmen bring milk into Delhi daily. They cannot check even five per cent. of these milkmen who adulterate the milk and adulterate it with dirty water. I would not mind if the milk is adulterated with pure water but they usually adulterate their milk with dirty water. And what will these ten or twenty inspectors do? They will catch

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hold of one person and he will be hauled up before a magistrate and fined Rs 10 while they will be pocketing about Rs 10 or Rs 20 from each of the other milkmen whom they do not prosecute

I submit, Sir, that in our zeal to have good laws on our Statute Book we are in a hurry to pass them, thinking that by the passing of bills our country is going to be improved, that everything is going to be set right. When the problem is so great, when, from the production to the distribution there are about twenty people involved each of whom is likely to mix the food and also to add adulterants thus reducing the quality of good stuff, I think we should refer the Bill to a Select Committee and await its report

KAZI KARIMUDDIN Mr Deputy Chairman, I congratulate the Minister in charge for bringing this comprehensive measure. During the discussion of this Bill I have found that several points were raised which were beyond the scope of the provisions of the Bill.

[THE VICE-CHAIRMAN (SHRIMATI PARVATI KRISHNAN in the Chair.)]

One madam said that the Bill ought to have been made so drastic that there should be no litigation and that there should be no work for the lawyers. That was a fling at the lawyers that they should not get any work. Probably, she does not know the duties of a lawyer.

The second thing that was urged was that there should be no *vanaspathi* ghee prepared in India and that it is a national waste. What is done in the Bill is that if an article is sold for what it is and if it is found to be that it is not that there would be a prosecution under this Bill. The Bill does not contemplate that no artificial food should be prepared or manufactured. The gentleman on the other side has just said that this Bill stops the manufacture of artificial food. There is nowhere laid down in this Bill that

manufacture of synthetic rice or any such article will be stopped under the Bill. One Member suggested, as a remedy, that all restrictions on food should be enforced so much so that in every village, no food and no other article should be allowed to come in. In my opinion, this drastic remedy is absolutely of no avail and that we may be going back to the primitive society of eating, drinking and clothing what is available in a village, stopping all railways, movements of food and all adjustment of prices.

Dr Barlingay spoke with great conviction and integrity that *vanaspathi* ghee and synthetic rice should not be produced in India because it is a national waste of money and energy. My submission is that the entire discussion that was carried on on these lines is beyond the scope of this Bill. As I have said, the definition is very clear. If there is any adulteration of even *vanaspathi* ghee and if it is represented that it is real ghee then a prosecution can come in under 2(1)(a). He doubted whether such a prosecution could be had. If the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be. This is the provision which is relevant here. Another Member, probably from Assam, said that—he was relating a case of *jaleb*, prepared in adulterated ghee—a plea was raised in the High Court that the *jalebis* could not be said to be adulterated as the adulteration of ghee could not be traced and that the offender was acquitted. I draw his attention to clause 2(1)(b), “if the article contains any other substance which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof.” The case he has mentioned will come under this sub-clause. Objection was taken to the word ‘injuriously’ in this same sub-clause and in (c) also. Of course I do not know what the intentions of the framers of the law are but in my opinion the word ‘injuriously’ here should mean ‘adversely’. This word is not used here in the medical

sense but in a general sense affecting the quality, nature or substance of it adversely

The other thing that I want to point out to the Hon Minister is about clause 20 which says, "No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority" While moving the motion for consideration of the Bill, the hon Minister said that it was very fortunate that the offence had been made cognizable. The definition of cognizable offences as given in the Criminal Procedure Code is quite different from what has been made out here. Cognizable case means a case in which a police officer within or without the Presidency towns may, in accordance with the second schedule or under any law for the time being in force, arrest without warrant. In the present case the provision is that unless the State Government or the local authority or a person authorised by the State Government or the local authority sanctions, no police officer can take any action and no police officer can arrest without a warrant. Therefore, the title of clause 20 that it is 'cognizable', I think, is not proper.

SHRI J S BISHT (Uttar Pradesh) The title is not so

KAZI KARIMUDDIN "Cognizance and trial of offences" It was stated in the speech of the Minister that offences have been made cognizable. If it means that cognizance can be taken by the Government then it is proper but it is meant that cognizance may be taken by the police then my submission is that the title is not proper.

One Member suggested that the police ought to have been given powers to take cognizance of these offences. In my opinion that is not a sound proposition because the offences under this Bill require expert knowledge for finding out and unless all the contents of food or drink are analysed and there is such a report from the public analyst

or from a laboratory it is not possible to prosecute a man and, therefore, general powers could not have been given to the police for taking cognizance of the offences because of the expert knowledge that is very necessary for establishing the guilt of the person accused of this offence.

My submission is that the provisions of this Bill, in my opinion, are very sound and although this Bill has been introduced with great delay it is better late than never and I again congratulate the Minister in charge.

SHRI N C SEKHAR (Travancore-Cochin) Madam, I rise to support this measure. This piece of legislation has become already overdue because

SHRI H C DASAPPA (Mysore) We cannot hear.

RAJKUMARI AMRIT KAUR I cannot hear.

THE VICE-CHAIRMAN (SHRIMATI PARVATHI KRISHNAN) Would you speak louder?

SHRI N C SEKHAR The question of adulteration of food has become so acute. All articles of food including articles sold in Government depots are adulterated. We have been raising a hue and cry for the last few years from our part of the country that even the rice sold in the Government Ration Shops is of such a bad quality, different qualities of rice are mixed and are sold there, to prevent which steps on the part of the Government are necessary. Such mixed and bad qualities of rice should not be sold in the Ration Shops. But the reply we used to get from the authorities, sometimes from Ministers themselves—may be, State Ministers—was that such rice was of good quality, it was the Communists who raised a hue and cry to discredit the Congress Ministry, but the fact is otherwise. Many of our people, particularly the poor and middle sections of our people, who purchased such sort of bad qualities or rather adulterated foodstuffs were very

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much affected in their health and have been reduced to people of diseases. That is why I say that it is already overdue that we have such a legislation by which we should check adulteration of food materials.

Then, Sir, we have got so many dairy farms all over the country, dairy farms from where milk is distributed in almost all municipal areas as well as in certain rural areas surrounding these municipal areas. I do not know how far the Government are aware to see that whether products of the dairy farms are sold in a sound way. Let me cite an example of even the milk we get from the Government depot in New Delhi, I mean the one in the midst of the quarters of the Members of Parliament. Is the milk product that is sold in these depots all right? Is the ghee sold from that depot all right? I doubt, because it has come to my own experience over the last two weeks, since I have come over here, that the milk products we purchase from the depots often get rotten, putrid and noxious and could not be used several times; so we have had to throw these milk products into the gutter. I think this might be due to adulteration.

Then, Sir, the milk sold from these dairy farms is without the necessary quantity of fat because the fat, that is, the cream is being removed from the milk. I ask: Why is this milk sold with the cream removed from it? In railway stations we come across instances of sale of milk to the passengers. Often we find it putrid and bad smell, noxious smell emanating from it, and that milk cannot be used, because that milk which is being sold in the railway stations, Sir, is not different from the milk supplied by the Government dairy farms or some other farms conducted under private ownership who remove the cream from it. Why is it compulsory or why is it so necessary that cream should be removed from the milk which is sold to the people?

Then I come to butter, the butter and the ghee we get in New Delhi and in other municipal areas. Last week I purchased a tin of ghee and used it for three days but on the fourth day it was found rotten and could not be used any more. That is how things are going on here. In Ernakulam I had the same experience. There is one dairy farm run by certain princes called *Goshree* dairy farms. They use to sell milk as well as ghee. One day I happened to purchase a bottle of ghee on the guarantee that it was pure ghee. On seeing that bottle of ghee I had my own doubt that it was adulterated. Actually it was adulterated but I did not send it to the local laboratory as I do not know whether there is any such laboratory in the municipality or there is an analyst, but I had my own doubt about its *bona fide* quality. Then immediately I managed to get some pure ghee, actual cow's ghee, and in fact, the smell, the odour, the colour, the taste and flavour, everything was different from each other. The third day I had to throw the former one out quarrelling with the vendor. This is how things are going on. So this sort of adulteration should be stopped immediately and for that such sort of machinery as stipulated in the Bill will be useful.

Then I have to come to this point also. I do not know whether the definition in the clause 2(i)(a) is wide enough to cover the milk-products also. Then with regard to the punishment to such people who may commit crimes under this law. There are so many varieties of vendors, those who purchase and sell, those who distribute things by being under certain employers. There the man who was responsible for selling me that rotten ghee was employed by the *Goshreesa'a*. Can such vendor be taken to task or prosecuted? I think that such people cannot be prosecuted for selling such rotten ghee because they cannot be held responsible for the adulteration of the milk products which was done by some other man and they are only asked by their employers to take these

things to such and such places and sell them or distribute them to their customers. So they cannot be held responsible for distributing or selling such things for the reason that adulteration is done not with his knowledge but with the knowledge of the employer or of the man who is employed for that purpose. So in their case some discretion should be used where such people are caught red-handed. In our municipal area, in so many other municipal areas, so many milk-sellers are being prosecuted for the sale of adulterated milk or ghee or such other food products. They are poor people who mainly live upon such trade. They are being prosecuted often, several times, but they continue with this because they have no other go but selling milk and selling milk with water or some other thing added to it. So this is going on as a process. At the same time those who do it on a mass scale are left scot-free. For example, this Dalda business has come as a boon to such people who formerly were dealing in adulterated foodstuffs, particularly ghee. In the case of Dalda the opinions are conflicting. Certain people are for manufacture of Dalda or *vanaspati*; others are against it. Anyway I would like to ask one question. For example, Madam, in our place we get very nice cocoanut oil. Why do you want these *vanaspati* people or the manufacturers thereof to impose this *vanaspati*, the so-called vegetable ghee in our part while our cocoanut oil is far better than this so-called *vanaspati*? At the same time, this *vanaspati*, as I understand it is manufactured out of the groundnut oil in a hydrogenated form. In the Tamil area, the Andhra area and such other areas where groundnut is largely produced, they use the groundnut oil in its own natural form with no disease and all that attending it. But here too I find *vanaspati*.

I happened to be in Bombay several times and I happened to be the guest of several middle-class friends. In the houses of all these middle-class friends you will find tin after tin being heaped up in their

rooms, I mean *vanaspati* tins. At the same time I happened to be with certain higher class friends where *vanaspati* is not used. They are using actual ghee, pure cow's ghee, but the large sections of the people who are using this *vanaspati*, are these middle-class people, often these poor people who cannot afford to purchase gingelly oil or cocoanut oil, as *vanaspati* is comparatively cheaper; you can get it at Rs. 2/8 per seer, which is cheaper than cocoanut oil comparatively. At the same time, in quality it is not so good as cocoanut oil or gingelly oil or even, I think, the natural groundnut oil, and these manufacturers, for commerce's sake manufacture it and impose it in our parts and those who cannot afford to purchase ghee sometimes purchase it—I do not know how many people are purchasing it. It has been certified by doctors as good, and, as I said, doctors' opinions too differ according to how much they are being paid because we are in a society where people are being considered, are respected not from the point of view of the quality of their labour but from the point of view of the purses they have in their hands, that is, according to how much they earn. If he is a millionaire—at the same time the man may be the greatest idiot or the greatest scoundrel—he is held among the most respected men. At the same time there may be a very highly skilled labourer who can produce good things for the society but he is being looked down upon and not respected though he deserves to be much more respected than the other man. So, that is the sort of society in which we are today living, where the doctors can be purchased to give a particular opinion and those doctors would say: "This *vanaspati* is far better than pure ghee and so that can be used." Today the scientists as well as the doctors fortunately or unfortunately, unfortunately to the disadvantage of society, are being purchased, and it cannot be said that their opinions are always honest opinions. There are two methods of test. One is to rely upon the opinion of the scientists or doctors who give

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their opinions in a proper manner, who use their talents in a proper way, and the other is what we feel ourselves, how we experience it. People in our part, most of the people including myself, are of the opinion that *vanaspati* often produces stomachache and diarrhoea.

Because people who are not accustomed to that cannot take such things. They contract all kinds of diseases. So what we suggest with regard to the production of artificial food stuffs is this. Of course in order to direct our labour to nation-building activities and other things we may try to economise the time and labour involved in the preparation of food. Manufactured food may be used, if it is properly done. But ours is a country with vast natural resources where rice can be produced and wheat can be produced in abundance, much more than what our entire 36 crores of people would require. In such a country manufacturing such food material like artificial rice or this *vanaspati* is absolutely unwarranted. If our country was very much deficient in food materials and if we had no natural resources to grow food, then the production of artificial food-stuffs could be justified. But in our country the situation is not like that. Fortunately we have rich resources, rich soil and a great number of people who can produce food but only the Government has to give facilities to these people.

Apart from all that, this measure will be beneficial to a great extent provided this Government is very careful in implementing this law in a proper way. Why I say this is because there are so many laws, particularly labour laws; so many provisions are there to the advantage of the working classes but those provisions are not being implemented in proper time and in a proper way. They are also laid off along with the lay-off of the workers and the employers are allowed to suppress the workers and pilfer their earnings. Similarly, this

should not be administered to the advantage of the rich or the adulterators of food material. Irrespective of the class of people who adulterate food material, the Government should see—or whichever Department of the Government is responsible for its implementation—that this law is implemented in right earnest and that the health of the people does not deteriorate because of such bad foodstuffs.

डा० पी० सी० मित्रा (बिहार) : मैडम, इस बिल का जो कुछ अभिप्राय है वह एक बात पर सब चला गया। क्लॉज २ (ए) को छोड़ कर के, बाकी (बी), (सी) आदि जितने भी सब-क्लॉज रखे गये हैं उन्होंने सार बिल को खराब कर दिया, मिट्टी कर दिया। यह समझ में नहीं आता कि who is to prove that an article is injurious? Everything in this world is fit for human consumption. All organic things are fit for human consumption.

SHRI GOVINDA REDDY (Mysore): Manure also?

DR. P. C. MITRA: Yes, everything is consumable. Even dead bodies. Who is to prove that a thing is injurious?

में हेल्थ डिपार्टमेंट में काम कर चुका हूँ। एक प्रोसीक्यूशन केस में मेरे सामने एक बात आई। एक आदमी कोकोनट का तेल मिलाया हुआ घी बेच रहा था। हम उसको पकड़ के केमिकल एग्जामिनर के पास ले गए। वहां से लिख कर आया—“It is not ghee at all; it is a mixture of animal fat, other than butter, fat and vegetable oil—not fit for human consumption.”

प्रोसीक्यूशन शुरू हो गया, लेकिन उसके बाद क्या हुआ। बाद को सिविल सर्जन ने आ कर इविडेंस दिया—“नाट फिट फार ह्यूमन कंजम्प्शन”। उसके बाद कोर्ट ने एक्यूज्ड से कहा कि तुम इस घी को खा जाओ, बाद को तुम्हारी जांच होगी। एक्यूज्ड ने घी को लिया और खा गया। जब तीन दिन बाद एक्यूज्ड

हाजिर हुआ और उसको कुछ भी नहीं हुआ तो फिर कोर्ट ने उसे एक्वट कर दिया। तो इसलिए मैं कहता हूँ कि यह जो "इंजूरियस" लिखा हुआ है तो इसको प्रूव कौन करेगा? इसी तरह हमने एडल्टरेशन आफ मस्टर्ड आइल के मामले में भी देखा कि हमारी जो स्टैंड लेबोरेटरी हैं उसने तो उसको एडल्टरेंटड बताया और जब वह तुरंत "बाई एयर" जांच के लिए बम्बई भेजा गया तो वहां से आया एकदम प्योर। चीज यह है कि आपकी जो लेबोरेटरी हैं वह करप्ट हैं, उसको रुपया दिया कि कोई भी चीज तुरन्त फिट और प्योर कह दी जायगी श्री पी० सी० राय जी कि एक बड़े केमिस्ट ने कहा कि "Vanaspathi is not fit for human consumption. It is dangerous to ~~health~~ <sup>health</sup>" मगर आज बनस्पति घी बेचने वाले गवर्नमेंट के अखबारों में उसका एडवर्टाइजमेंट करते हैं, कि इसमें ये ये विटैमिन हैं।

श्री बी० गुप्ता (पश्चिमी बंगाल) : बनस्पति राज।

डा० पी० सी० मित्रा : लेकिन हमें ताज्जुब होता है कि श्री पी० सी० राय ने जिस बनस्पति घी के बारे में कहा था "नाट फिट फार ह्यूमन कंजम्पशन" वही चीज आज हम देखते हैं कि आपकी लेबोरेटरी रिकमेंड करती हैं और कहती हैं कि इसमें एकदम विटैमिन भरा हुआ है। आखिर क्या बात है। वह लेबोरेटरी लेबोरेटरी नहीं हैं, वह लेबोरेटरी पैसे की हैं। इस वास्ते मैं कहता हूँ "इंजूरियस" को यहां पर मत रखिये। एक चीज उसकी जगह में रख दीजिये कि क्लाज २ (ए) के बाद "will cover every thing" और जोड़ दीजिए। "Injurious or not fit for human consumption" रखने से फ्लॉ आ गया है। ऐसा नहीं होना चाहिए।

एक और बात है। जो यह कहा जाता है "कार्बनजेबल" होगा इसके क्या मानी हैं। अगर पार्टी आ कर रिपोर्ट हाजिर करेगी तब वह कार्बनजेबल होगा नहीं तो कार्बनजेबल

नहीं होगा। तो यह पार्टी जब केमिकल एग्जामिनर के पास जायगी और रिपोर्ट करेगी तो दूसरी पार्टी जा कर केमिकल एग्जामिनर से मिल जायगी और केमिकल एग्जामिनर कह देगा "नहीं नहीं, यह ठीक है, और इसमें कोई खराबी नहीं है।" इस वास्ते यह जो रखा गया है कि ह्यूमन कंजम्पशन के लिये फिट हो, इसकी कोई दरकार नहीं है और यह बिल्कुल फिजूल है।

एक कंस आया था कलकत्ता में प्रेसीडेंसी मजिस्ट्रेट के सामने। मुझे याद है कि एक आदमी ने एक-चाँथाई दूध में तीन-चाँथाई पानी मिला दिया था। उसने अपनी सफाई में यह प्ली लिया कि मैंने इनफीरियर पानी में हायर क्वालिटी की चीज मिलाई है, इसलिए मेरा कोई जुर्म नहीं है। मैंने कोई ऐसी चीज तो नहीं की कि हायर क्वालिटी की चीज को एडल्टरेंट किया हूँ। मैंने तो सिर्फ तीन पाव पानी में एक पाव दूध मिलाया है। मजिस्ट्रेट ने इसी बात पर उसको छोड़ दिया।

SHRI B. GUPTA: Adulterating water!

डा० पी० सी० मित्रा : नहीं, नहीं। उस दूध वाले ने कोई इनफीरियर क्वालिटी की चीज नहीं मिलाई थी। उसका कहना था कि तीन पाव पानी में एक पाव दूध मिलाया इस वास्ते वह चीज इनफीरियर कहां से हुई, क्योंकि सुपीरियर क्वालिटी उसमें डाल दी गई? इसलिए मैं आपसे कहता हूँ कि आप यहां सिर्फ "मिक्स" करना रख दीजिए। मैंने देखा है विलासपुर में दाल के साथ मिलाने के वास्ते एक किस्म का पत्थर पाया जाता है। इसको मूंग की दाल के साथ मिला कर बचा जाता है। कलकत्ता में रामकृष्णपुर फ्लोर मिल के सामने आप देखेंगे कि जो पहाड़ के माफिक पत्थर है वह किस लिए है। वह सोप स्टोन कहलाता है। उस सोप स्टोन को फ्लोर में मिलाया जाता है और इसी तरह मैद में भी मिलाया जाता है। इस सब किस्म के मिलावटों को देखते हुए इस बात की दरकार है कि इस क्लाज को सार का सारा उड़ा दीजिए और खाली



[डा० पी० सी० मित्रा]

यह लिख दीजिए कि फूडस्टफ के साथ कोई दूसरी चीज मिलाने से पनिशमेंट होगा। "इंजूरियस" शब्द रखने से आपके सार बिल का मतलब चला जाता है। आपको पता होगा कि हमारे यहां जो कैटल मरते हैं, गऊ वगैरा मरते हैं तो उनकी डंड बाँडीज को डोम लोग ले जाते हैं और उसका मांस खाते हैं, जो कि इंजूरियस है। इसीलिए मैं यह कहता हूँ कि इस क्लॉज में हमें यह भी रखना चाहिए कि जो चीज ह्यूमन कंजम्पशन के योग्य नहीं हो उसको डिस्ट्रॉय कर दिया जाय।

मैं अब आपको एक किस्सा सुनाता हूँ। जब मैं स्कूल में पढ़ता था तो मैं भवानीपुर में जग्गबाजार की एक मिठाई वाले की दुकान पर खड़ा था। मेरे सामने फूड इंस्पेक्टर आया और उस दुकानवाले से सैम्पुल ले गया। दुकानवाले ने जब सैम्पुल इन्सपेक्टर को एक लिफाफे में दिया तो साथ में उसने पांच रुपया भी उसको दे दिया, इस तरह से उस इंस्पेक्टर की सब जांच हो गई। इस तरह से इंस्पेक्टर ने अपना काम पूरा कर लिया। तो क्या इस तरह के कानूनों से हमारे इंस्पेक्टर अपना कार्य अच्छी तरह से कर सकेंगे।

जब मैं रांची में हैल्थ डिपार्टमेंट में काम करता था तो मैंने एक दुकानदार को जो घी में सांप की चर्बी मिलाता था उसको इस तरह की मिलावट के अपराध में पकड़ लिया और उसको प्रोसीक्यूट कर दिया। उस समय वहां पर "फारेंस्टर" साहब डिप्टी कमीशनर थे। जब उन्होंने यह बात सुनी कि इस तरह से व्यापारी को प्रोसीक्यूट कर दिया गया है और सारा सामान उसका फिकवां दिया गया तो मुझ से कहा गया "वैल डन", तुमने बहुत अच्छा काम किया। तो मेरा सरकार से यह कहना है कि अगर कोई चीज मिलावट की पकड़ी जाय तो उसको तुरन्त ही बरबाद कर दिया जाय अगर एरा कर दिया जायेगा तो बहुत से लोग डर के मारे मिलावट की चीजें नहीं बनायेंगे। मैं सोचता था कि मैंने उस आदमी का सब माल

इन में गिरवा दिया है तो डिप्टी कमीशनर मुझ से बहुत नाराज होगा, मगर जब वह मुझ से मिला तो उसने इस तरह की कोई बात नहीं की बल्कि "वैल डन" कहा। उसने कहा कि यह तुमने बहुत अच्छी बात की कि सब सामान उसका डिस्ट्रॉय कर दिया। अगर इसी तरह से सब सामान जो मिलावट का मिले बरबाद कर दिया जाये तो लोगों को भय हो जायेगा और वे मिलावट की कोई चीज नहीं बनायेंगे। जब तक इस तरह की बात नहीं की जाती तब तक यह बीमारी हमारे समाज से जानने वाली नहीं है।

डहरी आन-साने में एक फैक्टरी है जहां पर एसेंस आफ रम, आदि चीजें बनाई जाती हैं और साथ ही घी का एसेंस भी बनाया जाता है। वहां पर इस तरह से जो चीजें बनती हैं, किसके हुक्म से बनती हैं? गवर्नमेंट ने उस फैक्टरी को लाइसेंस दिया हुआ है और इस तरह से वहां पर चीजें बनाई जाती हैं। अगर इन चीजों से एडलटरेशन नहीं होगा तो क्या होगा। इसी तरह से मस्टर्ड आयल में भी एडलटरेशन किया जाता है। मेरा कहना यह है कि इस बिल में जितने भी क्लॉज हैं उसमें इंजूरियस शब्द का बहुत प्रयोग किया गया है। मेरा कहना है कि आप इस बिल को इस तरह का बनाइये कि जो भी चीज खाने लायक न हो, जनता की तन्दुरस्ती को नुकसान पहुंचाती हो, उसको फॉरन बरबाद कर दिया जाना चाहिये। हमारे देश में कानून तो बहुत हैं मगर उनके होते हुए भी इस तरह की चीजें चलती ही आ रही हैं। मैं यह सब बातें तजुर्बे की बिना पर आपके सामने रख रहा हूँ। अगर इस बिल को इसी रूप में पास कर दिया तो इससे देश का भला होने वाला नहीं है। जिस तरह से अभी तक चीजों की मिलावट होती है, उसी तरह से होती चली जायेगी और इस बिल से जनता को कोई लाभ नहीं होगा।

जब मैं रांची में था तो मैंने एक व्यापारी गौरीदत्त फारोवक्स, २ अमरवाला लेन, कलकत्ता, के घी का सैम्पुल जो कि कैमिकल एग्जामिनर के

पास भेजा था, जहाँ से यह सिद्ध हो कर आया था कि यह घी मिलावटी घी है, इसमें जानवर की चर्बी मिली हुई है तब मैंने उसे ४२० आइ० पी० सी० में प्रॉसीक्यूट कर दिया। उस समय डिप्टी कमीशनर मि० सिफ्टन थे जो कि बाद में गवर्नर भी बने। जब मैं उनके पास गया तो उन्होंने कहा कि तुमने उसको ४२० आइ० पी० सी० में क्यों प्रॉसीक्यूट किया। मैंने उनसे कहा कि अगर मैं अपने कुर्ते के ब्लास के बटनों को सोने के नाम पर बेच दूँ तो क्या यह चीर्टिंग नहीं होगा। डिप्टी कमीशनर ने कहा, अवश्य होगा। इस पर मैंने कहा कि उस व्यापारी ने भी इसी तरह से अशुद्ध घी तैयार किया था, इसलिए उसका प्रॉसीक्यूशन कर दिया गया। जब वह व्यापारी रांची स्टेशन पुलिस द्वारा लाया गया तो बहुत से मारवाड़ी वहाँ पर आये हुए थे। उन माखाड़ियों ने उस व्यापारी से कहा कि तुमने “डाक्टर को तोड़ा क्यों नहीं दिया”। उसने कहा कि वहाँ का डाक्टर “तोड़ा” नहीं लेता। इस पर व्यापारियों ने कहा कि तोड़ा द दिया जाता, तो तुमको नहीं पकड़ा जाता। कलकत्ते में इसी तरह से चलता रहता है, वहाँ पर कोई डरता नहीं है। इस तरह के कानून बनाने से क्या होगा जब कि लोग उसको मानेंगे नहीं। इस तरह के कानूनों से यह बीमारी दूर नहीं हो सकती है। लोगों के दिलों में इस तरह की भावना होनी चाहिये कि वे जो कुछ भी करते हैं ईश्वर सब कुछ देखता रहता है। अगर लोगों के दिलों में ईश्वर के प्रति डर ही नहीं रहेगा तो इस तरह की चीजें बन्द नहीं हो सकती हैं।

मुझे आशा है कि मैंने जो कुछ भी इस बिल के मुताल्लिक सुझाव दिये हैं, सरकार उन पर अवश्य ध्यान दंगी।

SHRI J. S. BISHT (Uttar Pradesh): Madam, I wholeheartedly support this Bill without any ‘buts’ and ‘ifs’. I think there were certain misapprehensions in the minds of certain speakers this morning in this House with regard to the actual working and scope of this Bill. Some of them

seem to think that there is no law at present in this land, and that for the first time the Prevention of Food Adulteration Bill is being brought up before Parliament, and that this Bill, therefore, is a very belated measure. In fact, Begam Aizaz Rasul remarked that it should have been given top priority, that it was very important and that the national health was suffering. The fact of the matter is that in all the 26 or 27 units of the Indian Union there are Acts actually in operation which prevent food adulteration. The difficulty was that in many of the Acts in actual operation great loopholes were found, and the law was not so tight and comprehensive as it is being attempted to be made now. Moreover, this is a subject which the State Legislatures are quite competent to legislate upon. But we must congratulate the hon. Minister for Health for having induced them to agree to a Central legislation. And, as she has already remarked, they have been fully consulted, and it is the sum total of the experience gained by the operation of the various Prevention of Food Adulteration Acts in various States during the last 40 years, that we have brought forward this Bill in its present shape.

Madam, one of the great difficulties that we found—and I claim to have considerable experience in the administration of the Prevention of Food Adulteration Act for a very long time—was with regard to the definition of the word ‘adulteration’. And I find now that the definition of the word ‘adulterated’ in clause 2(i) has been made very comprehensive. And I think that this tightening will leave very little scope for those who are so minded to adulterate various foods and drinks. For instance in clause (a) of the U.P. Act the definition of ‘adulterated’ was “if the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser....”. But in this Bill you have added the words “and is to his prejudice”. This will greatly facilitate the conviction of those people who will

[Shri J. S. Bisht.]

now be hauled up before the courts under this Act.

Then there was another loophole in the U.P. Act—I think it was also in other parts like Bombay and Madras—namely, that if a man said, “I am selling this adulterated stuff”, no offence was made out at all. Now it has been completely stopped, that is to say, no man can store, sell or import any stuff which is adulterated and which is defined to be adulterated. And the definition has been extended from (a) to (l), that is to say, it includes even articles which consist, wholly or in part, of any filthy, putrid, disgusting rotten, etc. etc., articles obtained from a diseased animal, articles containing any poisonous or other ingredient, and so on and so forth. Therefore, this is a very great improvement, and I believe that the new prosecution that would be launched will result in a very large number of convictions of those people who are caught in these nefarious activities.

12 Noon

Furthermore, I also find that the definition of “misbranded” has been extended from (a) to (k), and even articles like coloured, flavoured or coated, powdered or polished articles have been included in the definition. Here I would like to bring to the notice of the Minister for Health that we learn from doctors—at least those who are experts in the science of dietetics—that this polished rice is very injurious to human health. If that is so, if the medical opinion is unanimous on that point, then why should the polished rice be allowed to be sold in the market at all? Why should it not be dealt with under this law, and be one of those articles which are deemed to be misbranded or adulterated? In one Legislature, I remember the argument advanced by the Minister was that some people favoured polished rice, and were in the habit of eating polished rice. But if the article is injurious to health,

there is no reason why that article should not be completely stopped.

Then, Madam, in clause 3 the Central Committee for Food Standards has been constituted, and the committee, I think, consists of nearly 31 members, which is to divide itself into various sub-committees in order to expedite their work. But there was one point which struck me very much. In sub-clause (9) of clause 10 it has been stated as follows:

“Any food inspector exercising powers under this Act or under the rules made thereunder who—

(a) vexatiously and without any reasonable grounds of suspicion seizes any article of food; or

(b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of an offence under this Act and shall be punishable for such offence with fine which may extend to five hundred rupees.”

This I submit, is a very novel provision. Here we have got the Code of Criminal Procedure which deals with the prosecution of all cases cognizable, serious or minor—under the Indian Penal Code and various Acts. There is no provision anywhere of an equivalent nature, and for a very good reason. Now, if there is a provision of this nature here, it would practically paralyse the whole police-machinery, and that is exactly what, with all the good intentions of this clause, this sub-clause (9) is going to do with regard to all these food inspectors, sanitary inspectors and other medical officers, because once a man is acquitted in a court of law, whatever may be the reasons, he would immediately come and ask for prosecution of the sanitary inspector. Under clause 20, the local authority may be a notified area committee or a municipality. And as we know, so much intriguing goes on in those places; if a man or a merchant happens to be an influential person, it

will not be very difficult for him to do so. Once a sanitary inspector is prosecuted under this clause, it will completely demoralise the whole sanitary staff. They will immediately think "Why put ourselves to all this trouble if we are going to be prosecuted like this?" This sub-clause (9) is, to my mind, a very paralysing sub-clause.

PANDIT S. S. N. TANKHA (Uttar Pradesh): It is sub-clause (8)(a) and (8)(b) and not sub-clause (9).

SHRI J. S. BISHT: It is sub-clause (9) of clause 10 of the Bill, page 8. I submit that this sub-clause should be deleted altogether, because it will defeat the very object of this Bill.

Sub-clause (6) of clause 11 says:

"If it appears to the magistrate that any such article of food is not adulterated the person from whose possession the article was taken shall be entitled to have it restored to him....."

Quite all right.

"....and it shall be in the discretion of the magistrate to award such person from such fund as the State Government may direct in this behalf, such compensation not exceeding the actual loss which he has sustained as the magistrate may think proper."

If you look into the Code of Criminal Procedure again, there is no such provision for compensation. Section 545 says that it can be paid only out of the fine fund. It says:

"Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

(a) in defraying expenses properly incurred in the prosecution;

\* \* \* \* \*

(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any *bona fide* purchaser of such property for the loss of the same if such property is restored to the possession of the person entitled thereto."

No law has so far allowed State funds to be paid as compensation in the case of these prosecutions. This is a major question and once the Government yields on this point, it will be faced with the prospect of paying compensation to the tune of lakhs of rupees, in all the prosecutions that they will have to launch in such cases. It is all right so far as the restoration of property is concerned, but if there is any compensation to be paid, it should be out of some fund constituted out of the fines which will be realised from the operation of these provisions.

There was one point which was raised, I think, by Begam Aizaz Rasul in connection with clause 12. I think she was suffering under some misapprehension with regard to the first proviso which reads:

"Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed;"

Her misapprehension was unfounded because under clause 11, sub-clause (a), even a food inspector, when he takes a sample for analysis, must give notice in writing then and there of his intention to have it so analysed to the person from whom he has taken the sample. So, there is no great difficulty or hardship in connection with that.

Now, in this Bill, there is a very good safeguard in clause 13. Up till now, when a public analyst furnishes his report, that report has been final.

[Shri J. S. Bisht.]

After all people of money do go to public analysts and somehow get a report made in their own favour, but now to prevent that, sub-clause (3) has been put in. It says:

"The certificate issued by the Director of the Central Food Laboratory under sub-section (2) shall supersede the report given by the public analyst under sub-section (1)."

So, this can be used by both sides, and the very fact that an appeal lies to the Director of the Central Food Laboratory will put the public analysts on their guard that they should not submit false reports.

[MR. DEPUTY CHAIRMAN in the Chair.]

There are many other improvements made in this Bill. For instance, the import and the sale of food in railway premises has been brought within the purview of this Bill. In regard to punishment, the only suggestion that I have to make is with regard to sub-clause (g) (i) of clause 16. It says:

"for the first offence, with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both."

This word 'or' seems to be a little out of place here. The extent of this evil of food adulteration is so severe that you cannot completely stop this evil, unless you provide for imprisonment for the first offence also. Why reserve it only for the second offence? Even for the first offence, there should be imprisonment and fine. It may not be for one year; it may be imprisonment for two months or three months or even one month. Every food adulterator must know that there will be jail for him if he adulterates milk or ghee.

RAJKUMARI AMRIT KAUR: May I draw the attention of the hon. Member to the fact that the wording here is:

"with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both."

SHRI J. S. BISHT: I hope that at least some executive instruction will be given to the magistrates that in all these cases imprisonment should be the normal punishment, because that alone will stop adulteration of food-stuffs.

RAJKUMARI AMRIT KAUR: Executive directions cannot be issued to magistrates.

MR. DEPUTY CHAIRMAN: It will be fettering the discretion of the courts.

SHRI J. S. BISHT: In the U.P. where this evil was very rampant, the situation was somewhat brought under control when they substituted compulsory imprisonment for the second and third offences. Even then the courts were very loath to send people to jail. To stop the adulteration of things like milk and ghee, unless very strong steps are taken, you cannot be successful, because, as Mr. Narayan said, it is a very painful position. People do this and take the risks, as people take risks in smuggling for example.

I want to refer to one other clause, clause 23. Sub-clause (e) gives powers to the Central Government for defining the qualifications, powers and duties of food inspectors and public analysts. I think that this power with regard to food inspectors at least should be given to the State Governments, because the machinery in the rural areas for this purpose is the District Medical Officer and his staff of sanitary inspectors and in the towns the Health Officer of the Municipality and his staff of sanitary inspectors. So, the qualifications that you will have to lay down for the food inspectors will vary from province to province. There are many States, the smaller units in the backward areas, where they have no people with the proper qualifications. The States should be quite competent to frame rules as to who should be the

food inspector in any particular area. and what should be his qualifications.

With these few words, I submit that this Bill is a very great improvement on the previous laws on the subject, and I think they have taken full advantage of the loopholes that were found in the previous laws. I think that this evil will be minimised to a very great extent after the passing of this Bill. Of course, we cannot expect that some sort of utopian world will arise.

Mr. Narayan seems to think nothing will happen unless very stringent measures are adopted, human nature being what it is. It is entirely a wrong idea, because but for these Food Adulteration Acts, this evil of food adulteration would have been ten times or twenty times worse. Personally I think that all the loopholes have been filled, the law has been tightened, and I am sure very great improvement will result.

سردار بدھ سنگھ (جموں اینڈ

کشمیر) : دینی چھرمین صاحب !  
اس بل کے متعلق کافی بحث ہو چکی ہے۔ مجھے یہ کہنا ہے کہ اس میں کوئی شک نہیں کہ یہ بیماری اس قدر بڑھ گئی ہے کہ اسکی روک تھام ہونی چاہیئے۔ ہمارے معزز ممبر دیوکی لندن جی نے فرمایا ہے کہ یہ بیماری دیہات اور شہروں میں زیادہ پھیل گئی ہے پھر بھی وہ کہتے ہیں کہ انکو اس قانون سے نہ کوئی خوشی ہے اور نہ کوئی غم ہے۔ غرضیکہ نہ اس سے اتفاق ہے اور نہ اس سے انکار ہے۔ تو مجھے ان کے متعلق یہ عرض کرنا ہے کہ جب انہوں نے ہر ایک چیز کو گن گن کر بتایا کہ ملاوت یوں کی جاتی ہے۔ ایسے کی جاتی ہے تو پھر وہ کہیں کہتے ہیں

ان چیزوں کا قانون کے ذریعہ علاج نہیں ہو سکتا۔ البتہ وہ مانتے ہیں۔ جب تک کہ اصلاح نہ کی جائے تب تک اس کا بند ہونا مشکل ہے اور ساتھ ہی انہوں نے یہ بتایا کہ اس قانون پر عمل کرنے کے لئے جو عملہ رکھا جائے گا۔ اسٹیبلشمنٹ رکھا جائیگا وہ بھی لوٹے گا اور لوگوں کو اس سے بہت تکلیف ہوگی۔ تو کیا پھر کسی برائی یا پاپ کا علاج ہی نہ کیا جائے۔ ان کی یہ دلیل میری سمجھ میں نہیں آتی۔ یہ پارلیمنٹ ہے لیجسلیچر ہے۔ یہاں پر بیٹھنے والے ممبر اور جنتا کے لڑک اور ملک کا لائیڈ آرڈر چلانے والے ہیں۔ ہر روز نئے نئے قانون بنتے ہیں۔ آخر یہ سب کس لئے بنتے ہیں۔ اس میں کوئی شک نہیں کہ اگر انسان میں اخلاقی ایمانداری اور انسانی ہمدردی کا مادہ پیدا ہو جائے۔ اور ہر ایک بھائی اپنے بھائی کی زندگی کو اپنی زندگی کے برابر سمجھے اور کوئی برائی جرم کرنا پاپ سمجھے تو پھر شاید قانون کی ضرورت ہی نہ رہے۔ لیکن گناہکاروں ایسے لالچیوں کو قانون کے ذریعہ ہی درست کیا جا سکتا ہے جب سے دنیا قائم ہوئی ہے دند رکھا گیا ہے۔ دند دینے کے لئے یہ قانون ہے کہ قانون سے اس کا علاج نہیں ہو سکتا تو پھر کیا ایسی برائی کو پھیلنے کے لئے کھلا چھوڑ دیا جائے؟ اور اگر دیوکی لندن جی کی یہ دلیل مان لی جائے اگر اس حد تک بیماری بڑھ گئی ہے تو بہتر یہ تھا کہ آج سے پہلے بہت پہلے

[मरदार बुध सिंह]

कानून बनते हैं। आखिर यह सब किस लिये बनते हैं। इस में कोई शक नहीं कि अगर इन्सान में अखलाकी ईमानदारी और इन्सानी हमदर्दी का माद्दा पैदा हो जाये और हर एक भाई अपने भाई की जिंदगी को अपनी जिंदगी के बराबर समझे और कोई बुराई या जुर्म करना पाप समझे तो फिर शायद कानून की जरूरत ही न रहे। लेकिन गुनाहगारों को और ऐसे लालचियों को कानून के जरीये ही दुरुस्त किया जा सकता है। अब से दुनिया कायम हुई है दंड रखा गया है। दंड देने के लिये यह कानून है। और अगर देवकी नन्दन जी की यह दलील मान ली जाये अगर इस हद तक बीमारी बढ़ गई है कि कानून से इसका इलाज नहीं हो सकता तो फिर क्या ऐसी बुराई दो फौलने के लिये खुला छोड़ दिया जा। तो बेहतर यह था कि आज से पहले, बहुत पहले, इस बिल को लाना चाहिये था। जब से मुल्क आजाद हुआ है सब से पहले यह सवाल पैदा हुआ कि यहां, जहां तक मुमकिन हो, कानून से या दंड से काम न चलाया जाय। समझाने और इसलाह करने की कोशिश की जाये। महात्मा गांधी के उसूल को चाहे उनको आला अखलाक कहा जाय, रिफार्म कहा जाय ठीक है। लेकिन जहां लालच हद से ज्यादा हो जाता है जहां खोफ और शक की बीमारी हो जाती है उसका इलाज करना जरूरी होता है। लालच तो लोभी लोग करने हैं। लालच जो होता है वह हलाकी कुत्ते की तरह दीन कुत्ते की तरह अपने आप को काटता है, अपने भाइयों को काटता है और खुद भी मर जाता है। यह लालच की बीमारी इस हद तक खतरनाक है कि जब तक

इसकी रोक-थाम न की जाय यह बढ़ती जाती है। इसलाह करने वालों में सब से बड़ी जिम्मेदारी पार्लियामेंट के मेम्बरान की है जो आज तकरीर करते हैं और तसलीम करते हैं कि यह बीमारी बड़ी जबरदस्त है और इसकी रोक-थाम होनी चाहिये। तो फिर कानून बनाना निहायत जरूरी है। मैं इस बिल के साथ पूरा इत्तफाक करता हूं और मैं समझता हूं कि श्रीमती राजकुमारी अमृत कौर ने हेल्थ मिनिस्टर साहिबा ने इन्तिहाई इन्सानी हमदर्दी और यही नहीं बल्कि लाखों करोड़ों इन्सानों की जानों की हिफाजत के लिये उनकी सेहत की बेहतरी के ख्याल से इस इन्तिहाई बीमारी और पाप को दूर करने के लिये यह कानून पेश करके बड़ी भारी कोशिश की है। आज यहां कानूनी बारीकियों से क्रीटीसिजम होता है, होना भी चाहिये इस हाउस में, मगर असल मकसद और बुनयादी बात को नहीं भूलना चाहिये। लेकिन सवाल यह पैदा होता है कि इसकी इसलाह कैसे होगी। तो अगर इस ख्याल पर इसे छोड़ दिया जाय कि कानून बनाना या इसलाह करना मुशकिल है और एक बुराई को दूर करने के लिये एक अमला लाना पड़ेगा और आगे इस कानून को इम्पलिमेंट करना नामुमकिन हो जायेगा तो क्या हमें फिर कुछ इलाज नहीं करना चाहिये। इलाज जरूर होना चाहिये। कितने ही महापुरुष, औतार, पैगम्बर, बड़े-बड़े ग्रेट मैन हुये उन्होंने हर बुराई और पाप को दूर करने के लिये हिदयान दी। उन्होंने तो कभी दंड या इसलाह के बरखिलाफ कुछ नहीं कहा या लिखा। देवकी नन्दन जी ने महात्मा जी का हवाला दिया और यह कहा कि वे कहते हैं कि देहांत में जो चीज पैदा होगी वह

अच्छी होगी बिना मिलावट की होगी । लेकिन उन्हें मालूम होना चाहिये कि आज हर एक चीज देहात में नहीं पैदा होती । महात्मा जी ने यह भी तो कहा है यह जो मिलावट है यह जो इंसान की खुराक में किसी भी किस्म की मिलावट की जाती है यह पाप है और यह उन्होंने खुद लिखा भी है—इसे हर तरीक पर दूर करना चाहिये और यह भी कहा कि मैं यह तसलीम करता हूँ कि जहाँ भलाई और नेकी है वहाँ बुराई भी है । अगर यह मान लिया जाय कि बुराई भी खुदा की तरफ से आई है तो महात्मा जी ने जो लिखा है कि हरएक इंसान अकले होश रखता है उसका फर्ज है कि वह इत्हाई कोशिश करे इस बुराई को दूर करने की—मगर उन्होंने यह नहीं बताया कि कानून ज़रायम व बुराइयों को रोकने के लिए न बनाया जाय । हाँ यह जरूरी है, इस कानून से फायदा तभी होगा जब हमारा सब का फुल कोअपरेशन होगा । फायदा तब होगा जब हम पापी आदमी को यानी उस आदमी को पकड़ेंगे जो कसूर करता है । इसका इलाज तब होगा जब हम मिलावट की चीजों को खाना छोड़ देंगे और उनका वायकाट कर देंगे और बिला इस बान की पर्वाह किये कि वह लालची व पापी हमारा रिश्तेदार है या बड़ा या छोटा है और कुछ भी है उसका लिहाज नहीं करना चाहिए । हमारा फर्ज है कि दुनिया के लोगों की जानें बचाने के लिये इसानी हमदर्दी के लिये अपने अखलाक और अपने ईमान को कायम रखने के लिए ऐसे चोर को, पापी को, अत्याचारी को पकड़ें और पुलिस के हवाले कर दें जब तक इस किस्म का कोअपरेशन, इस किस्म की हमदर्दी इंसान की जान व माल व सेहत को बचाने के सिस्तेम में उसके साथ नहीं होगी तब

तक कोई कानून नहीं चल सकता । वहरसूरत, बुराई और जुर्म को दूर करने के लिए तो कानून की हर हालत में जरूरत है । इस वास्ते और भी जरूरत है कि यह बीमारी बड़ रही है और आप समझते हैं कि आजकल दुनिया में जो मुल्क हैं जिहालत में, मुसीबत और गुरबत व गुलामी में कोई सौ साल तक पड़ रहे उनका अखलाक बहुत गिर जाना है, बुराईयां पैदा हो जाती हैं और जिन लोगों का केरेक्टर गिर गया उनकी इस-लाह लाजमी है । थोड़ी-थोड़ी हम कोशिश कर रहे हैं कि ये बुराईयां, ये तकलीफें ये मुसीबतें, बुरी आदतें, बदअमनी और बेइमानी खत्म हो । लेकिन इसके लिये आहिस्ता-आहिस्ता कोशिश हो रही है । इन इसलाही कामों में तेजी की जरूरत है जो मस्जिदों, मंदिरों में गुरद्वारों में जाकर उपदेश, वाज करने वाले, कथाएं करते लोग सुनते हैं और यह सिलसिला हजारों साल से दुनिया वाले देखते आ रहे हैं । लेकिन फिर भी लोग बुराई करते हैं । मगर इसका मनलव यह नहीं है कि हम लोगों को समझाना छोड़ दें और मायूस हो जायें । बेशक, हमारा काम है, हर पब्लिक मैन का काम है कि हम लोगों को जाकर समझाएं और पूरे दिल के साथ उनके साथ कोअपरेशन करें तआबुन करें जो कानून को चलाते हैं । और साथ-साथ गवर्नमेन्ट जिसने ला एंड आर्डर को चलाना है, जिसने डाकुओं और बदमाशों को गुनहगारों को और अत्याचारियों को, खून करने वालों को और लालचियों को उनकी हरकतों से रोकना है, तो इसके लिए सिर्फ एक हथियार कानून का है और इस कानून की पाबन्दी सब पर लाजमी होगी । इसमें इसलाह बगैरा भी हो सकती है । शुक्र है कि यह



[सरदार बुध सिंह]

कानून देर आयद दुस्त आयद के मुताबिक पेश हो गया है। लेकिन अभी तो यह पहला काम हुआ है। अभी तो शुरूआत हुई है। आयन्दा ज्यों-ज्यों अमल-दरामद के सिलसिले में और खामियां इसमें नजर आएंगी, तरामीम होती रहेंगी और कानून सख्त बनाना पड़ेगा। और मैं इस बात को पूरी ईमानदारी और जिम्मेदारी से कहता हूँ कि ये जो आप आगे बढ़ रहे हैं ये स्टेप बाई स्टेप चल रहे हैं, एक वक्त आएगा जब इस अजीम बुराई को खत्म करने के लिए चौराहे में, मैदान में, हजारों और लाखों की मौजूदगी में ऐसे आदमियों को फांसी पर लटका दिया जायगा जोकि एक नहीं, दो नहीं, लाखों आदमियों की जिंदगी के साथ खेल रहे हैं। ऐसे लालची, ऐसे ब्लैकमार्केटिंग करने वालों को जब तक सख्त से सख्त सजा नहीं दी जायगी यह बुराई दूर नहीं हो सकती मुक्त नेशनलाइज नहीं हो सकता और न कौमियत का जज्बा पैदा हो सकता है और न ही महात्मा जी की राय व मंशा के मुताबिक इसलाह हो सकती है। जब हम सब अपना फर्ज पहचाने मुझे खुशी है कि देवकी नंदन जी ने इस कानून के मुताल्लिक काफी क्रिटिसिज्म की है। मगर जब उन्हें एहसास हुआ कि इस बिल को पेश करने वाली श्रीमती राजकुमारी है तो अपने किये कराये पर फिर पश्चाताप भी करने लगे। फौरन उनके दिल में तरंग पैदा हो गई और कहने लगे कि नेकनीयती से यह बिल पेश किया गया है और यह उम्मीद जाहिर की और स्वाहिश जाहिर की कि जिस मकसद के लिये यह तैयार किया गया है वह पूरा हो। उन्हें चाहिये था कि वह पहले ही कह देते कि मैं इससे इत्तिफाक

करता हूँ। मगर शुरू-शुरू में उन्होंने हमें अन्धेरे में डाल दिया जबकि उन्होंने ये कहा कि ये कानून गैर जरूरी है, गलत है। ऐसी बातें महात्मा गांधी जी के शैदाइयों की जवान से हम नहीं मनना चाहते थे और खास तौर से श्रीमती राजकुमारी अमृत कौर की हाजरी में। उन्होंने महात्मा गांधी जी के साथ बरसों काम किया जो कि उनके उसूलों को अच्छी तरह समझती है। जब तक इंसान में अक्ल है, दिल है, दिमाग है, आला इखलाक है, इंसानी हमदर्दी का माद्दा है, उसके पास तजुर्बात का रिक्काह तब तक वह इसलाह करता जावेगा और करनी चाहिए। जो नेता लोग हैं, पब्लिकमैन हैं पार्लियामेंट के मेम्बर हैं, उनका धर्म और फर्ज है कि यह कानून जब यहां से पास हो जाता है उसके बाद उसको अमल में लाने की पूरी कोशिश करें, पूरा सहयोग दें, इत्तिफाक करें। तभी हमारा मकसद पूरा हो सकता है। यह कोई कानून आसमान से तो नहीं आ गया है। पहले यह सेलेक्ट कमिटी में गया। येहतरीन आदमियों ने इस पर सोच विचार किया और गवर्नमेंट ने खुद गौर किया। यह बहुत भलाई का कानून है और इससे सौ फीसदी अक्ल की तरक्की और उसके जानो माल की हिफाजत होगी।

यह एक अहम कानून है और इस पर एतराज करना मुनासिब नहीं है। इस बिल को पूरी तरह गैर आभेधद्वारी में अमल में लाना चाहिए, मैं आनरेबुल मिनिस्टर साहब को इस बिल को लाने के लिये मुबारक बाद देता हूँ। मेरा यह कहना है कि इस बिल के इस्तेमाल के साथ-साथ ज्यों-ज्यों हमको तजुर्बा होता जायगा त्यों-त्यों इसमें हम इसलाह वरत

जायेंगे । इन अलफाज के साथ मैं इस बिल को पूरे दिल से सपोर्ट करता हूँ ।

PROF. A. R. WADIA (Nominated): Mr. Deputy Chairman, unfortunately adulteration has become such a part and parcel of our life that this type of legislation has been very badly needed and I join my colleagues in congratulating the Health Minister on producing this very comprehensive piece of legislation. As to how far the Act will succeed depends a good deal on the honesty of the food inspectors as well as on the co-operation of the public.

I have been rather struck by the remarks of Mr. Bisht about sub-section (9) of clause 10. There is a risk that if the inspector is exposed to this sort of prosecution, the good that he might do will be undone, and the main provisions of this Act will remain, more or less, a dead-letter. It is from this standpoint that I heartily support his appeal to the hon. Minister to remove this sub-clause (9) of clause 10. Of course, I am fully conscious that there is the risk that the food inspector might take advantage of the removal of a clause like this, especially in the light of what Dr. Mitra said that they openly take bribes. But then sub-section (7) provides against that risk, because whatever action he takes, he takes in the presence of two persons who will act as witnesses. In view of this safety-clause, I think that the whole purpose of this Act will be better fulfilled if this sub-clause (9) is omitted. I do appeal to the hon. Minister to take this very seriously into consideration.

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SHRI AKHTAR HUSAIN (Uttar Pradesh): Mr. Deputy Chairman, I rise to support this Bill. I need hardly state that I extended my support to this Bill, for nobody from any section of the House has opposed it. We are all agreed that the Bill is an essential one. We are also agreed that the evil of adulteration of foodstuffs

has grown to such an extent that drastic remedies have to be restored to for the purpose of suppressing this crime against humanity. I do not know if people who uptil now have tolerated it, and have allowed this evil of food adulteration to grow, have realised that not only does it endanger the health of the existing generation, not only does it shorten the life of the old people, not only does the adulterated foodstuff impairs the efficiency and the capacity for work of those people who have unfortunately been taking these adulterated foodstuffs, but the greatest danger to my mind is that it impairs the health of the future generations of this country and if adulteration of foodstuffs is not suppressed, and suppressed effectively, efficiently and completely, there is the very grave risk of our future generations growing up into what one would expect people brought up on indifferent foodstuffs to be. They would be lacking in that quality which enables the healthy man to discharge his duties to his country efficiently. Having regard to the fact that in this era of independence, our country is starting a new period in its history, is it not fit and proper that the Indians of the post-Independence period should be of a healthy and robust type, who would be a great improvement on those who have gone before them? I submit that if this aspect of the matter is fully realised, there will not be any two opinions that whatever may be done, any steps that may be taken for the purpose of putting a stop to this evil of food adulteration, however severe or strict the measures taken might be, they would be approved by the vast multitude of our people. In order to man our country properly, in order that our people may be able to do their duties efficiently and in order to enable the country to rise to its full stature, it is essential that this evil of food adulteration should be suppressed and suppressed with a strong hand.

Upto now there has been some little difficulty in embodying the proposed provisions in a Bill. There was

[Shri Akhtar Husain.]

some difficulty whether it was a State subject or whether it was a Central subject and whether the concurrence of the State legislatures and the State Governments had to be obtained. Luckily, we have as our Health Minister a person of great devotion to public duty and zeal which are conspicuous in all matters undertaken by her in her official capacity. Luckily for us, our Health Minister has, through her endeavours and through her efforts brought about this measure, the requisite concurrence has been obtained and we now have this Bill before us as passed by the Lok Sabha.

Of all the beneficent and valuable public services that our Health Minister has rendered, I am sure the House will agree, this is of the highest and of the greatest importance. I hope, Sir, that the House will record its approval to the general principles of the Bill. The provisions of the Bill are such that without infringing on individual liberties, it makes it possible for the various offences to be punished and it would prevent food adulterators and persons guilty of such crimes from escaping the penalties provided by law on technical grounds. It has been stated by several hon. colleagues that on very many occasions technical considerations have prevailed and that substantial justice was not done because there was some lacuna in the law and it became possible for the persons guilty of these crimes to escape punishment. The object of this Bill appears to be to provide for the adequate punishment of such people and to make the definition of the offences so comprehensive as to make it impossible for the food adulterators to escape on technical grounds. No piece of legislation can be perfect or be so all-embracing as to provide for all possible cases of its infringement, but all that could be done appears to have been done so far as this Bill is concerned. I would like to commend to the House the very comprehensive nature of the definitions in this Bill.

My own view is—in spite of the other views to the contrary expressed by my hon. colleagues who preceded me—that clause 2 (i) (a) is sufficiently comprehensive to embrace within its purview all persons who commit this crime and it would be extremely difficult for the people who still adulterate foodstuffs to escape punishment. Of course, if the working of the Act shows that the definition is not sufficiently comprehensive, it can be made still more comprehensive later on but, at the present moment, to make it still more comprehensive would endanger individual liberty and it would not be right to arm the food inspectors and the persons entrusted with the duty of enforcing the provisions of this Bill when it comes into force, with powers more wide than have been conferred by this Bill. This should be tried and if the provisions are enforced strictly, I have no doubt that the evil of food adulteration would be effectively suppressed, if not stopped altogether. I should have said that a Bill like this should completely stop this practice of food adulteration which has become so very common but unfortunately our people are so tolerant, so forbearing and so magnanimous in overlooking this crime that they say, 'Oh, this poor man has been guilty of mixing something with the foodstuffs. Well, let us not buy anything from him hereafter', but the fact of the matter is that the serious consequences that arise as a result of eating adulterated food are either not sufficiently realised or our people are so kind-hearted and indulgent that they just overlook it.

There has been a great deal of excitement and agitation about one certain article. Some people say that it should not be allowed to be sold in the market; there are others equally vehement that it should continue to be sold. One of the hon. Members from Hyderabad praised a particular stuff about which there is a great deal of controversy going on. I have not been able to ascertain the merits or the demerits of the case of

the respective parties in respect of that controversy but it appears that the reason why the existing laws for the prevention of adulteration of foodstuffs are not strictly and severely enforced in the States is that they say that unless the sale of hydrogenated oil is stopped, nothing could be done to stop food adulteration. There are other things also with which foodstuffs are adulterated and even to the extent to which the other foodstuffs are adulterated, if the existing laws were enforced, if the State Governments took necessary action, this evil would not have grown to the extent to which it has grown. My hon. friend, the homœopathic doctor from Bihar, had said very harsh words about the laboratories and the public analyst. I do not know how far they are correct but many other Members have expressed the same views as my hon. colleague from Bihar.

DR. P. C. MITRA: Not a homœopathic doctor.

SHRI KANHAIYALAL D. VAIDYA (Madhya Bharat): He is not a homœopathic doctor. He is a doctor.

SHRI AKHTAR HUSAIN: I am sorry. I am extremely sorry. He is an allopathic doctor. Now, my hon. colleague from Bihar—as he is pleased to correct me an allopathic doctor—is certainly in a very good position to express his views on the subject. I do not know whether the complaint is correct or not but these grievances and the dissatisfaction over the way in which the laboratories and the public analysts are discharging their official duties are there. What my hon. colleague has stated seems to represent the view of a very large number of people. If there is any justification for such views to be entertained or such apprehensions to remain in the minds of the people or to persist in the mind of responsible citizens to such an extent as to be voiced in this august House then I submit that the attention of the Government should be drawn to this and very severe steps should be taken against people who are guilty

of dereliction of duty in this respect. If any officers are found to be working in such Government institutions, who do not conform to the standards of integrity required of public servants then no quarter or indulgence should be shown to such officers. I hope that when the public has confidence that the work done in the laboratories would be above suspicion, that the report of the public analysts would be true and correct and if a few people are convicted and duly sentenced under the provisions of this law, when it is passed, there will be a marked diminution in the adulteration of foodstuffs. That is our hope and there can be no doubt that the evil has grown because corrupt practices have allowed some of the guilty people to escape the penalties for their misdeeds.

With your permission, Sir, I may deal with some of the provisions of the Bill. The proposed establishment of a Central Committee for food standards and the Central Food Laboratory is something which should help in promoting the better health of our people. If what is sold for being consumed as foodstuffs is of pure quality and conforms to proper standards, is rich in vitamins and other food qualities, then the health of the nation would be greatly improved. Institutions and bodies of this kind exist in other countries and it is a welcome sign that the idea has been accepted by our Government and embodied in this Bill.

Several other clauses of the Bill have been discussed by my hon. colleagues. The entire Bill has been subjected to scrutiny by various sections of the House. Some hon. colleagues have expressed the view that sub-clause (9) of clause 10 relating to the prosecution and punishment of the food inspectors should not be retained in the Bill. Now the matter is one of considerable difficulty. If we allow the food inspector to carry on his duties with the wide powers which have been conferred under the provisions of this Bill, he can become a petty tyrant. If on the other hand we expose him to prosecution and harassment by those who

[Shri Akhtar Husain.] may be too powerful for him, then he will not have the courage to carry on his duties in a reasonable, efficient or responsible manner. We have therefore to strike a balance, to see that this food inspector may not be in a position to misuse the wide powers that are conferred on him and also to see that he is not prevented from doing his duties by the fear that if he proceeds against a powerful person or against rich persons engaged in the sale and distribution of adulterated foodstuffs, then he will not be able to save himself from being prosecuted by them. Therefore it appears that there are very good reasons for incorporating the provision to prosecute the food inspector in case he misbehaves himself but the cases in which he would be liable to punishment are only two and those two cases are provided in the sub-clauses (a) and (b) which read "(a) vexatiously and without any reasonable grounds of suspicion seizes any article of food; or (b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of an offence under this Act.....". It is only in these two cases that he can be proceeded against under this Bill.

Therefore if the food inspector exceeds the powers that are conferred on him under this Bill in respect of these two points, then he would be liable to be prosecuted under the provisions of this very Bill. In respect of any other acts which he performs *bona fide* he would be protected; the law will give him protection under clause 22 which provides: "No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act." Therefore, while protection for action taken in good faith is given to every officer concerned, people found to be deliberately misusing the powers conferred by this Bill or under the cloak of the provisions of this Bill using their powers

to the detriment of law-abiding citizens would be liable to punishment, and there is no reason why this clause should not be retained. I submit.....

SHRI J. S. BISHT: Can he not be dismissed by the authorities for mis-using his powers?

SHRI AKHTAR HUSAIN: If my hon. friend considers that in the case of a public servant who misuses his authority for the purpose of harassing the people whose activities he is asked to take charge of and to control, mere dismissal is sufficient punishment for him, well, he is entitled to hold his own opinion, but I submit that punishment by mere dismissal would not be adequate punishment for a public servant who misuses his official position for the purpose of the harassment of lawful citizens.

SHRI J. S. BISHT: Can there be no suit for malicious prosecution?

SHRI AKHTAR HUSAIN: The whole question, Sir, is a matter of opinion. My hon.-colleague seems to be of the opinion that any public servant, a food inspector for instance in this particular case, if he uses his authority for the harassment of the citizens, can be adequately punished by dismissal or if he, for instance, prosecutes without reasonable or probable cause any person and that person is acquitted in a court of law, then a suit can be filed against him for malicious prosecution and damages realised from him, but the point of view that I was trying to put forward for the acceptance of the House is that a person who misuses his official position will not be sufficiently punished if he has to pay even a sum of Rs. 10,000 as damages for malicious prosecution or if he is deprived of his service. Such a person should be punished and convicted as a criminal, as a law-breaker, because, after all, when very wide powers are being conferred on these food inspectors and these officials under this Bill there is always a tendency.....

SHRI H. C. DASAPPA: Not always.

SHRI AKHTAR HUSAIN: Not always. Very well.....

SHRI GOVINDA REDDY: Will any officer discharge his duties with the sword of Damocles hanging above his head?

RAJKUMARI AMRIT KAUR: May I be allowed to intervene at this stage? I would draw the attention of those Members who are in favour of the deletion of clause 10 (9), to clause 20. I would like to quote clause 20 and say that no prosecution can be started against a food inspector or against anybody unless such prosecution is at the instance of, or authorised by the State Government or a local authority. He has plenty of protection here.

SHRI J. S. BISHT: On a point of explanation, may I bring to the notice of the hon. Minister that I specifically mentioned that clause 20 because I know the working of these local authorities? The bigger merchants have their friends on those committees and boards and they will see to it that that man is put down; they will see that that man is brought to book; they will see that he is put in his proper place and prosecuted.

RAJKUMARI AMRIT KAUR: Sir, if we have legislation, we must have it in the faith that it is going to be administered according to the spirit of the Act. We must not start off by saying that we will have intrigues, we will have dishonesty everywhere. If that is so, then no legislation is possible. We must go ahead. It is not right always for us to be stressing the dishonesty of our people. I know there is dishonesty, but everybody is not dishonest.

SHRI B. K. P. SINHA (Bihar): May I seek some information? Are there any comparable provisions in any other Act?

RAJKUMARI AMRIT KAUR: Yes; certainly. There are similar provisions in many Acts. Take the Dangerous Drugs Act. There is the Central Excise and Salt Act. And a clause like this is necessary also to curb, shall I say, the over-enthusiasm

that perhaps any food inspector may have. You have got to protect the vendor also and therefore we have to find a *via media*.

SHRI AKHTAR HUSAIN: My hon. colleague from Naini Tal may have come across one or two either very honest food inspectors or those who possess the opposite qualities but the point that I was trying to make was that the Government has to guard against the possibility of the people being harassed by public servants armed with very wide powers and authority. On the other hand we have also to see that the citizen is not unnecessarily harassed by the officials.

SHRI RAJENDRA PRATAP SINHA: May I know from my hon. friend what he means by 'people'? If the food inspector does not do his work properly, if adulteration goes on in his area and he is silenced by other means into not taking any action, will it not amount to harassment of the citizens and the people? Why do you think that harassment of the vendors or the manufacturers is the only thing that is to be taken into consideration? If the general public is harassed by the incidence of adulteration that also should be taken into consideration.

MR. DEPUTY CHAIRMAN: He does not want innocent people to be harassed.

SHRI RAJENDRA PRATAP SINHA: But the people are being harassed by being given adulterated food.

MR. DEPUTY CHAIRMAN: Such people will be prosecuted.

SHRI AKHTAR HUSAIN: With all respect to my hon. friend I have not been able to appreciate why he makes a distinction between the vendors and sellers of adulterated food-stuffs and the general public because the enforcement of the provisions of this Bill will be for the benefit of everybody and the activities of persons or officials lacking in virtue can

[Shri Akhtar Husain.]  
be to the harassment of not only the general public but also of persons engaged in the sale, manufacture or distribution of foodstuffs. It will affect everybody; it will affect the general community.

SHRI RAJENDRA PRATAP SINHA: May I take it from the hon. Minister that this is the correct interpretation?

MR. DEPUTY CHAIRMAN: You will have your say, Mr. Sinha.

SHRI RAJENDRA PRATAP SINHA: But when the people.....

MR. DEPUTY CHAIRMAN: Order order.

SHRI AKHTAR HUSAIN: If my hon. colleague seeks a judicial pronouncement as to what is the correct interpretation of any particular clause, my friend will not be able to get it here. This is not the place to ask for it.

1 P.M.

Now, Sir, I was trying to place before you my submissions on some of the important clauses of this Bill. I would like to commend to the House particularly the provisions of clause 16 relating to penalties. I consider it appropriate that the punishment for the second offence should be more severe than for the first offence and that for the third offence should be still more severe.

Then, there is an important clause relating to offences by companies. Now the difficulty about companies has been that there may be people who may say that although adulterated foodstuffs were manufactured, they were not responsible for it because they were not there. They may say, "It must have been done by my subordinate or by some other person". Thus the real culprits or the real law-breakers may escape on technical grounds. If this happens. I do not think that this Bill would succeed in putting a stop to the adulteration of foodstuffs by companies. But the way in which this clause is

worded gives rise to hopes that every person who at the time of the offence was in charge or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence. These words are comprehensive enough to cover all persons who may be really responsible for the offence although it may be somewhat difficult to apportion blame on any particular individual. One may try to shift responsibility on to others but it appears that the language is as comprehensive as it could be under the circumstances.

Another clause that I would like to commend to the House is clause 18, which provides for the forfeiture of property. Forfeiture is not essentially a punitive measure for the person committing the offence but is necessary in the interests of health, because if there is any adulterated foodstuff by eating which the health of the community is likely to be injuriously affected, then it is fit and proper that such foodstuffs should be destroyed after being forfeited. I see that my hon. colleague Dr. Mitra agrees with me on this matter because he amongst us does appreciate and understand what deleterious effects are caused by taking foodstuffs which cannot be easily assimilated by the digestive system of our body.

SHRI KANHAIYALAL D. VAIDYA: Even though they are adulterated.

SHRI AKHTAR HUSAIN: My hon. colleague who is a *vaid* knows much more about the digestive system than me, and he knows to what extent adulterated foodstuffs can be digested by our system and what medicines he can administer which would help those adulterated foodstuffs to be digested. However, this is a matter for the medical men to consider. I as a representative of the people have to express my gratitude to the hon. the Health Minister for the very

great interest she has taken in this measure and for the valuable efforts she has made to bring this measure to this stage and I hope the House will be pleased to accord its approval to it.

SHRI K. B. LALL (Bihar): Perhaps you are calling out the names from a list before you. If it is so, may I know if my name will be included in it?

MR. DEPUTY CHAIRMAN: Certainly; how can we ignore you? But I never saw you stand up.

SHRI AKBAR ALI KHAN (Hyderabad): May I suggest that, since this measure has practically unanimous approval, no more speeches be allowed? (*Interruptions.*)

MR. DEPUTY CHAIRMAN: Mr Vaidya.

श्री कन्हैयालाल डी० वेंकट : उपाध्यक्ष महोदय इस बिल का मैं हृदय से स्वागत करता हूँ। स्वतंत्रता प्राप्ति के बाद एक स्वस्थ राष्ट्र के निर्माण के लिए यह बहुत आवश्यक है कि स्वास्थ्य मंत्राली जी राष्ट्र को स्वस्थ करने के लिए ऐसे भी साधनों का उपयोग करें जिनके द्वारा हमें स्वस्थ रहने के लिए खाने की वस्तुएं शुद्ध रूप में मिल सकें। आज जो स्थिति इस देश में है वह इतनी भयंकर है कि जिसके बारे में जितना ही कहा जाय वह थोड़ा है। एक काला इतिहास है इस देश में जनता के दुश्मनों का कि जिन्होंने विपत्ति के समय में जनता को अनेक प्रकार की मिलावट की वस्तुओं से लूटा है, और उनको शिक्षा देने के लिए यहां जितनी भी चर्चा की जाय वह चर्चा थोड़ी होगी क्योंकि जनता के दिलों में उनके लिए काफी गुस्सा है। कहां तक कहा जाय, कई उदाहरण यहां मित्रों ने दिए हैं। एक उदाहरण मैं आपको दूँ। इस दिल्ली

शहर में मनो पीसा हुआ घनिया बिका और उसमें अस्सी मन लीद पीस कर मिला दिया गया था और उसे जनता को खिला दिया गया था। एक बड़ी फर्म का उसमें हिस्सा था। लीद की शक्ल और घनिये की शक्ल इस प्रकार एक हो गई।

SHRI GOVINDA REDDY: What is meant by 'Leed'.

SHRI KANHAIYALAL D. VAIDYA: Horse-dung.

मनुष्य को यहां तक पतन हो गया है। आज आप आर्थिक कारणों को ही लीजिये, या सामाजिक कारणों को ही लीजिये, इस देश में हमको उन तमाम विषम अवस्थाओं का मुकाबला करना है। आर्थिक और सामाजिक कारणों से जब हम देश को नीचे जाते हुए देखते हैं तो हमारा सिर शर्म के मारे झुक जाता है और यह विश्वास हो जाता है कि केवल कानून बनाने से समाज में जो बुराई जड़ पकड़ चुकी है, वह दूर नहीं हो सकेगी। इस बात के लिए तो हमें एक नये वातावरण का निर्माण करना होगा जिससे कि आज देश में फैले हुए भ्रष्टाचार और बेईमानी को दूर किया जा सके। संसार के कई देशों में इसी तरह की स्थिति पैदा हुई और उन लोगों ने उसे नये वातावरण का निर्माण करके दूर किया। आज हमको भी इसी तरह से सारे देश में एक नये वातावरण का निर्माण करना होगा। जनता में इस बीमारी के विरुद्ध लोकमत तैयार करना होगा। अगर लोकमत पर्याप्त रूप से जागृत हो तो समाज के तिरस्कार के भय से भी व्यापारी इस दुष्प्रवृत्ति से दूर रहने की कोशिश करेंगे। समाज में ऐसे को जो



[श्री कन्हैया लाल डी० वैद्य]

ऊंचा स्थान मिल गया है, उसका मूल्य भी बढ़ला जाना चाहिये। समाज में प्रतिष्ठा पैसे के कारण नहीं, बल्कि सामाजिक गुणों के आधार पर मिलनी चाहिए।

यह एक व्यापक सिद्धान्त है कि जब देश में पर्याप्त मात्रा में कोई वस्तु उपलब्ध नहीं होती है तो उसकी कमी से वह वस्तु अपर्याप्त हो जाती है और खराब हो जाती है। जब हमारे देश में अन्न का अभाव था, देश में एक तरह से अवाल की सी स्थिति हो रही थी, बाहर के देशों से अनाज हमको प्राप्त नहीं हो रहा था, तो यहां के व्यापारियों ने इस स्थिति का लाभ उठाकर अनाज में तरह-तरह की चीजें मिलाना शुरू कर दिया था और साथ ही साथ भाव भी बहुत ऊंचे चले गये थे। इस तरह मिलावट करने से जनता के स्वास्थ्य पर बहुत बुरा असर पड़ता है इसी तरह से आज बनस्पति तेल और डालडा का प्रश्न है। इस सवाल पर इस सदन में काफी चर्चा हो चुकी है और मैं इस पर अधिक नहीं कहना चाहता हूं। मैं स्वास्थ्य मंत्राणी जी से यह कहना चाहता हूं कि वे प्रधान मंत्री जी के कानों तक इस बात को जरूर पहुंचा दें कि देश की जनता प्रधान मंत्री की बातों का बड़ा सम्मान और आदर करती है। प्रधान मंत्री जी जिस विषय में अपनी राय जनता के सामने रखते हैं, जनता पूर्ण रूप से उसका पालन करती है। किन्तु पिछले वर्ष किसी प्रश्न के उत्तर में प्रधान मंत्री जी ने यह स्वीकार किया कि बनस्पति अन्न लाभ नहीं करती है तो नुकसान भी नहीं करती। इस बात का सारे देश पर बहुत ही बुरा प्रभाव पड़ा,

वह अब समझने लगी है कि बनस्पति भी नुकसान नहीं करता है। अभी तक जनता के दिल में जो एक भावना यह बनी हुई थी कि बनस्पति भी स्वास्थ्य के लिए हानिकारक है, वह कब उतनी नहीं रही। अभी हमारे मित्र डा० मित्रा ने जो आक्षेप किये और बातें बतलाई वे तो ब्रिटिश साम्राज्य के जमाने की थीं जब कि हम गुलाम थे। उस जमाने में तो हर विभाग में अष्टाचार का बोलबाला था किन्तु आज तो हमारी राष्ट्रीय सरकार है, अगर इस तरह की बातें चलती रही तो यह देश के हित के लिए अच्छा नहीं है।

जहां तक बनस्पति तेल और डालडा का सम्बन्ध है, वह हमारे स्वास्थ्य के लिए बिल्कुल भी लाभदायक नहीं है स्वयं स्वास्थ्य मंत्राणी जी और उनका विभाग अच्छी तरह से जानता होगा कि देश का स्वास्थ्य दिन प्रति दिन गिरता ही चला जा रहा है। आज सारे देश में क्षयरोग बढ़ता ही चला जा रहा है अगर यही हालत रही तो हमारी जो तीसरी पीढ़ी होगी, वह अन्धी पैदा होगी तो इसमें कोई आश्चर्य नहीं है। आज हम अपने देश के नौजवान लड़के और लड़कियों को देख सकते हैं, छोटी ही अवस्था में वे लोग चश्मा पहनना शुरू कर देते हैं। अगर वे चश्मा नहीं लगाते हैं तो वे अपना कार्य अच्छी तरह से नहीं कर सकते हैं। इस तरह की परिस्थिति आज हमारे देश में हो गई है। इसलिये मेरा यह नम्र सुझाव है कि सबसे पहले हमको जनता के स्वास्थ्य की ओर ध्यान देना चाहिये। आज हम हजारों लाख रुपया पंच वर्षीय योजना में खर्च कर रहे हैं, इसलिए खर्च कर रहे हैं कि जनता को आराम मिलेगा, जीवन की सब वस्तुओं का अभाव दूर

हो जायेगा किन्तु जनता उनका उपयोग उसी अवस्था में कर सकती है जब कि उसका स्वास्थ्य ठीक रहेगा ।

आज हम देखते हैं कि गांवों में जहां पर तेल की धानियां थी वहां पर अब मशीनों के जरिये से तेल निकाला जाने लगा है । इसका नतीजा यह हुआ है कि आज गांवों में भी शुद्ध तेल खाने के लिए उपलब्ध नहीं होता है । मेरा सुझाव इस बारे में यह है कि आजकल गांवों में इस तरह की जितनी भी मशीनें लगी हुई हैं उनको तथा बनस्पति तेल के बाद उसे जमाने की क्रिया की जितनी मशीनें देश में हैं उन्हें सरकार अपने कब्जे में ले ले, इसके लिए सरकार को मुआवजा देना होगा, क्योंकि बगैर मुआवजा दिये हुए सरकार कोई चीज अपने कब्जे में नहीं कर सकती है । इस तरह से जो भी मशीनें सरकार के कब्जे में आयेंगी उनका प्रयोग किसी दूसरे उद्योग के लिए किया जा सकता है या फिर उनका लोहा गला कर किसी उपयोगी काम में लाया जा सकता है ।

हमारी स्वास्थ्य मंत्राणी जी तो पूज्य महात्मा गांधी जी के साथ बहुत समय तक रह चुकी हैं । महात्मा गांधी जी ने अपने जीवन का यही ध्येय बना लिया था कि जो भी चीज वे इस्तेमाल करेंगे वह शुद्ध और देशी होनी चाहिये । उन्होंने अपने जीवन पर इस चीज का परीक्षण किया और जनता को भी यही सलाह दी कि वे हाथ का कुटा हुआ चावल, चक्की का आटा और घानी का तेल इस्तेमाल करें । सरकार की नीति यह है कि ग्राम उद्योगों को अधिक से अधिक बढ़ावा दिया जाय । किन्तु

मेरी समझ में नहीं आता कि केवल कागजी कार्रवाई या प्लानिंग कमीशन के अन्तर्गत कुछ कमेटियां बना देने से, या १०-१२ लाख रुपये की सहायता दे देने से यह नीति सफल भूत नहीं हो सकती है । मैं स्वयं एक छोटे से गांव में रहता आया हूं, आज वहां पर स्थिति यह है कि जितनी भी तेल की धानियां थीं उनमें अधिकांश तो सब खतम हो गई हैं और उनकी जगह पर मशीनों के द्वारा तेल निकाला जा रहा है । हमारी सरकार को इस बात की चिन्ता है कि देश में बेरोजगारी की समस्या जल्द से जल्द दूर हो और हमारे देश में जो उद्योग हैं उनको ज्यादा से ज्यादा कामकाज मिलता रहे । किन्तु मशीनों के होते हुए इस तरह से बेरोजगारी की समस्या किस तरह से दूर हो सकती है । आज सरकार की ओर से घानी के तेल को प्रोत्साहन देने के लिए कुछ नहीं किया जा रहा है । जनता का स्वास्थ्य शुद्ध चीजों के अभाव से दिन पर दिन खराब होता जा रहा है, इसकी ओर सरकार का ध्यान नहीं जा रहा है । जहां सरकार दूसरी चीजों के लिए हर प्रकार की सहायता कर रही है वहां पर घानी के तेल के लिए भी कुछ न कुछ रक्षण की आवश्यकता है । महात्मा गांधी जी की हमेशा यह नीति रही थी कि गांव के धन्धों को हर तरह का प्रोत्साहन दिया जाय, यही एक स्थान है जहां से शुद्ध चीज प्राप्त हो सकती है मगर सरकार की नीति ऐसी है कि जो कुछ भी शुद्ध चीजें गांवों से प्राप्त होती हैं वह भी धीरे-धीरे खतम हो जायें । इस समय जनता में और विशेषकर देहाती जनता में जो कुछ छोड़े स्वास्थ्य के चिन्ह दिखाई दे रहे हैं

अगर सरकार की यही नीति रही तो वह भी खत्म हो जायगा और जनता का स्वास्थ्य दिन पर दिन खराब होता चला जायेगा ।

जहां तक हाथ की चक्की के आटे का सम्बन्ध है.....

MR. DEPUTY CHAIRMAN: You will continue on the next day. There are a few messages from the Lok Sabha.

### MESSAGES FROM THE LOK SABHA

EXTENSION OF TIME FOR THE PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE ON (1) THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (2) THE COMPANIES BILL 1953

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

#### I

"I am directed to inform the Rajya Sabha that the Lok Sabha, at its sitting held on the 26th August 1954, has passed the following motion, extending the time for presentation of the Report of the Joint Committee of the Houses on the Code of Criminal Procedure (Amendment) Bill, 1954:—

#### MOTION

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill further to amend the Code of Criminal Procedure, 1898, be extended up to Friday, the 3rd September 1954."

#### II

"I am directed to inform the Rajya Sabha that the Lok Sabha, at its sitting held on the 24th August 1954, has passed the following motion extending the time for presentation of the Report of the Joint Committee of the Houses on the Companies Bill, 1953:—

#### MOTION

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

MR. DEPUTY CHAIRMAN: The House stands adjourned till 8.15 A.M. tomorrow.

The House then adjourned at sixteen minutes past one of the clock till a quarter past eight of the clock on Thursday, the 2nd September 1954.