

(ii) Government Resolution No. 6(1)TB/54, dated the 7th September 1954.

(iii) Government Notification No. 6(1)TB/54, dated the 7th September 1954. [Placed in Library, see No. S-322/54 for (i) to (iii).]

(7) (i) Report (1954) of the Tariff Commission on the continuance of protection to the Cocoa Powder and Chocolate Industry.

(ii) Government Resolution No. 12(3)TB/54, dated the 7th September 1954.

(iii) Government Notification No. 12(3)TB/54, dated the 7th September 1954. [Placed in Library, see No. S-323/54 for (i) to (iii).]

SUPPLEMENTARY DEMANDS FOR GRANTS FOR EXPENDITURE OF THE CENTRAL GOVERNMENT (EXCLUDING RAILWAYS) FOR 1954-55.

THE DEPUTY MINISTER FOR FINANCE (SHRI M. C. SHAH): Sir, I lay on the Table a Statement of the Supplementary Demands for Grants for Expenditure of the Central Government (excluding Railways) for the year 1954-55. [Placed in Library, see No. S-330/54.]

THE PREVENTION OF FOOD ADULTERATION BILL, 1954—continued

MR. CHAIRMAN: Now we get back to the further consideration of the Prevention of Food Adulteration Bill, 1954, Mr. Vaidya may continue his speech.

श्री कन्हैया लाल डी० वेंच (मध्य भारत) : अध्यक्ष महोदय, जिस प्रश्न पर मैं बोल रहा था वह हाथ की चक्की के आटे का था। जहाँ तक हाथ की चक्की के आटे का सम्बन्ध है, इसका परीक्षण महात्मा जी ने भी अपने जीवन काल में किया था और देश की जनता को उसका लाभ बताया था, किंतु आज देश में जनता को एक विचित्र स्थिति का

सामना करना पड़ रहा है। जिस प्रकार बनस्पति तेल का प्रचार इस देश के अन्दर बढ़ रहा है उसी प्रकार अब भ्रष्टाचार का पोषण करने वाले और भ्रष्टाचार से ही धन कमाने वाले लोग इस देश में आटे का प्रचार कर रहे हैं। आज कल इस सम्बन्ध में बड़े बड़े विज्ञापन अखबारों में निकलते हैं; और जब वर्षों इस देश में कंट्रोल रहा तो उस समय कंट्रोल की दूकानों पर भी जनता को प्रायः आटा देने की योजनायें की गईं।

मिलों में आटा बनाने के लिये जो गेहूँ काम में लाया जाता है वह किस तरह का होता है, उसकी यदि आप जांच करें और वहाँ जब आटा बनाने के लिये गेहूँ तैयार करके काम में लाया जाता है तब वह किस दशा को पहुँच जाता है, उसको भी अगर आप देखें तो आपको यह जान कर आश्चर्य होगा कि वह वास्तव में मनुष्य के खाने योग्य ही नहीं रहता। जिस प्रकार मूंगफली में से तेल निकालने के बाद उसका छिलका और दूसरी चीजें रह जाती हैं, उसी प्रकार गेहूँ में से मैदा और रवा बनाने के बाद उसका बचा हुआ भूसा और दूसरे रद्दी पदार्थ बाकी रहते हैं। उसके आगे का जो प्रोसेस है उसको अगर देखा जाय तो पता चलेगा कि साँपट स्टोन, जो खड़िया मिट्टी के तरीके का, बिल्कुल पत्थर का, हल्के दर्जे का पदार्थ है उसे पीस कर दूसरे ज्वार, बाजरा या ऐसे ही हल्के अन्न के साथ मिला देते हैं। इस प्रकार वह आटा बाजारों में गेहूँ के आटे के नाम से इस देश में बिकता है।

अगर देश की जनता का स्वास्थ्य ठीक रखना है तो इस प्रकार के जो मिलावट

के घन्धे हैं, जो बड़े बड़े मिलों में किये जाते हैं, उनकी रोक की व्यवस्था करना अत्यन्त आवश्यक है। इस दृष्टि में यदि इस बिल को देखा जाय तो इसमें यह वाक्य आया है, "यदि वह स्वास्थ्य के लिये हानिकारक पाया जाय" परन्तु मैं नहीं समझता कि इस प्रकार के आटे और इस प्रकार की बनावटी चीजों को हानिकारक कैसे सिद्ध किया जायगा। कितने महीनों के बाद उसका क्या इफ़ैक्ट हुआ है और वह इफ़ैक्ट क्या इसी प्रकार के आटे से हुआ है, इसकी जांच करने के लिये डाक्टरों के पास क्या व्यवस्था होगी?

आप दिल्ली में दूध की स्थिति को लीजिये, या देश के दूसरे हिस्सों में लीजिये; दूध में साँपट स्टोन मिलता है और दूसरे पदार्थ मिलते हैं। एक मेरे मित्र बहुत बड़ा धन्धा करते हैं वे देश की कारीगरी की चीजें बनाकर विदेशों को भेजते हैं। उनको एक बार साँपट स्टोन की ज़रूरत पड़ी। उनको एक मूर्ति बनानी थी। एक कारखाने वाला जो ऐसे पत्थरों के पीसने का काम करता था, उसके पास वे गये। उस कारखाने वाले ने यह समझा कि उसको साँपट स्टोन का बहुत बड़ा आर्डर मिलेगा और वह कुछ नमूने लेकर होटल में गया। उनको ज़रूरत थी एक टुकड़े की और वह टुकड़ा उन्होंने ले लिया। जब उन्होंने जांच की तो पता लगा कि यहां साँपट स्टोन पीस कर के खारीबावरी और दूसरे स्थानों पर भेजा जाता है और बाजार के दूध में, मावे में, रबड़ी में, रेवड़ी में और दूसरे पदार्थों में जनता को खिलाया जाता है।

इस प्रकार का धन्धा खुले आम इस देश के अन्दर चल रहा है। यहां एक इस प्रकार का वर्ग पैदा हो गया है जिसका धन्धा शोषण करना है। उसको न जनता के स्वास्थ्य की चिन्ता है और न नैतिकता की चिन्ता है। मैं इस सदन में इन सब बातों को रखते हुए यह कहना चाहता हूं कि इस प्रकार की बेइमानी जो इस देश में चल रही है जिस से जनता का स्वास्थ्य दिन पर दिन गिरता जा रहा है वह कानून के ज़रिये किस तरह रोकी जा सकती है। आज आप देश में टीबी की स्थिति को देखें। आज देश की गरीब जनता और शहरों में रहने वाली वह जनता जिसको इस प्रकार की वस्तुएं खरीद कर अपना जीवन बिताना पड़ता है वह कई प्रकार के ऐसे रोगों का शिकार होती जा रही है जिस से सिवाय मौत के और कोई रास्ता शेष नहीं रहता है। यह एक स्वतन्त्र राष्ट्र के लिये अच्छी बात नहीं है। हमें अपने देश के अन्दर एक स्वस्थ राष्ट्र का निर्माण करना है। हमें जनता के स्वास्थ्य को एक अच्छी स्थिति में लाना है। जो कानून यहां बन रहा है और उसमें जो सजा की जो व्यवस्था की गई है, मैंने उस विषय में कोई अमेंडमेंट नहीं दिया है क्योंकि मैं नहीं समझता कि ऐसे अमेंडमेंट से कोई लाभ हो सकता है। आज जिस तरह की स्थिति इस देश में है उसको देखते हुए इस प्रकार का कानून बनाना और साधारण सजा देना कोई महत्व नहीं रखता है। यह मैं जानता हूं कि हमारी सरकार सचेष्ट है और हमारा जनतंत्र में, डेमोक्रेसी में, विश्वास है। इस लिये हम कानून के आधार पर बुराइयों के रोकने की व्यवस्था करते हैं। परन्तु कभी कभी सरकारी बेंचों से

[श्री कन्हैया लाल डी० वैद्य]

जवाब सुन कर के आश्चर्य होता है । आज देश के अन्दर सिनेमाओं में नैतिक भ्रष्टाचार चलता है । परन्तु मंत्री महोदय ने कहा कि ऐसी अनैतिकता रोकने में सरकार के हाथ बन्धे हुए हैं । विधान हमारे आड़े आता है । दूसरे एक मंत्री महोदय ने इसी प्रकार का उत्तर दूसरे सदन में दिया । अगर देश के अन्दर बुराइयों को रोकने में सरकार के सामने कोई कानूनी रुकावट है, तो उसको दूर करने की आवश्यकता है । आज देश के अन्दर जो मिलावट की वस्तुओं का व्यापार चल रहा है उससे जनता का स्वास्थ्य बहुत बिगड़ता जा रहा है और सरकार को इस संबंध में सख्ती से कदम उठाने की जरूरत है ।

संसार के दूसरे राष्ट्रों ने स्वतंत्रता प्राप्ति के बाद अनैतिकता रोकने के लिये बहुत बड़े काम किये हैं । नैतिकता के प्रचार के लिए इस देश के अन्दर अगर आवश्यक हो तो सरकार एक स्वतंत्र मिनिस्ट्री कायम करके जनता की नैतिकता को ऊंचा करने का प्रयत्न करे जिससे लोगों में सच्चरित्रता और मारैलिटी का विकास हो । जनता के साथ जो इस प्रकार का धन्धा करने वाले हैं सोना और चांदी ही उनका ईश्वर हो गया है । उनका कोई धर्म नहीं है । वे केवल धन कमाना चाहते हैं । वे धन के लिये जनता को विष भी दे सकते हैं । देश के अन्दर ऐसी कई घटनाएं हुई हैं । यू० पी० में ऐसे पदार्थ तेल में मिला दिये गये जिनसे बेरी-बेरी का रोग फैला । तो यह ऐसा मामला है जिससे जनता के स्वास्थ्य का विनाश हो रहा है । मेरे एक मित्र एक आटे

के कारखाने में इंजीनियर हैं । उन्होंने कहा कि अगर आटे के प्रासेस को देख ले तो आप कभी जिन्दगी में मिल का आटा खाने का विचार नहीं करेंगे । उन्होंने बताया कि वहां गन्दे तरीके पर बिना साफ किया हुआ अनाज डाल दिया जाता है उसमें जूतों की गन्दी मिट्टी और दूसरे पदार्थ मिलते रहते हैं । लोग उस पर आते जाते रहते हैं लोग उस पर अपन नाक साफ कर देते हैं, थूक देते हैं । इस प्रकार जितनी गन्दी चीजें उसमें मिल जाती हैं वे मशीनों के आगे आटा बन जाती हैं और बोरों में भर कर हमको दुकानों पर दी जाती हैं । इस देश में जनता की नैतिकता के माप-दण्ड (स्टैंडर्ड) को ऊंचा करने की अत्यन्त आवश्यकता है । इसलिये सरकार को इस बात की भी व्यवस्था करनी चाहिये कि केवल कानून से नहीं बल्कि अन्य उपायों से भी उस माप-दण्ड को ऊंचा किया जाय और उसके लिये कानून को सख्ती से अमल में लाने की भी उतनी ही आवश्यकता है । ठीक है, हम जनतंत्र की प्रणाली में अनैतिकता को रोकने के लिये कानून की व्यवस्था करते हैं क्योंकि हम ऐसे तरीकों को अपनाना नहीं चाहते हैं जिनके द्वारा हम जनतंत्र के सिद्धान्तों और आदर्शों को छोड़ दें । लेकिन इसका अर्थ यह भी नहीं है कि हम जनतंत्र का तो यहां ढोल बजाते रहें और दूसरी तरफ देश के अन्दर नैतिकता का माप-दण्ड नीचे गिरता जाय और लोग कानून के सहारे बेईमानी को पनपाते रहें । निःसन्देह श्री केशकर ने पिछले दिनों, सिनेमा द्वारा जो भ्रष्टाचार फैलता जा रहा है उसकी रोक के लिए जो जवाब दिया वह वास्तव में हमारे लिए एक विचार करने की बात है । यह

एक विचारणीय बात है कि क्या हम जनतंत्र के नाम पर देश में लोगों को इस हद तक स्वतन्त्रता दे दें कि वे हमारी जनता की नैतिकता को धूल में मिलाएं, उनका नैतिक अधःपतन करें और खाद्य पदार्थों में मिट्टी और तरह तरह की मिलावटें करके उन्हें खिलाएं, और दूध के नाम पर इस प्रकार के खाद्य पदार्थ मिलाये जायं जिनमें विशेषकर हमारे बच्चों के स्वास्थ्य पर ऐसा असर पड़े, या जो लोग दूध या दूसरे पदार्थों को काम में लावें उनके स्वास्थ्य पर ऐसा प्रतिकूल असर पड़े, कि उनके जीवन का ही अंत हो जाय। सरकार को भ्रष्टाचार और अनैतिकता का अंत करने के लिये कानून के अलावा भी ऐसे दूसरे तरीके काम में लाने चाहियें और सख्ती से ऐसी नीति अपनानी चाहिये जिससे कि ऐसे लोगों को समुचित दंड मिले जो देश की जनता के साथ बेईमानी और विश्वासघात कर रहे हैं और सोना और चांदी को ही भगवान् बना कर, जनता का शोषण करने के लिए ऐसे धंधे कर रहे हैं जिनसे देश के स्वास्थ्य को नुकसान पहुंच रहा है। तभी हम देश के अन्दर एक स्वस्थ और शक्तिशाली राष्ट्र का निर्माण करने में सक्षम हो सकेंगे।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

SHRIMATI K. BHARATHI (Travancore-Cochin): Mr. Chairman, I am not opposed to the Bill nor am I for the enactment of the law. But whether this addition to our ever increasing volumes of Statutes, in any way improves our lot as a practical measure, I wonder. In my own State, there is a Food Adulteration Act enacted a few years ago. I wonder whether it has improved the quality or the purity

of our food. Our people have one superstition and that is, if milk is boiled without adding water, it will injure the udder of the cow in some mysterious way. Therefore, they add water purely as a matter of caution and they find it paying too. I do not think that the poorly paid food inspectors can cope with the work, for the food inspectors are few and the others are many. If the consumer is not quality conscious or purity conscious and if he does not want things of quality, how can we help him? I will refer to an item other than food. We produce coir in our State. When the Calcutta demands come in, coir is spun mixed with sand and we are told that the consumer at the other end does not care for quality. If the consumer wants to cheat himself, if he wants to deceive himself with cheap things, what can be done by law? Most of us think that if an oily substance imitates the colour and odour of *ghee*, the stuff must be as good as *ghee*. We do not feel that *ghee* has certain other qualities which cannot be conveyed by colour or flavour and we have *vanaspati* everywhere to adulterate *ghee*. We have to educate the consumer to value the quality of the goods. If he begins to value the quality of things then this Bill may be useful. Schools, films and such other medium may be used to create the proper outlook in the consumer. Then there should be dependable agencies evolved which can supply goods of quality.

Coming back to my own State, the growth of co-operative milk societies has improved the quality of milk supplies there. The consumer has begun to feel that one bottle of pure milk for one rupee is a better bargain than one bottle of milk which is 50 per cent. water for twelve annas. The advent of co-operative societies has toned up even the private vendor; he feels that he cannot survive unless he also keeps up the quality. You can pump out all the water away from a pond but not from the sea; the emergence of the consumer insisting on quality must shrink the

[Shrimati K. Bharathi.]

sea of adulteration to the size of a pond so that the food inspector may pump out the water of adulteration very easily. I am only putting forward this proposition. Will it not be more useful to spend the money and energy, that we spend on this Bill and the resultant administrative machinery, on introducing schemes on the lines of the Bombay Milk Supply scheme? It seems to be a wonderful conception. It retains the personal interest and initiative and pools the resources of the individual and the State. Where the cows are owned by the individuals, food is weighed out by the Centre at cheap rates. The owners feed the cows and they are milched under the auspices of the society. Milk is then pasteurised and marketed by the society. Can that conception not be adopted and extended to other spheres also? The Bill is all-right but can an Act like this grapple with the whole problem, I ask.

DR. D. H. VARIAVA (Saurashtra): Mr. Chairman, the practice of adulterating food has become very common after the two wars. Before the wars, this practice was not very common in India because things were very cheap. I remember that in my school days one could get pure ghee at the rate of eight seers per rupee. Milk was available at sixteen seers per rupee. When things were cheap there was no incentive to adulterate them but since the demands for pure articles have increased, after these two wars and also due to the increase in the population, this habit of adulteration has become a danger to the community. We are trying to work towards a Welfare State; we are increasing the medical facilities, pure water supply, better sanitation, etc. We can do all these things but if the adulteration of foodgrains and other edible articles is not prevented, then all these measures that we take will be absolutely useless. I know that it is a very difficult thing to prevent this adulteration. Even if we pass the Bill, we are not able to implement it and impose it on the people, then this Act will not produce the

desired effect. What will be required is that those men who are in charge of inspection of foodstuff should work strictly and should be of high moral standards because of the following instance. In Bombay there are inspectors for examining the food supplied to the hotels. I had a student who was working with me and after matriculation he joined the municipal health department. We were once talking about this inspection and he said, "My inspection starts in the morning. I go to one Irani restaurant and take tea. At 10 I go to another which supplies me with breakfast. In the afternoon, I get lunch from a third hotel and dinner from the fourth". This is the round of inspection and this means that anything that is supplied by the hotels is allowed to pass on. When this Bill comes into force, it is incumbent on us to see that we carry out its provisions very strictly; the punishment should be rather strict and deterrent so that these practices may be prevented.

It is not only a question of adulteration of milk and *atta*. We should also see that milk is not taken from what are called diseased cows, animals suffering from tuberculosis. If that is not done, it is a great danger to the budding children of the nation because milk from an animal suffering from tuberculosis is one of the most potent causes of tuberculosis in India. We say that articles not fit for consumption should be thrown away but if a diseased animal is slaughtered for eating purposes, it is a very great danger to the people and it causes a variety of diseases. A provision should be made in this Bill so that animals which are diseased are not slaughtered.

We know that many of the drugs are being adulterated but there is a separate Bill for that and I will not speak on that subject now. My hon. friend, Mr. Vaidya, said that *atta* was adulterated with soft stone and dust and so on. That is very common. It is very important that all these things should be stopped and the machinery

for stopping that should be very strict and very hard. It is very important that the children should keep fit and should get food which is unadulterated, simple and pure. For this, I think, there should be what are called co-operative societies, as the lady over there said. For the supply of milk and so on the schools should be made responsible so that good milk is supplied through municipal or Government sources for the consumption of children. A dairy like the Aarey Dairy should be started in all the States and in big towns also. Steps also should be taken to see that rural milk supply is well controlled because we know that the milk that we get at present is 50 per cent. or even 60 per cent. water. To prevent adulteration of milk, we should increase the milk supplies in this country. If we do not increase the milk supplies, then there is always the incentive for adulteration. If the quantity is enough and if there is proper control, I think people will not have the incentive to resort to adulteration. In the old days, as I said, we used to get sixteen seers of milk per rupee and hence there was no incentive. If we start more dairies and thus bring down the price of milk and also regulate its supply, I think this evil can be done away with.

As regards the adulteration of *atta*, I think this problem does not arise in the rural parts. Actually there is no scope for adulteration because people take whole grains and grind them themselves. In towns, there is the practice of having them ground by mechanical means through the mills and here too there is not much scope; but when *atta* is sold as such in the markets, then come the middlemen who do all this adulteration. The middlemen should also be eliminated so that they may practise this dangerous and anti-social method which injures the health of the people. The greatest thing is that our moral tone should also be raised; people must be made to understand that it is wrong to adulterate these things. Their conscience must also be touched about these things because law itself is not

capable of eliminating all these causes. We have got many laws and in spite of them we find that things are being done, and even in spite of punishment these things go on.

In conclusion, I would say that the machinery which is to be designed for putting this Bill into execution should be very very efficient, honest and capable.

With this, I support the Bill.

श्रीमती लीलावती मुंशी (बम्बई) :

अध्यक्ष महोदय, जो विधेयक सदन के सम्मुख आया है, उसका समर्थन करने के लिये मैं यहां खड़ी हुई हूं। यह विधेयक बहुत समय पहले आना चाहिये था क्योंकि खाद्य-पदार्थों में मिलावट करने की आदत तो आज से नहीं, बहुत वर्षों से चली आ रही है, किन्तु दूसरे विश्व-युद्ध के बाद से यह ज्यादा से ज्यादा बढ़ती ही गई है। पहले किस रीति से खाद्य-पदार्थों में मिलावट होती थी और अब किस तरह से मिलावट होती है, इस बारे में सदन के सम्मुख मुझ से पूर्व वक्ताओं ने बहुत सी बातें बतलाई।

खाद्य-पदार्थों में मिलावट के मुख्य कारण हैं : खाने की वस्तुओं की कमी, कंट्रोल का होना और चीजों के दाम बढ़ जाना। इन सब कारणों से लोगों के मन में लालच पैदा हो जाता है, जिससे वे इस तरह की स्थिति का लाभ उठाते हैं और इस तरह पैसा कमाने को "ईजी मनी" कहते हैं। जैसा कि अभी हमारे भाई श्री कन्हैयालाल बेंच जी ने बतलाया, अनाजों के साथ कंकर और दूसरी चीजें मिला दी जाती हैं। कंट्रोल के जमाने में जो सरकारी दुकानें थीं उनमें गेहूं में आधा कंकर और कचरा मिला हुआ होता था। मैंने इस बात को अपनी

[श्रीमती लीलावती मुंशी]

आंखों से देखा है। हमारी बहिनें जब बम्बई में सरकारी दुकानों से गेहूं लाकर घर में साफ करती थीं तो उसमें से आधा कंकर और कचरा निकलता था। इसी तरह से चीनी में रेत मिलाकर बेची जाती थी। जब सरकारी दुकानों में गेहूं और चीनी में इस तरह की मिलावट शुरू हुई तो दूसरे लोगों ने भी इसका फायदा उठाया और सब चीजों में मिलावट करना शुरू कर दिया। किन्तु अनाज में जितना मिलावट होता था उतना और किसी चीज में बम्बई में नहीं दिखाई देता था।

अभी हमारे डा० वरियावा जी ने कहा कि "मिडिलमैन" ही इस तरह की मिलावट करता है। मगर पुराने जमाने में "मिडिलमैन" जो होता था वह लोगों को साफ सुथरा गेहूं और दूसरी चीजें देता था। जब हमारे देश में कंट्रोल शुरू हुए तब से लोगों को खाने के लिए पूरा अनाज नहीं मिल पाता था, वे दूसरे जरिये से अनाज खरीदते थे। इस तरह से दुकानदारों ने काला बाजार शुरू किया और साथ ही साथ चीजों में मिलावट भी शुरू कर दी। लोग चीज खुल्लमखुल्ला नहीं ले सकते थे, जो कुछ भी बाहर से मिल जाता था वे चुपचाप ले आते थे। इसका व्यापारियों ने यह फायदा उठाया कि चीजों में मिलावट शुरू कर दी। इस तरह से व्यापारियों को जब बहुत मुनाफा होने लगा तो उन्होंने हल्के २ दूसरी चीजों में भी मिलावट शुरू कर दी।

आज हमको देश के अन्दर कहीं भी शुद्ध घी नहीं मिल सकता है। आज शुद्ध घी में कई तरह की चीजें मिली रहती हैं—बनस्पति और दूसरी तरह की चीजें

मिली रहती हैं। जो लोग कहते हैं कि हम शुद्ध घी खाते हैं वे अपने को धोखा देते हैं। आज हमको शुद्ध दूध भी पीने को नहीं मिलता है। आज हम देखते हैं कि दूध वाले दूध में कई तरह की चीजों का पाऊंडर मिलाते हैं। दूध के साथ पानी तो मिलाया ही जाता है मगर मैंने बम्बई में सुना है कि भैया लोग दूध में गटर्स का पानी मिला देते हैं। दूध को उबालने से जन्तु सब मर जाते हैं और इस चीज का पता किसी को नहीं चलता। बम्बई में दूध की इतनी कमी है कि बम्बई सरकार ने दूध का होटलों में इस्तेमाल करना बन्द कर दिया है।

[MR. DEPUTY CHAIRMAN in the Chair]

श्री एच० पी० सकसेना (उत्तर प्रदेश) : अब दूध में पानी नहीं मिलाया जाता है, आजकल तो पानी में दूध मिलाया जाता है।

श्रीमती लीलावती मुंशी : इस बात के लिये मैं आपकी आभारी हूँ। आजकल बम्बई और दूसरे शहरों में यह देखने में आया है कि 'ड्रिक्स' में भी मिलावट की जाने लगी है। मैं बम्बई में एक क्लब में गई तो मुझे वहां पर 'सापट ड्रिक्स' पीने का मौका मिला। उसका स्वाद अजीब मालूम होता था। बाद में मालूम हुआ कि उसमें भी एक तरह का अल्कोहल मिलाया हुआ था। इस तरह से लोगों को मिलावट करने की आदत हो गई है।

इसी प्रकार से चीनी में सीमेंट मिलता है। हमारे जो हलवाई सेव और गटिया वगैरह बनाते हैं वे उसको जो तेल हनुमान जी के सिंदूर में चढ़ता है उसी से बना देते हैं। उससे लोगों का स्वास्थ्य बहुत खराब होता है, और गला वगैरह

कितना खराब होता है उसके बारे में किसी को परवा नहीं है। वे लोग ऐसे ही तेल को लेकर भजिया और पकौड़े वगैरह बनाते हैं। इसी तरह से शहद में शक्कर का सीरप बना कर डालना कोई नई बात नहीं है, वह तो बहुत दिनों से चलता है। इस तरह से हर चीज में मिलावट की बुराई है और यह बुराई खास कर के दूसरे वि-व-युद्ध के बाद बढ़ी है। इसके बारे में कुछ कहने की बात ही नहीं है। ऐसी बहुत सी चीजें एक आदमी घटा सकता है जहां कि खाने की चीजों में हल्की चीजे डाली जाती हैं और खतरनाक चीजे भी डाली जाती हैं। लोग अपने लाभ के मारे ऐसे काम करते हैं। सब से ज्यादा मिलावट होटलों में होती है। कल का बासी खाना आज के पदार्थ में मिला कर दे देते हैं या हल्के मसाले या अनाज का उपयोग करते हैं। आज कल हमारी नई सभ्यता के जमाने में जब कि शहरों में बहुत से लोगो को आना पड़ता है और जब कि वे अपने कुटुम्ब के साथ नहीं बल्कि अकेले आते हैं तो उन्हें होटलो में ही खाना पड़ता है और मैं समझती हूं कि सब से ज्यादा मिलावट होटलों में हो होती है। यहां यह कहा ही गया है कि सड़ी हुई सब्जी, मच्छी और गोश्त किस तरह बेचे जाते हैं। फेरी करने वाले भी बहुत मिलावट करते हैं। रेलवे स्टेशनों पर जो खाद्यपदार्थ मिलते हैं उसमें कितनी मिलावट होती है, यह आप जानते ही हैं।

मगर इससे भी ज्यादा खतरनाक एक चीज है जिसकी ओर मैं सरकार का ध्यान दिलाना चाहती हूं। हमारे यहां मिलावट के बिना भी चीजें जिस रीति से बेची जाती हैं वह भी बहुत खतरनाक

है। खुले में सामान बिकता है और उसमें धूल पड़ती रहती है, उन पर ढे की ढेर मक्खियां लगती हैं और उनके ऊपर जब सूरज पड़ता है तो उनका सब रस सूख जाता है। जैसे कि जलेबी वालों की और मिठाई वालों की दुकान को देखिये तो आप पायेंगे कि हज्जारों मक्खियां उन पर बैठती हैं लेकिन फिर भी लोग मजे से उनको खरीद कर खाने हैं। हम स्वास्थ्य के बारे में इतनी बातें करते हैं लेकिन यह सब खाना हम नहीं रोकते हैं। लोग उनको खाते हैं और उनका स्वास्थ्य खराब होता है। यह जो आटोमैटिक मिलावट होती है, यह जो बहुत धूल पड़ती है, सूरज और लू से चीज सूखती है, जो बहुत सी मक्खियां पड़ती हैं, यह चीज मिलावट से भी बहुत बुरी चीज है। आप स्वास्थ्य के लिए बहुत से अस्पताल खोलते जाते हैं लेकिन मैं समझती हू कि यदि आप खाने के बारे में उचित जांच करे और आप इस प्रकार का खाना बन्द करे तो इतने अस्पताल नहीं खोलने पड़ेंगे जितने कि आप सोचते हैं। मिलावट को रोकने से बहुत से रोग अपने आप दूर कर सकते हैं। मैंने दूसरे देशों में देखा कि वहां खाने के बारे में बड़ी सख्ती है, खाने की चीजों के लिए बड़ी सावधानी की जाती है। थोड़े साल पहले मैं रोम गई थी। मुझे वहां बम्बई से फ्रूट भेजा गया था लेकिन मैंने देखा कि वहां बिना फ्युमिगेट किये कोई चीज लेने नहीं देते हैं, खास कर के फलों के बारे में ऐसा करते हैं क्योंकि वे मानते हैं कि हमारे प्रदेश में फ्रूट अच्छी तरह से नहीं रखा जाता है और उसमें बहुत रोग होते हैं और वे हिन्दुस्तान का फ्रूट, हिन्दुस्तान की सब्जी वगैरह नहीं आने देते हैं। जब

[श्रीमती लीलावती मशी]

मेरा एयरमेल पार्सल आया तो उसको फ्युमिगेट किया। इस तरह से उसको इधर उधर बहुत धक्का दिया गया और जब वह पार्सल हमें मिला तो वह ऐसा मिला कि उसका कोई उपयोग ही नहीं हो सकता था। कहने का मतलब यह है कि वहां इतनी कड़ाई है कि वहां ऐसे फल फूल और ऐसी सब्जी तरकारी वगैरह बेचने नहीं देते हैं। दूसरे देशों में भी मैंने देखा है कि खाने पीने की चीजों की व्यवस्था करने के लिए पूरी सावधानी रखी जाती है और इसके लिए सरकार पूरी जिम्मेदारी भी लेती है।

आप कहते हैं कि खाना कम है। एक वक्त ऐसा होता है कि यहां खाना कम पड़ता है और पहाड़ों में ढेर के ढेर फ्रूट्स पड़े रहते हैं और वहां चूँकि कोई रास्ता नहीं है इसलिए वे आ नहीं पाते। वहां ढेर के ढेर बटाटे मिलते हैं लेकिन उनको लाने का कोई प्रबन्ध नहीं होता, वे पहाड़ों के अन्दर के भागों में पड़े रहते हैं और खराब होते हैं। तो अगर आप इस बारे में कड़े नियम बनाते हैं तब इसका भी प्रबन्ध करना चाहिये कि जहां जो फल और तरकारी वगैरह होती है उसको उचित रीति से लाये। हमारे यहां बहुत से लोग जागे हैं और उत्तर प्रदेश में पहाड़ों में लोगो ने अपने श्रमदान से रास्ते बनाये हैं। लोग श्रमदान करने लगे हैं क्योंकि वे जानते हैं कि उनके लिए भी यह फायदे की बात है कि जो बटाटे और फल वगैरह इधर उधर डाल देने पड़ते हैं उनका बेचना ज्यादा अच्छे तरीके से हो।

तो मेरा कहना है कि जो नकारात्मक पालिसी है वह ठीक नहीं है।

उस के साथ साथ हमें यह भी देखना है कि हमारा खाना अच्छी तरह से रहे, जैसे कि फल को लम्बे काल तक रखने की बात है। तो इस तरफ भी हमें देखना चाहिये।

एक बात जो कही गई वह मुझे ठीक लगी। पहले दूध एक रुपये का १६ सेर मिल जाता था, ऐसा बरियावा भाई ने कहा। पहले, पुराने जमाने में मिलावट की बात नहीं थी क्योंकि सब खाद्य पदार्थ घर में ही बनाये जाते थे। मैंने बचपन में देखा है कि हमारे यहां कोई खाद्य पदार्थ बाहर से नहीं लाया जाता था। जो फसल होती थी उसी से १२ महीने के लिए चावल बनाते थे। घर में ही गेहूं का आटा पीसा करते थे। घर में ही गाय होती थी और घर में ही मक्खन, घी, वगैरह सब बनाते थे। इसलिये उन दिनों में मिलावट होने की सम्भावना नहीं थी लेकिन आज कल की नई सभ्यता में लोगो को शहरों में जाना पड़ता है और वहां ऐसा है कि घरों में गाय भैंस पाल नहीं सकते और १५ दिन से ज्यादा का अनाज भी नहीं रख सकते हैं। तो इन सब चीजों की देखभाल करना सरकार की एक बहुत बड़ी जिम्मेदारी हो गई है और मैं समझती हूं कि इसके बारे में बहुत कड़ाई होनी चाहिये। जो मिलावट करे उनको बहुत कड़ी सजा होनी चाहिये क्योंकि वे लोग समाज के दुश्मन हैं। मगर, किया क्या जाय? जैसा कि बरियावा भाई ने कहा कि जो देखने वाले हैं, जो इंस्पेक्टर हैं वे ही खाना खा कर अपना सर्टीफिकेट दे देते हैं तो फिर दूसरे की क्या मजाल है कि उसके लिए कुछ करे। जो करने वाले हैं, जो देखने वाले हैं, जो सरकार के हाथ पैर हैं, जो सरकार

के कर्मचारी हैं वे ही अगर इस रीति से काम करें तो फिर और कौन देखभाल करेगा ? पुराने जमाने में राजा वगैरह 'इन कागनिटी' चले जाते थे और देखते थे कि कैसे काम चलता है । मैं समझती हूँ कि जो बड़े बड़े अफसर हैं और मिनिस्टर्स हैं, एम० पी० हैं उन सब को भी इसी रीति से हर जगह जा कर देखना चाहिये और वहाँ की जो हकीकत हो उसको राज्य सभा में पेश करना चाहिये ।

श्री एच० पी० सकसेना : तो फौरन हमारा चालान हो जायेगा फॉर इंटर-फ़िएरेंस इन दी एडमिनिस्ट्रेटिव एफेअर्स, और फिर यहाँ आना भी मुश्किल हो जायेगा ।

श्रीमती लीलावती मुंशी : मैं नहीं मानती कि जो अच्छी भली बात हमारे भाई कहें उसके बारे में हमारी सरकार ऐसा समझेगी । हाँ, इसमें भी दो बातें हो सकती हैं । एक तो यह कि अच्छी रीति से देखभाल करें लेकिन कई लोग ऐसे भी होते हैं जो कि अपना अधिकार जमाने के लिए दूकान में जा कर कहेंगे कि अगर तुम यह नहीं करोगे तो तुम्हारी शिकायत करेंगे । वह तो एक बहुत बुरी बात है लेकिन जो सचमुच की शिकायत है वह तो किसी न किसी रीति से हमारे शासन के सामने रखनी चाहिये जिससे कि उनको पता चले कि क्या बात है । यह कर सकते हैं कि शासन को साथ में ले कर बतायें, मिनिस्टर साहब को साथ में ले जा कर बतायें कि यह हमने देखा है । आप उनसे कहें कि जो हमने देखा है वह आपको बताते हैं ।

इसी तरह 'रेड्स' की बात है । मैं बम्बई म्युनिसिपैलिटी की बहुत दिन तक

सदस्या रही हूँ, ११ साल तक रही हूँ और बहुत सी कमेटियों की चेयरमैन भी रह चुकी हूँ । तो वे लोग 'रेड्स' करते हैं और कुछ चीजें पकड़ते हैं लेकिन उनके जाने के बाद उसी जगह पर वही चीज होने लगती है और वही खाने की चीज बिकने लगती है । वहीं पर वही चीज लोग बेचने लगते हैं । मैंने लोगों को कहते सुना कि इनको थोड़ा बहुत पैसा देकर जाने देते हैं और फिर उसी जगह पर अपना काम चलाते हैं । तो लोगों के दिलों में कोई स्टैंडर्ड नहीं है, प्रमाण नहीं है, लोगों के दिलों में कोई ध्यान नहीं है । हमें लोगों के दिलों में यह बिठाना चाहिये कि इस प्रकार का काम करना बहुत पाप का काम है । हो सकता है कि कुछ लोग पाप-पुण्य नहीं समझते लेकिन, साधारण लोगों के लिए पाप और पुण्य बहुत आवश्यक चीज है । अगर उसके मन में यह खतरा लगेगा कि इस चीज से पाप लगेगा तो वह चीज वह नहीं करेगा । हो सकता है कि पढ़े लिखे के मन में पाप पुण्य की भावना न हो लेकिन उन में है । तो अगर लोगों के दिल में इस तरह की भावना होगी, इस तरह का ध्यान होगा, ऐसा स्टैंडर्ड होगा तब वे ऐसी चीजें नहीं करेंगे । कुछ लोग ऐसे हो सकते हैं कि उनके लिए मिलावट कोई बड़ी बात न हो, लेकिन बहुत से लोगों के मन में यह होगा कि यह भला काम नहीं है । तो उनके मन में ऐसा होना चाहिये कि मिलावट करना बहुत बड़ा गुनाह है, खाली सरकार के साथ गुनाह नहीं है बल्कि यह एक बहुत बड़ा पाप है । इसके लिए समाज में बहुत प्रचार करना चाहिये कि ऐसा गुनाह करना किसी भले आदमी के लिये अच्छा नहीं है ।

[श्रीमती लीलावती मुंशी]

मैं इस बिल के बारे में कानूनी बातों में नहीं जाना चाहती। अच्छा कानून बनाना शासन का काम है। मैं कोई ऐसी लाइयर नहीं हूँ कि यह कहूँ कि यह लफ़्ज़ यहाँ पर रखा जाय, लेकिन शासन को अच्छा कानून बनाना चाहिये। मुझे यह जरूर कहना था कि मिलावट से परेशानी होती है, जनता को परेशानी होती है और इससे हमारे देश का स्वास्थ्य बिगड़ता है। यह जो लोगों को परेशान होती है, उसको ही कह देने का मुझे मौका मिला और इतना ही मुझे यहाँ कहना था। इतना ही कह कर मैं इस बिल का समर्थन करती हूँ।

SHRI B. GUPTA (West Bengal): Mr. Deputy Chairman, there is no doubt that measures for the prevention of adulteration of foodgrains and other foodstuffs are called for. At the same time, you will agree that it is not merely by passing such measures that we can check the adulteration of foodgrains or foodstuffs in the country. This adulteration of foodstuffs and drinks is going on for a long time almost unchecked in many parts of India and I come from a place which is notorious for this kind of adulteration of foodstuffs—I mean Calcutta. As you know, Calcutta has become practically an emporium of such trade in adulterated foodstuffs.

I shall give you only one example which, I think, is worth drawing the attention of the House to. In the last week of August, about twenty thousand maunds of tapioca were seized by the enforcement branch of the Calcutta Police in Calcutta. First, it was suspected, then it was found out that these things were sold as sago. As a matter of fact, certain suspicions led to that discovery. Then, it was also found that for the last ten years this sort of thing is being sold in Calcutta

and business worth crores of rupees had been transacted. As you know, tapioca is inferior to sago in food value. The matter came up before the Calcutta Corporation, who said that they were not prepared to release the stocks until and unless the stockholders were prepared to sell them as tapioca. The Government, on the other hand, said that they would be inclined to release the stocks, provided they would sell them as 'tapioca sago'. The Calcutta Corporation objected to the word 'sago' being used at all, because they said that it was not sago at all; therefore, it should not bear any such mark or description. Now, the matter is pending before the authorities and conflict has arisen between the Calcutta Corporation, on the one hand, and the West Bengal Government on the other. I understand that the enforcement branch of the Calcutta Police is also of the opinion that this should not be allowed to be sold to the public, or to anybody for that matter, as 'tapioca sago'. Now, this is one very glaring example of how things have been going on for a number of years in Calcutta. This is only an example. There have been very many cases of such food adulteration in the city of Calcutta itself, where the police is supposed to be a little more vigilant than in other parts of the State, where they have got a fairly powerful enforcement department under the Calcutta Police organisation. It is only very recently that the enforcement police have been on the move to find out such stocks. They are, we are told, trying to find out the big folks, but it has not yet been possible to find out many big hoards; only the small men are arrested, and many cases, I understand, have been started for adulteration, especially of foodgrains. About drugs I am not speaking because this Bill is not concerned with drugs.

Now, the attitude of the West Bengal Government in this matter had been rather discouraging, because it is felt by a section of the press, including the Congress press, that the

West Bengal Government should have never insisted that such tapioca stuff should be released as 'tapioca sago' or whatever they call it, with the word "sago" anywhere, for being sold to the public. There are in Calcutta, as you know, many manufacturing concerns and there are various big wholesalers and they carry on trade on a large scale. Calcutta caters not only for West Bengal, but also for other parts of India, especially the neighbouring States like Orissa, Bihar, Assam and so on. There, at this source of this wholesale business, is a great deal of adulteration, which is suspected by the Government and much has been said in the press also, but no effective action has yet been taken. As a matter of fact, certain rationed food-stuffs were found to be adulterated in Calcutta and it is well known how *atta* in the ration shops had been adulterated by the agencies that were responsible for selling such stuff. This is not all. The Government have got certain institutions like dairy farms and others run under their aegis and there, too, allegations of adulteration are made. There too, it has been found that the foodgrains or milk or drink sold by them are not always of pure quality or of pure type. Now, what happens? In many cases, the materials are sent out from those places, the dairy farm or any other farm. The material goes to an intermediate spot where it is adulterated and then sold to the public. I can cite one example, that is, Haringhatta Dairy Farm, run under the West Bengal Government, which is liable to such allegations. These allegations have been made more or less in public.

Then, you have got a number of wholesalers. They deal in thousands of maunds of foodgrains and other materials. They have got their secret stocks and secret godowns, and from there adulteration goes on, and it is not always possible for the small man or the small trader to find out exactly in time, before the delivery is taken, that the goods have been adulterated.

This is another problem that has arisen there. Then, you have a number of firms there which import a certain thing called the essence of *ghee*. Now this is mixed with *vanaspati*, and the *vanaspati* then smells like *ghee*. This is another way of adulteration that is going on. I can name a firm if you like it. Messrs. W. J. Bush is one which imports the essence of *ghee* from the United States of America. I do not know whether this firm exists at the moment because certain allegations about it had been made in the past. But that is not the only firm. Now when you go to buy *ghee* in the market, you are not sure as to what you are getting, real *ghee* or *vanaspati* adulterated with the essence of *ghee*. That is another instance of adulteration.

SHRI H. C. MATHUR: You can be sure that you are getting *vanaspati* and not *ghee*.

SHRI B. GUPTA: I am getting something. And whether it is the essence of *ghee* or the *vanaspati* or the cross-breed of the two, it is very difficult to say. Maybe, *vanaspati* is made into *ghee* again with the essence of *ghee*, or it may even be that the essence also contains some adulteration. It may be so, I do not know. But one thing is clear, that you are not going to get the *ghee* which you want to buy from the shops. Then, we find that tamarind seeds are being used for adulterating mustard oil. In the beginning of the Congress Government there, large stocks were seized when Dr. P. C. Ghosh was the Chief Minister of Bengal. He chased some stocks and caught hold of some of them, but ultimately nothing came out of it, and he had to quit and somebody else took his place. And since then nothing much has been done. But it is a well-known fact in West Bengal that tamarind seeds are being used for all manner of adulteration of mustard oil. This kind of adulteration is going on especially in the wholesale business.

[Shri B. Gupta.]

Now there is a tendency on the part of some people to think as if the small traders who carry on trade in the small markets indulge in adulteration. I am not saying that none of them does it. But the point is that it is being done right at the base where things originate, that is to say, it is being done by the wholesalers. Maybe that small men are sometimes doing it. I do not deny it. But the fact remains that adulteration on a big scale goes on in the city of Calcutta, and it goes on practically unchecked.

Now, this measure will, undoubtedly, provide some weapons in the hands of the local authorities, whether they be State authorities or the Corporation authorities. I do not deny it. Some of the provisions of this measure would prove undoubtedly effective, provided they are properly applied. You will agree, that it is not merely the legislative enactment that we require today for checking adulteration. We also need a proper executive machinery for carrying through such measures. I would not try to teach morality to the people. It is no use trying to moralise on people. They all know what morality means. We read about it when we were in the primary classes. At least in Bengal, many books in the primary classes contain elementary lessons on public morals. But as people grow in society, they cultivate certain habits of life, certain tricks of behaviour, which are more or less imposed on them by the force of circumstances, by the conditions in which they live. If you enter a place like Burra Bazar, Calcutta, there you cannot make your way until and unless you take to certain subversive methods. Preventive Detention Acts, as you know, are not meant against such subversive methods. They carry on such things, and until and unless they are prepared to indulge in those subversive methods, against which no measures are applied, they cannot make money, they cannot flourish in their trade. And naturally, willy-nilly, and compelled by

the needs of their life, they take to these methods, and after a time, some of them become past masters in this art of adulteration of foodstuffs. That is how people are corrupted. They are corrupted by the environments in which they function. Therefore, it is no use trying to ask the people to be honest. In fact, they want to live an honest life. But if an honest man has to starve, has to die uncared for, has no avenues of life open to him, he will naturally seek some way out. And that is more so in business. Therefore, what is necessary today is that these measures should be applied and used sternly against those people—high-up—whether in the manufacturing concerns or in the wholesale business, who are really responsible for the adulteration of foodstuffs. This adulteration of foodstuffs has a very deleterious effect not only on the social and moral aspects of our people, but also on the health of the people. I need not go into that question, because many hon. Members have very pointedly spoken on that subject.

Now, it is there that I find that the measure is not altogether satisfactory. I am quite aware of the fact that if you give us this measure, you can claim that you have given us a good measure. To some extent, your claim would be justified. But this is only a law on paper. Have you got any machinery for executing this measure? It is on this question that I join issue with the Government. I would say that the machinery is most ineffective. You might say that it does not concern the Central Government, primarily, to set up a machinery of this sort, but that would be a wrong approach. I think the Central Government should be interested in seeing as to how its measures are being worked out, whether the States have got an adequate and effective machinery for the implementation of such measures. If not, it should be the duty of the Central Government to have such legislation as would enable them to carry out the measures passed by the Central Government.

THE MINISTER FOR PRODUCTION (SHRI K C REDDY) In what respects is the proposed machinery defective from the Member's point of view?

SHRI B GUPTA Because there is no description of the machinery here, except that you will set up a committee, except that you will set up a Central Committee to advise the Central Government and the State Governments, but the functions of the Committee are not well-defined, and mind you, enforcement is a very important part in this whole business. You find that food is sold all over the land, especially in big cities you have got small shops and big shops. You have made provision for inspectors. But that is not enough. What is necessary, therefore, is the machinery for executing this measure. The machinery is not quite satisfactory to my mind, and it does not give us the full picture of what is going to happen in the process of the implementation of this measure. I can give you certain examples. Now take for instance our State, I do not know what happens in other States. Suppose this measure is passed. It will then be the task of the West Bengal Government to implement it. You may say that they will do it. But they will leave it to the enforcement branch of the police to carry on investigations, to find out where such stocks lie, where such suspected adulterated stocks lie. There are analysts of course, to whom the consumers can go, there are also inspectors, and probably there will be a committee at the Centre to advise the States to do certain things or not to do certain things. Now when everything is said and done, it will mainly be left in the hands of the local authorities to find out the adulterated stocks, to check adulteration at the very base, to stop the trade in that adulterated stuff. There comes in the picture the executive machinery. And it is there that you have got all leaks and gaps which have got to be removed.

I will now frankly tell the hon Minister that it is necessary to associate

public men with the anti-adulteration drive in the country. Merely by setting up a committee at the Centre you cannot do so. What is necessary is to associate public men at the State level, at the district level, and if possible, lower down, with this drive, so that some kind of machinery is evolved at all levels, which functions in the interests of the consumers by implementing the measures as you propose to enact through this Bill. There is no such provision whatsoever. There is not even an advisory committee, in many of the States, to see and suggest how these measures should be implemented and how the administration should be run, as far as laws such as these are concerned.

Therefore I say that the Central Committee is a good provision. There is of course no doubt that the Government representative should also be there. But at the same time, it is necessary to see that some representatives of the consumers are also given a place on such committee. You may say that the nominees of the State would probably be the representatives of the consumers, but I do not think that it is a correct proposition.

MR DEPUTY CHAIRMAN: Will you take more time?

SHRI B GUPTA Yes, Sir.

1 P M

MR DEPUTY CHAIRMAN You will continue in the afternoon.

The House adjourned for lunch at one of the clock

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

2 30 P M

SHRI B GUPTA Sir, before the recess I was dealing with the Central Committee for Food Standards as provided for in this Bill under clause 3

[Shri B Gupta]

Now this clause tells us that the Central Committee for Food Standards does not have any representatives of the consumers of food. It may be argued that there are individuals here who would act in the interests of the consumers. It may be so, but they are all appointed by the Government and most of them are Government officials. I don't see any reason as to why there should not be some representatives directly from the consumer class when there are two representatives of industry and commerce nominated by the Central Government. There is no such provision whatsoever with regard to the consumers' representatives. Therefore, I think that in so far as these non-official elements are concerned, this committee is liable to be somewhat prejudiced against the interests of the consumers. I don't say, it will be; but it is liable to be, because two representatives of the commerce and industry would be there. It will be their endeavour, I take it, in the present set-up of things, to influence the committee or to get the committee to take their points of view especially when these conflict with the points of view of the consumers. That is my apprehension. If you look at the powers of the Central committee these are not properly defined. It seems that the Central Committee for Food Standards will advise the Central Government and the State Governments on all matters arising out of the administration of the Act and to carry out the other functions assigned to it under the Act. These are very vague formulations. I understand the difficulty that it is not possible to specify item by item as to what should be the function of such a committee. It is necessary at the same time to give certain indications of a positive nature as to where its field of activities will lie. In this Bill we don't get any such satisfactory indication.

If it is a question of the administration of this Act, then naturally the other question arises as to how the implementation takes place, how the

adulterated foodgrains are detected or how the machinery which is supposed to detect such foodgrains functions. All these things, I suppose, should come within the purview of this clause. If it is not so, then I would say the machinery provided for under this clause is not at all satisfactory. I would again emphasise the point that it is essential in such matters to associate the public, and get people representing the various classes to sit on Central Committee so that the Government can get the advice of such people with a view to protecting the interests of the public and for counteracting the influences of those classes that are interested in adulterating food and other materials needed for consumption.

Then, I find that the States will not have any such committee at all. The Central committee will function from the Centre and will advise the States. That would not be a satisfactory arrangement. I am not disputing the necessity of such a Central body functioning on all-India scale but what is important in this connection is to see that there are certain bodies on the spot which function and deal with cases as they arise without delay and keep an eye on the execution of these measures or the administration of this Act. The arrangement of having a Central committee functioning, shall we say, from Delhi, and advising the States would not be satisfactory. That is my fear and I suppose this fear is not altogether unjustified in view of the other similar committees that had come into existence and had miserably failed in discharging the responsibilities that were entrusted to them.

Then I find the committee may appoint sub-committees from time to time and such other committees but I don't know how the sub-committees will be formed, what will be their functions, with what object they will be formed etc. All these are not indicated either in the provisions of the Bill or in its Statement of Objects and Reasons. However, I leave it to the hon. Minister to answer this point

in clarifying the position. If it is assumed that the sub-committee will be formed in the States to function under the over-all guidance of the Central committee, then it is somewhat understandable and if it is a sub-committee merely to divide the functions of the Central committee, then of course, it will not be very satisfactory. This is another provision which calls for the attention of the House.

Then there are provisions for food analysts and inspectors. There is no doubt that food analysts should be many and they should be posted at different places but what I fear is that under this measure their services will not be available to a large section of the consumers. They would be somewhat inaccessible to them. I cannot at once suggest what should be the alternative arrangement for making the services of analysts available to the vast masses of the consumers but I think here is another point which calls for very serious thought of this House. You will agree that it would not be possible for the average man to find his way to the analysts. Even when he suspects that he is getting some adulterated food from the market, either he would buy it or he would not buy it but he would not be able to go beyond that. The machinery is not there readily available to him. A machinery of that sort should be something which would be attracting the consumers rather than make it difficult for them to approach. The question of payment is also there. That is another factor which would come in the way of average consumers availing of such a machinery. I don't know what will happen in small places like the small towns and villages or groups of villages and whether there will be such analysts available there. Even if you take big places like Howrah or Calcutta, I don't know how it would operate with regard to the working classes or with regard to those people who live in bustees, slum areas etc.

With regard to the inspectors they have been given certain powers and these have been stated here, but I don't see any reason why the inspectors should be somewhat prejudiced under sub-clause (9) of clause 10 which puts out a kind of threat to the inspector, i.e., he would be punishable, in case he vexatiously and without any reasonable grounds of suspicion seizes any article of food. There is every necessity to guard against abuse of powers but if we accept the fact that the adulteration in food is taking place mostly by big people, then it stands to reason to say that such a sub-clause may operate to the detriment of the consuming public. Because an inspector will hesitate ten times, perhaps a hundred times to take action against a big man, since he knows that the latter would be in a position to institute certain legal proceedings against him under this sub-clause. The inspector might be hard put to it in proving that he was acting in good faith and was not doing anything vexatiously. Now the point is, if something is found, of course the case would not arise but supposing if nothing is discovered after the investigation, does it mean that because the investigation has failed, therefore, the inspector had acted in bad faith or wrongly? In my opinion it does not, because some cases will be found out and others will not be. Therefore, such a provision in this case is, I think, somewhat unwarranted but at the same time would be in favour of keeping some kind of a safety clause whereby the small men are not persecuted by the inspectors and others and that the inspectors and others do not run amok among the small men. Some such provision might be necessary but this over-all provision here would stay the hands of the inspector especially when it comes to the question of dealing with big whole-salers or big manufacturing concerns. If such a provision is there in the Act, you can imagine how an inspector will feel like, when he has to visit, shall I say, an establishment producing Dalda. If it is a Dalda producing centre, he will hesi-

[Shri B Gupta]

tate very much, he may not like to go in that direction at all. So the danger will arise and, in fact, that danger is always there. Therefore, it is a provision, I submit, which is not quite satisfactory in view of the practical difficulties that will arise even in the case of an honest inspector who wants to use this Act for the detection or control of adulterated goods.

Then there is the provision regarding the starting of proceedings under this Bill and that means I come to clause 20 of this Bill. There you find

"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."

I do not quite understand why there should be a provision like this. If an inspector feels that he should start proceedings, he can file a complaint in the court and the proceedings should start in the normal way. Why should they in this matter, insist on obtaining the consent from the State Government or the local authority concerned? It is quite understandable that the Government and the local authority should be consulted on such matters, because of the very nature of the cases. But I think to make this sort of a compulsory provision here with regard to consent might not prove satisfactory in practice and might even lead to the dropping of a number of cases because of certain extraneous influences or undue consideration. This is yet another point to which I would like to draw the attention of the House. If it is argued that this provision is there to see that cases are not started at random and people are not subjected to unnecessary harassment and persecution, I think that argument will not stand because that will not depend on whether there is a provision like this or not; but it will depend very much on the public-spiritedness of persons who are entrusted with the administration of this Act and on

how they behave in this sphere. And a provision of this sort, I think, will, in practice, create more difficulties in the matter of prosecution against the suspects or persons arrested on charges of adulteration of foodstuffs.

In our State, at any rate, there is the practice of not publishing the names of those people who are sent up for trial on charges of adulteration of foodgrains. I do not think that is a satisfactory arrangement at all, because if some people are charged of criminal offences then cases come before the court and their names are published. Then why not publish the names of these people who are charged with the offence of adulteration of foodstuffs? Why should their names not be published? I do not see any reason for that. I know of certain names that are not published, such as those who dodge payment of income-tax. Their names are not published, not even when cases are pending against them. In my State at any rate, this arrangement continues and the names of those who are prosecuted on charges of food adulteration are not published. And so the public would not know who these people are. Suppose Mr. X is prosecuted. If his name is published, then the public will be aware of the fact that Mr. X is under prosecution and they may hesitate in that case, to go to his shop, to buy goods there. Of course, it may be argued that if Mr. X turns out to be an innocent person, then he would have suffered. It may be said that in such cases the innocent will suffer. But I would say it is up to the public to ..

PANDIT S S N TANKHA (Uttar Pradesh). May I invite the attention of my hon. friend to the fact that when a person is being prosecuted his name will not be published, but it is only after his conviction that his name will be published?

SHRI B GUPTA: Yes, that is a different matter. I know that it will be published after the conviction; but that is a different matter. I can see the point of my hon. friend. After the

conviction of the person, after it has been decided that he is guilty, then his name is published. But my point is, when this prosecution is pending—and these prosecutions may take a long time—why should not the name be published? This measure will be applied, I take it, with discretion and not arbitrarily, that people will be arrested only when there is strong ground for doing so. In such cases, that suspicion should be shared by the public also. At any rate the public should know that the case is pending and it will be up to the public to decide whether they should, during the pendency of the case against such and such a person, go and buy goods from his shop. It should be left to the public to decide. It may operate, as I admitted, in some cases, to the detriment of a number of shopkeepers, innocent people who might have been wrongly apprehended. But on the whole if you publish the names, then the public will benefit and the advantages will outweigh the disadvantages that might follow from this arrangement. That is why I would request the House to consider this aspect of the matter.

Then of course, the Central Government has certain rule-making powers. Now, these rule-making powers are good only if the rules made are good. But the trouble with our Administration is that the rule-making powers are often abused and these rule-making powers are so used that the public do not get the benefit. You have seen how in the case of the Bank Award, such power was used and how the Government had modified the award of the tribunal. They could have modified it in the interest of the bank employees, but they did not do that. They modified the Bank Award.....

MR. DEPUTY CHAIRMAN: Mr. Gupta, do not go to the Bank Award now; we are on the subject of food adulteration.

SHRI B. GUPTA: Bank lords have nothing to do with this, you may say. But.....

SHRI H. C. MATHUR (Rajasthan): As an analogy.

SHRI B. GUPTA: Yes, it was as an analogy that I referred to it. I know it is an unpalatable analogy. I am forced to dish out unpalatable things.....

MR. DEPUTY CHAIRMAN: Please confine yourself to the Bill before the House.

SHRI B. GUPTA: Yes, Sir, but if you probe deeper among the bank lords, you may discover a good many adulterators of foods and drugs. Anyway, I leave them out now. But you know how the power to modify the award of the tribunal was used and so I fear here also the rule-making powers might be used in a similar fashion. I do not say that it will be, but there is that danger, having regard to our past experience. Therefore, I say if you have a Central committee, a strong Central committee, representing the very powerful interests of the consumer class, then it would be more difficult for other interests to abuse this power. I am not blaming anyone. Suppose there are some who are interested in framing such rules as would go against the consumers, then there should also be people on this committee who would see to it that such powers are never used against the interests of the consumers but are always used and enlarged in the interests of the consumers and the public. But when I see the rule-making powers are divorced from the authority that would frame such rules or advice on the formulation of such rules, then that is not something that we desire. These two are inter-related and that is why I want to say, if you have rule-making powers as you must have, you must at the same time have also a proper body in which the public could have full confidence.

[Shri B. Gupta.]

The States have also been given powers, I see, under clause 24. The States will require certain powers, I entirely agree; my quarrel is not with the granting of powers to the State; they should be given such powers but at the same time the Central Government should be interested in seeing how the States are exercising this power. There comes in past experience. Government, in many matters, have given powers to the States as they should be given—we are in favour of States getting more power—but when the powers are abused by the State Governments, it should be the task of the Central Government to create certain safeguards against such abuse. I do not find any such thing here. There is an overall provision here which delegates certain powers to the States but that does not say anything about how or under what limitations the States are supposed to exercise those powers. That makes it difficult for me to accept this. Now the States should be given power, I make it very clear, but there should also be certain other provisions to ensure that the powers are properly exercised in the interests of the consumer. In this connection, I would like to refer to another case because, as I said before, it is the enforcement branch of the police which will be responsible for dealing with these cases and for the administration of this measure and we are intensely interested in seeing how the enforcement branch functions.

I would like to give you an example from the experiences of Calcutta. For some time past a trial is going on in Calcutta to find out adulterated foodgrains and drugs and such other articles of consumption. In Calcutta, this task is assigned to the enforcement branch of the Calcutta Police. There is a Deputy Commissioner who has the special assignment for this job. Exactly at the time when the proceedings were going on in courts of law, when searches were being carried out in different parts of

the city, the enforcement branch of the Calcutta Police staged a dramatic performance on the 21st June at the Star Theatre. That was called "Moghul Pathan" or something like that, that was the play they staged. They issued a brochure of 80 pages.

MR. DEPUTY CHAIRMAN: Mr. Gupta, you have taken 35 minutes and you are going far beyond the Bill. What has the drama to do with this Food Adulteration Bill?

SHRI B. GUPTA: I am just explaining this

MR. DEPUTY CHAIRMAN: Please be relevant; please confine yourself to the Bill.

SHRI B. GUPTA: If you say from the point of time that I should finish I will not speak for long. The point is that the enforcement branch.....

MR. DEPUTY CHAIRMAN: From food adulteration you are going to something else.

SHRI B. GUPTA: This is in connection with food adulteration, how the machinery is being used.

MR. DEPUTY CHAIRMAN: Please be relevant.

SHRI B. GUPTA: By not speaking.....

MR. DEPUTY CHAIRMAN: I want you to be relevant; you have already taken 35 minutes.

SHRI B. GUPTA: If 35 minutes is the consideration.....

MR. DEPUTY CHAIRMAN: You are repeating the arguments and you are also getting irrelevant.

SHRI B. GUPTA: I do not think you rule it out. I make a submission.....

MR. DEPUTY CHAIRMAN: I do rule it as irrelevant; performance of the drama has nothing to do with the Food Adulteration Bill.

SHRI B. GUPTA: I want to draw the attention of the House to the behaviour of the authorities in Calcutta responsible for the detection of the adulterated food. Is it permissible for me in this House to make reference to that or not? If you say it is not, I sit down. If you say it is permissible, I speak.

MR. DEPUTY CHAIRMAN: What has the brochure in connection with a drama performance to do with the Food Adulteration Bill? Please be relevant. Finish your speech quickly. You have already taken 35 minutes.

SHRI B. GUPTA: I shall economise on the time, not on the theme.

MR. DEPUTY CHAIRMAN: On the theme also.

SHRI B. GUPTA: If I could have been given all this time for my speech, by now I could have finished.

MR. DEPUTY CHAIRMAN: Please finish.

SHRI B. GUPTA: By now I could have finished. I would just like to draw the attention of the Minister—because she is giving certain powers to the States—I would only like to say that the States should at the same time be instructed to exercise these powers properly.

MR. DEPUTY CHAIRMAN: You are there to safeguard it. All the rules are placed before Parliament and the legislatures. You have got the provision there.

SHRI B. GUPTA: Here I come to that point. In this connection I was referring to that brochure. Now there is no harm in it. I am not blaming the enforcement branch for staging a drama show or play. Not at all. They should do it. More they should do. The only thing is, they should select good plays. Now what happened to the programme? The point I am coming to is the programme which was given in that brochure of 80 pages, printed on art paper, which contained advertisements.....

MR. DEPUTY CHAIRMAN: Mr. Gupta, I do not allow you to speak like that. Please confine yourself to the Bill, to the provisions of the Bill.

SHRI B. GUPTA: Very well, if you do not allow me to speak I do not speak.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I welcome this Bill and in fact, I think, this was long overdue, but I do feel that it would have been better if it had come as a combined Bill along with the other Bill which we have passed, that is, as the Drug and Food Adulteration Bill. Now this Bill has been modelled after the British Act, which is called the Drug and Food Adulteration Act, and that Act was passed in 1928. The advantage of combining would have been that the machinery for both the Acts is the same, viz., the inspectorate, the court and so on. These two similar Acts could have been combined because the necessity of prescribing formulæ for medicines and for food etc. is the same, viz., to have certain standards and avoid adulteration. So combining the contents of these two Bills under one would have been a matter of convenience, and then, as we have copied this Bill from the British Act, I think we would have gained from their experience also. I do not see what has been gained by bringing these two as separate Bills. As a separate Bill perhaps, this Bill might have been taken by the Food Ministry. Anyway, I have said that the Bill is long overdue and even in England it came because of the practical hardships felt by the consumer. As late as 1928 that Act was introduced in England and even now I do not know how far they are successful in implementing it. With regard to this Bill also, I do feel that it would be very difficult, in spite of the very best intentions, to see that it is properly implemented. But, for that we cannot blame the Ministry. As a matter of fact it requires courage to bring such a Bill. If I may use an analogy, just as a faint-

[Dr. Shrimati Seeta Parmanand.] heart never won a fair lady, I think the Minister without courage can never bring in and get passed useful and good legislation that would pinch the pockets of the trade people. So I would compliment the hon. the Health Minister for showing that courage by bringing in this Bill. Of course, when it is going to be implemented, it is going to bring in a lot of opposition because a lot of people's pockets would be pinched.

I would like to point out some of the real lacunæ or some of the defects that have remained in the Bill. To begin with, I shall say something about the language. It is "may" where it should have been "shall". I refer to clause 8 where it says: "The State Government may, by notification in the Official Gazette, appoint", etc. As this is Central Legislation and we are not now leaving any scope for State legislatures to enact fresh legislation because we want to have uniform legislation, the language should have been, I think, more forceful. They should be given no option.

Similarly I would like to point out that in clause 11 it says in sub-clause (b) thereof: "separate the sample then and there into three parts and mark and seal or fasten up", etc. Seal or fasten up is very defective. Sealing is not compulsory and whether to seal or just to fasten up is left to the option of the food inspector or the person who may send the thing for inspection. This might cause, I think, certain malpractices and just recently cases have been brought to the notice of the Government where samples were not sealed and sent and the allegation was that they were tampered with. So the language should be made more precise and no alternative should be provided in such cases.

With regard to clause 12 it is the same thing. I refer to the second proviso under that clause which reads: "Provided further that the provisions

of sub-section (1), sub-section (2) and sub-section (3) of section 11, shall, as far as may be, apply", etc. If "as far as may be" is removed, I think it will help the purposes of this Bill better. Not to take more time I am just referring casually to these things. I won't go into details.

Now I pass on to penalties. With regard to penalties, I feel that the object of this Bill is to punish a person who indulges in such a heinous offence, that is, adulterating food, the very food by which people live and endangering health. If the object is to punish a person severely and to make an example of him so that the others take a lesson, there should have been no option with regard to fine or imprisonment. It should be imprisonment. At the most what could have been done is: For the first offence there can be fine and no imprisonment. For the second offence there should be very heavy fine and you should lay down the sum in some thousands of rupees. And for the third offence there should be imprisonment only, no fine. There should be no option at all in the matter of punishment for a third offence, it should be imprisonment, because the people who indulge in these things on a large scale, as has been pointed out, are the rich people and they do not worry about the payment of fines as they make huge profits in spite of paying fines. So if you think it necessary to give them a warning keep the first punishment as fine, but after that give them imprisonment because they do care for their fair name. As a matter of fact somebody who has been recently to China was telling us that the only way in which they rooted out corruption in China—and this is a kind of corruption—was by putting that culprit on a donkey and parading him in the locality. The object is to expose their fair name and their good name, which is what they care for; and if that object is to be achieved, then in this respect it is necessary that the punishment should not be fine which they can easily pay without anybody

knowing very much about it, but it should be imprisonment without any option, and with due publicity.

Then, there are various other small things in clause 19 with regard to "Defences which may or may not be allowed in prosecutions under this Act". I refer to clause 19(2)(ii) which says: "that he had no reason to believe at the time when he sold it that the food was not of such nature, substance and quality". All these defences will not only provide ample scope to escape, but I think that most of these clauses here will make the trial dilatory.

I now refer to clause 20, to the proviso where it says: "Provided that a prosecution.....may be institutedif he produces in court a copy of the report of the public analyst along with the complaint." All these clauses are defective and may lead to delays. Now that you are very much pressed for time I am just trying to point the attention of the hon. Minister to these. When she is perhaps making some changes again in the light of experience she might consider what I am aiming at, and the point is that all these sub-clauses under clause 20 will cause much delay in the trial of offences. So if the object of this Bill is to root out this kind of food adulteration in a short time, the trial should be quick and the punishment should be exemplary.

Lastly, I would like to point out that again and again people have made reference that on account of the small salary of the inspectors and on account of the influence as well as the riches of most of the big dealers and other people who deal in *ghee* and other eatables, it would be difficult to secure justice and the inspectors would be easily tempted to compromise and let the culprit off. For that I would like to say that it is in every walk of life that that danger has come in. Hardly a class of society, as I have already said once before on the floor of the House, remains which cannot be considered guilty of such

practice. Rather than blaming everybody, as for example, some people blaming the officers and some people blaming the businessmen and some people blaming perhaps Members of Parliament, etc.—one can go on blaming the other *ad infinitum*—what we can do is, through our example i.e., through our conduct and through precept also—I have said through social work and propaganda everywhere—we should try to raise the morale of the people. And if this Act works properly in other countries, in other advanced countries like England, U.S.A., etc., there is no reason why after a certain time, when this is worked with punishments, etc. and when people understand their responsibilities better, it should not work in our country too.

There is one more point. This is the first Central legislation on the subject. Most of the big towns like Bombay and other Corporation towns, even smaller municipalities too, have their own laws with regard to prevention of food adulteration, and purity of food, but all that is being done now is that there will be this one uniform law. It is easy to pass legislation but to provide the machinery by which the legislation can be given effect to is difficult to get, and with regard to that I would like to suggest that as in England here also a clause should have been provided that every municipal town of a certain population—in England it is 10,000—will be, by law, required to employ a food analyst and thereby it would have been very easy to analyse the food quickly. With the present state of availability of facilities for food analysis, it would take such a long time to get food samples examined that quite a variety of food will be all decomposed before it can ever reach the food analyst, and from that point of view, it will be very difficult to carry out the purposes of this Bill. So I hope the Health Minister will take steps to provide in the rules that every municipal town with a population of 10,000 (as in England), or you can say with a population of

[Dr. Shrimati Seeta Parmanand.]
20,000, will have the services of a food analyst at its disposal.

Thank you, Sir.

SHRI H. C. MATHUR: Mr. Deputy Chairman, it will be emphasising the obvious to say that food adulteration is all-pervading in this country. This point has been strongly stressed by the distinguished speakers who have preceded me. So, I do not propose further to stress this point and tell the House how this evil practice has become so all-pervading in the entire country.

There can also be no two opinions on the point that we all very much welcome all measures and all legislation which can effectively deal with this great evil. But I would like to point out one psychological factor that this food adulteration has become almost a sort of a part and parcel of our lives and the business community, which indulges in this food adulteration, takes it as a matter of course and without a tinge of conscience or without any sort of feeling for indulging in it. This is a very important psychological factor because in combating this food adulteration which is so pervading and with such a sort of attitude from the business people, we will require a lot of courage and a lot of common sense. Most unfortunately, I have to say that that courage is very much lacking and there is nothing which inspires any confidence in the Government that they are going to introduce anything effective so far as the checking and control of food adulteration is concerned. Whatever may be the feelings of the hon. the Health Minister, at least it is obvious to me that the conduct of the Ministry has been such that it does not inspire any confidence. The anxiety and the concern shown by the hon. the Health Minister is actually inconsistent with the conduct of affairs. This Bill, I think, was introduced in the House sometime in 1952 and the Select Committee also submitted its report sometime in February 1953 and it should

now be obvious for us that after a year and a half we are discussing this Bill here. This shows the importance that is attached by the Government to a measure of such public concern. Even apart from that, I have not the least hesitation in my mind—and I am prepared to join issue with anybody on this particular matter—that this Bill, however nice its provisions may be, is certainly not going to help us in stopping food adulteration, particularly so far as *ghee* is concerned. So many speakers have referred to *vanaspati* and vegetable *ghee*. I have nothing to say about vegetable *ghee*, about its particular merits or demerits, whether it is good or bad, whether it is harmful or not harmful. Opinion on this point is very much divided and fortunately or unfortunately some scientists have testified to the fact that there is nothing injurious in the hydrogenated oil. I am not talking in that context at all; I am primarily concerned with the adulteration part of it and I can speak with almost certainty that so long as vegetable *ghee* stays in this country, it is absolutely impossible to have any pure *ghee*. I should like the hon. Minister to throw light on this subject and tell us how she is going to ensure the purity of *ghee* supplied to us.

I had to deal with this particular problem and I speak with a little amount of personal experience and I wish to tell the hon. the Health Minister what difficulties we had to encounter and what tricks, intrigues, methods and procedures will be practised by the people interested in the adulteration of *ghee*. Rajasthan particularly is a place where we never thought of, we never heard, we never dreamt anything like adulteration of *ghee*. We never had anything like vegetable *ghee*. We could always have good pure *ghee* but it was in 1939-40 that all of a sudden I found that it was almost becoming difficult to find any pure *ghee* in the State. We made certain enquiries and we found that vegetable *ghee* was trickling into the State, mind you, not

as vegetable *ghee* because we had prohibited the entry of vegetable *ghee* into the State, but it was being smuggled on the one hand and it was also coming in as pure *ghee* and the adulteration was going on. I had gone out to a place called Barmer which is one of the most important *ghee* producing centres, from where pure *ghee* was being exported to different parts of the country. I found that the *ghee* industry was completely dislocated and to my very great surprise I found that even it had started adversely affecting the cattle wealth of the country. Now, we took further stringent measures. We wanted to stop completely not only the vegetable *ghee* but all sorts of *ghee* and all sorts of oil coming into the State. There was, of course, a hue and cry, representations from vested interests, Chief Minister being approached, telegrams and all sorts of things. I was flooded with all these, but I was firm and we said, we must have pure *ghee* and we must stop this adulteration. These merchants came and said, "You please permit us to import on a monopoly basis this vegetable *ghee*" and to my utmost surprise the Jodhpur State was offered about Rs. 20 lakhs just for the monopoly for a particular firm to import this vegetable *ghee*. I wondered how on earth they could make up Rs. 20 lakhs for this import permit, but as I have earlier pointed out, the whole of the vegetable *ghee* that was to come in was to be re-exported from places like Barmer, which had a very good name for pure *ghee*. So we had to stop not only this vegetable *ghee* but also even pure *ghee* from adjoining places like Jaisalmer. Even the Diwan of Jaisalmer asked us, "Why are you stopping our pure *ghee* from coming into your State?" I had to stop it because the vegetable *ghee* would go to Jaisalmer and it would come into our State as pure *ghee*. Ultimately, we completely stopped all sorts of imports. We were threatened that there would be such a great scarcity of *ghee* that *ghee* which was then being sold at 7 *chataks* would become dear and that it would sell at 2 or 3 *cha-*

taks. But I submit to you that by taking very stringent measures we not only stopped adulteration of *ghee* but we had the purest of *ghee* for full ten years for all that I am aware of, and the price did not go up; it continued to be sold at the rate of 7 *chataks*. We had our public analysts and we had the Director of Public Health put on to it but it was absolutely impossible in most of the cases to be sure that a particular sample was adulterated *ghee*. It is very difficult to establish that. Let the hon. the Health Minister satisfy the House on this point that it will be possible for them to detect these cases and convince us that it will be possible for them to stop this adulteration of *ghee*, so long as vegetable *ghee* continues. I have not the least doubt that if this Bill is to be effective this vegetable *ghee* must disappear from this country.

I have told you that I am confining myself only to this part of the story. So far as the vegetable *ghee* is concerned, how detrimental it is to our life is another part of the problem; how useless it is to waste money on this vegetable *ghee* is still another part. After all, if we want to use oil, we can always have oil. Why pay a little more and have hydrogenated oil? And no scientist has said that it is better. It may not be injurious. The only thing is that we pay extra money for that. Then again how adversely it is going to affect the cattle wealth of the country is another important point. I am not going into all those aspects except to emphasize that so long as vegetable *ghee* is there, it is absolutely impossible to expect that we will get pure *ghee*. Whether you pass this Bill or not, whether you have the necessary machinery or not, this vegetable oil is very powerful. It has entrenched itself into the seat of power. It has undone most of the Congress resolutions on this matter. Those resolutions have been shelved and thrown into cold storage. It is a very strong vested interest; just as my hon. friend who was speaking on the Bank Award said that the vested

[Shri H. C. Mathur.]

interests of the bankers would make a Minister resign, I am sure if the hon. Minister touches *vanaspati* here, she will have to resign. The vested interests are so strong that it is difficult to dislodge them.

Now, I will pass on to two other aspects. So far as the implementation of this Bill is concerned, I do not think we can have any extraordinary machinery but there are two points which must be borne in mind. Whatever machinery you may have, that machinery will find it extremely difficult to tackle this problem. This problem, as I told you, requires unusual courage and unusual commonsense. You have an inspector. The inspector may be an honest man. The inspector may be a nice man. There is no reason for us to start by doubting him. Certainly, it is not the salary which counts and it is not the salary which makes people honest or dishonest. I know of many people who have been in receipt of low salaries but who have been rigidly honest. But, again I speak with a little experience, it is absolutely difficult for any of these people to handle these matters. They find themselves very safe and very comfortable if they do not discharge their responsibility and if they do not touch any of these things. And that is why you will find that in most of these spheres, where such responsibilities are placed on the persons, they find it extremely difficult, they are very reluctant to do their job. The honest man is more in trouble and it is much easier to be dishonest. Nobody touches him, he never comes in conflict with anyone, because he comes in contact with very influential persons. Unfortunately, the honest man has not got the necessary backing, and in this particular Bill even with the small backing that is there, there is a fear and there is an apprehension of a particular class because he will be taken up for this matter or that matter. I cannot ask the hon. the Health Minister or even the State Governments to give him a strong army to enable him to dis-

charge his duties. He will hardly have one orderly or one peon or someone of the type to go with him. We had a very bitter experience of enforcing some of such Acts. For example, the excise inspector who was to handle the matter found it extremely difficult to do so. He would not venture to go to a village if he were to handle a case of illicit distillation, because the entire village will be against him, because the poor man, with one or two orderlies cannot go and tackle it; there will be such a stiff opposition. There will be no co-operation because those people who live in the villages will never come forward and give it. So, I thought that as you are cutting his powers absolutely—he is an employee of the Public Health Department—you will never be able to administer the Act. There must be a sort of team work; the responsibility must be shared by the strongest man of the administration in that sphere. The Collector must share the responsibility, if you want to make it a success. We could achieve success against illicit distillation in a particular district only when the District Magistrate took a personal and absolute interest in the matter. When the excise inspector felt that, so long as he was honest and so long as he was conscientious, he had the backing of entire Governmental machinery, he had the support of the District Magistrate, he had the support of the people and the District Magistrate placed at his disposal any number of extra constabulary—that alone enabled him to do the work properly.

We must remember that today respect for law and order is very scant. There is flagrant disobedience everywhere. The prestige of the Government official has fallen very low and the Government official, however conscientious and honest he may be, will find it extremely difficult to go and handle the problem. So, it is very necessary to give strength to that machinery, to give strength to that official. And unfortunately what happens is that we have in the Govern-

ment departments absolute compartmentalism, they are absolutely separate fortresses. This is Revenue department, you cannot expect anything from them, absolutely nothing. Even in the Secretariat, here, in the Central Secretariat, they are all complete fortresses and entrance from one department to another is being resented. So, unless and until you are going to give him all this backing, it would be absolutely impossible for this person to discharge his responsibility. Now, we can have vegetable *ghee*, if—some of my friends told me, “Well, have it for export”—you can control it and export it. But I have no manner of doubt that this country is capable of producing, that this country is capable of supplying all the necessary *ghee* that we want.

I will say only a word now about the definitions in clause 2, against which certain amendments have been tabled, particularly clause 2(i)(a). I strongly oppose that sort of amendment. I wish that the clause stays exactly as it is. If this clause does not stay as it is, it will make the Bill almost infructuous. We must see that the punishment part is made more stringent. Reducing the punishment part in the Bill has been suggested in the amendment; I think that we must have a definitely stronger punishment and we should see that this is implemented with all rigidity and necessary instructions should be given in this matter. I do not think that we can resort to the method of having the black-marketeer or the food adulterator being paraded in the town on a donkey; but if that cannot be done, certainly the food adulterator must feel that there is no other place for him except behind the prison bars if he is caught at least the second time.

Thank you, Sir.

SHRIMATI BEDAVATI BURAGO-HAIN (Assam): Mr. Deputy Chairman, I rise to support the Bill wholeheartedly. The evil of food adultera-

tion has spread so much that the menace to the health of the nation, if not checked with an iron hand, will be terrible. The unscrupulous traders for years past have been carrying on with business in adulterated foodstuffs with the result that the people are suffering from various diseases due to the adulterated food taken by them. India, which one could boast of purity in everything, has now become an open market in sale of adulterated food. The most popular cooking oil used in Assam is mustard oil. It is now being sold in the market mixed with a highly corrosive substance called white oil, which has a very bad effect on the health of the people. Pure *ghee* which was once pride of our country is now not available anywhere. In its place the *ghee* that is sold in the market is a compound of vegetable *ghee* and other things and this also is sold at a high price. There is no edible thing that is not adulterated—rice, *dal*, *atta*, black pepper, etc. that are being sold in the open market are all adulterated. Progress, prosperity and security of a country depend upon the health of the nation. Without pure food people cannot build up their health. There are some poorly paid officers who are engaged in checking up the foodstuffs, such as sanitary inspectors, who cannot make both ends meet and find it difficult to resist the offer made by unscrupulous traders. Therefore, it is absolutely necessary that strong and drastic measures should be adopted to ensure supply of pure food to the people, especially of pure milk and *ghee*, which is the basic food for growing children. I, therefore, support the hon. the Health Minister for introducing this Bill.

Thank you, Sir.

SHRIMATI PARVATHI KRISHNAN (Madras): Mr. Deputy Chairman, I wish to make only a few observations on this Bill, because those hon. Members who have preceded me have dealt at great length with many of the points that had struck me.

[Shrimati Parvathi Krishnan.]

This is indeed an important piece of legislation, and I feel we should guard against its falling into that category which, as the Home Minister pointed out a few days ago on the floor of the House, has already been dubbed as a part of a plethora of legislation which raises all types of problems and difficulties, which means an income for the legal profession, and which creates difficulties for the judges. What should really be the purpose of this Bill? To my mind, the underlying purpose of this Bill, the underlying aim of this Bill, should be the safeguarding of the health of our people, safeguarding it from the adulteration of foodstuffs which today in this country is so rampant. The conditions in this country as regards food remind me very much of a story that used to be circulated about Nazi Germany just before, and during the years of, the last World War. During those years, in Germany, it had become one of the most important industries to produce *ersatz* material in foodstuffs and all other materials. *Ersatz* stands for what might today be termed as 'synthetic'. In regard to that, there was a story that used to be circulated, a story that may seem amusing on the face of it, but should lead us to think very seriously about the food situation in our country.

The story runs as follows: There was a man who was so miserable in Nazi Germany that he thought that it would be a good idea to commit suicide and bring all his troubles to an end. So, he bought a rope; he tied that rope to a ring on the ceiling and tried to hang himself. But the rope broke, and he remained alive, because the rope was *ersatz*. Desperate about it, he went to a chemist; he bought some poison; he consumed the poison but he did not die, because the poison was *ersatz*. Desperate beyond all measure, this citizen of Nazi Germany decided that perhaps the only way left for him was to live. So he had his normal food, and he died. This was what happened in Nazi Germany, and

today, in our country, so rampant is the adulteration of all foodstuffs, so careless are the authorities in checking this adulteration at the very source, that we might have many such cases of frustrated suicides in our country, ending in, what is afterwards termed as, a natural death, but really a death resulting from adulterated foodstuffs. It would be interesting perhaps to go into statistics. Many are the cases of people who fall seriously ill from food poisoning, and whole families—sometimes we read in the papers—die from this food poisoning. Explanations are given. For two or three days the newspapers and the public are interested, if it is a Minister's family or the family of any leading member of society. When they have been ill from food poisoning, they are taken to the hospital and medical care is given to them; some of them recover. But think of all those who really are there in our villages, amongst the working classes, amongst the poorer sections in the towns, who also get affected by adulterated foodstuffs, who also suffer from food poisoning and from lack of medical attention. Unfortunately, their lives are brought to an abrupt and a very sudden end. Therefore, in the light of the conditions obtaining in our country in regard to the widespread adulteration of foodstuffs, I feel that this is a very welcome piece of legislation, and it should be considered seriously, and we should not allow it to develop into an ineffective piece of legislation.

In one of the U.N.O. reports it was remarked: "In India, food is deficient not only in quantity but also in quality. The calorific deficiency of the food itself is very high." And when we think of that, we must see that this food, which is already deficient in calories, is safeguarded at least from adulteration.

Many have spoken on the floor of this House and on the floor of the other House in regard to *vanaspathi*. And therefore, I do not wish to take up the time of the hon. Members in going into the merits of the case, in going into the question whether

vanaspati is injurious or not injurious to health. But one thing does stand out very clearly. And that is this. Today there is a tremendous feeling against *vanaspati* in this country, because the matter has not yet been tackled basically by the Government, and an impartial investigation into the likely injurious effects of it on the health of the people has not yet been gone into.

To my mind, one of the main reasons for this is apparent from the very Bill itself. That is, we do not see against whom we should direct our campaign and our legislation, in this matter. In this Bill, in the very beginning, you find the definition of "adulterated food". And again and again you find that it refers to foodstuffs, and later on, when you go further into the Bill, you find that the provisions are such that they enable people to bring to book those who sell the food. In practice what does it really mean? It really means that the smaller vendors who sell the foodstuffs, the smaller confectioners and all those who actually sell the food to the consumer, will be the ones who will immediately suffer or will not immediately suffer, depending on how deep may be the integrity of those who are appointed as inspectors. But in reality, we must see that adulteration is caught at its very root. We must remember that between the producers of our foodstuffs and the consumers there is a large ladder of middlemen, and it is very necessary to cut short this ladder and to see that the foodstuffs are inspected at the very source from time to time. That should be the policy, that should be the practice, and that should be something that the Government should stick to very closely. We find that this large-scale adulteration is carried on by the big financiers, be it of *vanaspati* or of oilseeds or of groundnut oil. Time and again, on the floor of this House and elsewhere in the newspapers, we read and we hear that many of the big producers of soap corner stocks of these oilseeds, because they are necessary for their

soap manufacture. At the same time, adulterated oil is put on the market for the average consumer who cannot afford *ghee* and uses oil for cooking. In the North, it is true that most of the cooking may be done in *ghee*, but in the South, it is the common practice, whether it be in very wealthy families or in poor families, to cook in oil. And today, the position in the South is that every one of the three oils, whether it be the groundnut oil, the *til* oil or the coconut oil, is adulterated. And going deeper and deeper into the question, we find that the reason why this adulteration takes place is that these big financiers, these big merchants, corner the stocks at the very root, take what is necessary for their own purposes, whether it be soap manufacture or whether it be for export or anything else, and then put on the market whatever remains. And then this oil gets down this ladder of middlemen and gets adulterated step by step by the time it reaches the poor consumer. And, therefore, when we speak of food adulteration and when we bring in legislation to control this adulteration, we must remember that the source must also be discovered every time. Here in New Delhi, for instance, we have a number of vendors on Queensway who sell foodstuffs, and I find that in the North it is the practice from Ministers and Members of Parliament downwards to patronise these vendors by purchasing these eatables. Of course, there are many here who talk about hygiene and the danger that may arise through flies, but I have found during the months that I have been here that it is a very common practice in the North to patronise these vendors and to taste their food while on a shopping expedition or on an evening walk. Now these vendors can very easily be caught for selling adulterated food. Perhaps it is the oil which is adulterated or perhaps the *atta* which is used for making the *puries* is adulterated. It is not enough if only they are caught. There should be a method and procedure whereby that adulteration is traced to its very root and not

[Shrimati Parvathi Krishnan.]

only the poor vendor is punished for it, but the person who is responsible for the real adulteration, that person, be he big or be he small, must be brought to book. I feel that those results could be achieved not only by legislation but also by rousing social conscience against those who adulterate food. If social conscience is aroused, then the hands of the Government will be strengthened and the hands of the inspectors will be strengthened and we can really see that adulteration of foodstuffs in this country becomes a thing of the past. But when we find that even in cases where people are suspected of adulterating food amongst the authorities themselves these people are not ostracised, are not boycotted, then it becomes a matter for serious thought.

In Calcutta, for instance, the enforcement branch of the Police staged a play, and the brochure containing the programme displayed a picture of the Governor along with an advertisement by two firms whose premises had been searched for adulterated food. The fact that their premises had been searched for adulterated food was well known in Calcutta. So, when the enforcement branch of the Police produces a play and the programme of that play carries an advertisement that has been paid for by these firms, naturally what social conscience can you arouse among the people? What would people say? They would say, "Well, it is all right; they search the place and then they say they are doing something but they actually encourage these very people by giving them publicity."

Therefore, we must remember that it is necessary to have not only legislation but also to arouse the social conscience of the people. The Government should take recourse to both. It is the responsibility of the Government to arouse the social conscience of the people while taking judicial and other actions. Therefore, why I wish to emphasise this point about adulteration being traced to the very source is to

focus attention once again on clause 3. There is a committee to be appointed under this clause—the Central Committee for Food Standards. This Committee will have represented on it the Director General of Health Services, the Director of the Central Food Laboratory and so on. It will also have two representatives of industry and commerce to be nominated by the Central Government, but we do not see any provision made here to represent either the consumers or the small vendors. I feel that this should be considered. Otherwise, how is the Government going to have the co-operation of the consumers and the smaller vendors? How is the Government going to facilitate the representation of their difficulties in order to enable them to explain their position not only in the courts but also at the administrative level? Some way must be found for this; otherwise, the adulteration of foodstuffs will continue. Of course, when questions are raised in Parliament, there may be figures given that so many have been prosecuted; that sixty people were prosecuted, fifty were convicted and ten were discharged and so on, but that will not be satisfactory. We really want a legislation that will ensure that this adulteration of foodstuffs is going to be stopped at its very source, as I said earlier, and is not going to result in only a few smaller fry being caught in the very small net that the Government seems to spread by this legislation.

Lastly, there are one or two points that I want to touch upon before I conclude. There is a great source of danger, our country being a tropical country, of food poisoning that may result from eating tinned and canned foods. There is no procedure for seeing that the tinned and canned fruits sold in our shops with the terrific advertising campaign that is going on now about the American way of life, are properly checked. From my own personal experience, I can say that the amount of tinned foods in our shops is increasing, and I feel that there should be some method by which the

Government maintains and guarantees a time to time check on these foods, because the poisoning that can result from the eating of rotten tinned foods is very serious indeed and should not be under-rated. There should be some method whereby the stocks of the various firms are inspected from time to time in order to ensure that old stock is not sold. Very often we find that old stocks may be imported into this country either through ignorance or anything else, and there should be some safeguard against the health of our people being injured by old and rotten tinned food being sold and consumed.

With these few words, I would like to conclude my remarks with an appeal to the hon. the Minister for Health to take into consideration the points that have been raised. I would also appeal to her, particularly because she belongs to that much-abused sex known as the weaker sex—I say it is much-abused because it is called the weaker sex—to show how much stronger is that sex and thus set an example to the rest of the Ministers in the Cabinet, to listen to the opinions that have been expressed on the floor of this House, to pay heed to them and accordingly to make such changes, such adjustments, as would satisfy the criticisms that we have raised here.

SHRI D. D. ITALIA (Hyderabad): Mr. Deputy Chairman, I rise to give my whole-hearted support to the Prevention of Food Adulteration Bill introduced by the Health Minister. All the Members of this House have heartily supported it because it is a non-controversial Bill. Every Member of this House will agree with me that food adulteration is a serious crime and the consumption of adulterated food is injurious to the public health. I heartily congratulate the hon. Minister for Health for bringing forward this very important and comprehensive piece of legislation. There can be no two opinions regarding the necessity of such a preventive measure like

this, which has been the demand of the public for a very long time now.

We are thankful, and also indebted to the hon. the Health Minister for the keen interest which she is taking in bringing such preventive measures and in protecting the health of the vast population of our country. We all remember that during the last two weeks she has brought two more equally important Bills viz., the Drugs (Amendment) Bill and the Dentist (Amendment) Bill. Looking to the importance of this Bill, this should have been passed long ago as was said by some hon. friends here and this legislation should have been placed on the Statute Book long ago but there might have been some difficulties and as she said, 'better late than never'. Now that the Bill is being considered by the House and legislation is going to be placed on the Statute Book, I have every hope and belief that it will surely bring improvement in the state of affairs of adulterated food which is rampant to such an extent in our country that the health of the people has been greatly impaired to a great extent.

I do not want to go into great details about food adulteration and its effect on health as almost all the previous speakers have spoken lengthily. The evils of food adulteration have grown to such an extent that drastic measures and remedies have to be resorted to for the purpose of suppressing this crime against humanity. Everyone of us here knows well that every kind of food such as grains, edible oils, milk, ghee, butter, sweets and even medicine are adulterated. You all will agree when I say that it involves the morals of our country. It is not only the businessmen, who deal in all these stuffs, who are to be blamed but also we, the purchasers, are responsible for giving encouragement for such a menace.

I must say: Why should the merchants only be blamed for this when even the Government departments dealing with such articles are not free

[Shri D. D. Italia.]
 from this menace? We have got bitter and sad experience that when there was food shortage in our country, when there was food rationing all over India, all the food grains such as rice, wheat, millets and other things which were issued from the Government godowns or depots were mixed with certain things. We had many times found, as Shrimati Munshi said, that from 10 to 20 per cent. of sand and husk was mixed with some articles. But I don't know who is responsible for that—whether the Government officer in charge of the godowns or the country from which these articles were imported was responsible; but supposing it was the country from which they were imported was responsible, I would like to know what steps Government have taken.

I would like to say one thing about *vanaspati* or vegetable *ghee*. There are two opinions about it. Some say that it is injurious to human health and they go to the extent of saying that the third generation will become blind while others say that it is not injurious to human health. So I do not want to enter into any controversy. As long as vegetable *ghee* is sold as vegetable *ghee* itself and not mixed with butter *ghee* there is no objection but when it is mixed with butter *ghee* and sold as butter *ghee*, it is cheating the public which is greatly objectionable. I think it will be a miracle if we get pure *ghee* from anywhere. I think edible oil, if it is pure and fresh, is better for human health than adulterated *ghee* in which some fats and other injurious articles are added.

I wish to say something about the offences by the companies. Clause 17 says:

"Where an offence under this Act has been committed by a company every person who at the time the offence was committed was in charge of, and 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 and shall be liable to be proceeded against and punished accordingly."

Under the Explanation it says:

"'company' means any body corporate and includes a firm or other association of individuals;"

As I have some connections with some companies I must say that I know well that the company's affairs are entrusted to the manager or supervisor as far as private companies are concerned and to the managing agents or managing directors as far as limited companies are concerned. Many of the partners are only sleeping partners and do not know what is happening in the concerns. So if any prosecution is launched against the partners, then it will be a hardship on them and in such a case many of the partners will have to resign from the company's affairs. The prosecution must be against the manager, or against the managing agents.

Now the question will arise as to how this Bill will be successfully implemented. I think it is the duty of every Member of this House and the other House to give whole-hearted co-operation with the Government and see that this food adulteration is reduced. It all depends upon the honesty of the inspectors who are appointed but there is already much corruption in many Government departments and I don't know how this new department or the new inspectors who are going to be appointed will function.....

SHRI J. S. BISHT (Uttar Pradesh): They are not new. They are already there.

SHRI D. D. ITALIA: The morality of the public as well as that of the Government officers should be improved and for that the co-operation of the public is necessary.

With these few words, I wholeheartedly support this Bill and I hope this will succeed in eradicating this evil.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, I wish, at the outset, to congratulate the hon. Minister for Health on the wisdom and statesmanship she has shown in bringing forward a Bill which concerns the very foundation of nation-building, its foundation in a proper standard of national health or physique which depends so much upon the purity of food that sustains and nourishes it. I am very anxious, however, to bring to the notice of the authorities concerned what appears to me to be a very vital matter which may escape their notice.

4 P.M.

I plead for the protection of the purity of the most primary and fundamental food used by the Indians as a people, I mean the purity of rice. I submit that we should not think in terms of half-measured or that we should not stop at mere half-way houses. We should always go to the root of the matter with which we are concerned and I should think that the process of purification of food should start with the most primary of our foods, namely, rice itself. I served on what is known as the Food Commission on Food and Agriculture which did much work for about a year and a half, investigating the local problems of food production and agricultural production in the days of undivided India. That commission unanimously reported that we should by legislation ban what is known as polished or milled rice and give preference to hand-pounded rice as containing very superior nutritive elements. That hand-pounded rice is more nutritive is agreed on all hands. I think medical opinion is quite emphatic on the point that this polished rice is the fertile source of many diseases, especially that fell disease—beri beri—which carried off so many precious human lives in U.P. from where my hon. friend comes, in places like Banaras and other cities. So it seems to me that perhaps we should make a beginning in this process of purification of food with rice which is the staple food of India and have only

hand-pounded rice. And incidentally, if we lay stress upon the need of utilising this most important nutritive form of rice, that is to say, hand-pounded rice, I should like to point out that it will open up avenues of employment in a most important handicraft that can be plied to profit by the unemployed villagers of rural India. Therefore, this ban or prohibition of polished rice really solves in a very large measure the problem of unemployment which faces the rural masses.

I should like to point out to the hon. the Health Minister that under clause 2 which begins with the definitions my proposal might find accommodation in sub-clause (ix)(d) and also in another place where reference to standards of quality of food is made. I mean sub-clause (1) (b) of clause 23, on page 13. The wording of these two clauses has encouraged me to bring forward this proposal so that the authorities concerned may really consider the seriousness and the importance of the proposal that I am making and it may be dealt with legally in the paragraphs that I have just now pointed out.

I do not like to tread the ground that has already been trodden by hon. Members. I would only like to add that perhaps we might begin with having a sort of priorities, a system of priorities or order of priorities in regard to securing purity of food. Next to rice, I should think that Government should pay special attention to the purity of milk which is also our most important national diet. In that connection I may say—and I think what I am going to say will be corroborated by those who have travelled abroad, especially in the western countries—I was amazed and staggered when in England I found that I could travel with ease and a sense of security without having to worry about the quality of the food that was supplied. And especially the milk that was supplied everywhere in the U.K. was of the purest quality imaginable. And when I

[Dr. Radha Kumud Mookerji.]
went over to the United States of America, I found that it was the home of the purest milk imaginable in the world. The flavour of that milk made my mouth water each time and.....

AN HON. MEMBER: Even now it seems to do that.

DR. RADHA KUMUD MOOKERJI: Yes. And I calculated that a seer of that quality of milk in the United States would cost only about a rupee, whereas I think for a rupee even in India you can hardly secure it.

SHRI H. C. MATHUR: You can get it much cheaper in other parts of the continent.

DR. RADHA KUMUD MOOKERJI: Yes. But what I mean to say is, there is this "Drink More Milk" campaign in the U.S.A. and the consumption of milk is on the increase there, especially among the school children and, therefore, the U.S.A. has laid the foundation of its national physique and the health of her people by giving them the purest possible quality of milk.

Now I have only one word more to say and I say it in a spirit of national frustration, if I may say so. We Indians are always prone to take pride in the innate national spirituality of our character. But when I went to these western countries I thought that perhaps the best test of spirituality lay in the purity of the food that was supplied by the people concerned for the whole nation. If people start adulterating food upon which life depends, that amounts to poisoning a fellow being and therefore, I do not see any trace of spirituality in this kind of a national malpractice that has now extended on a colossal scale. If, therefore, we are at all anxious to justify our reputation as a spiritual people we should first clean this Augean Stable and we must introduce in free India every kind of pure food that is imaginable. Especially we should make available

to the Indian masses in pure quality those primary foods upon which the national health of the country depends so much—pure rice of nutritive value on the one hand and the health-giving and most nutritive quality of milk as is supplied elsewhere.

I would once more press this point on the hon. the Minister for Health and I wish she would come forward boldly with a programme of national purification of food, and I should think that she should concentrate her attention on and give her prior attention to those primary articles of food upon which the health of the nation so much depends.

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, as far as the aims and objects of this Bill are concerned, we have no quarrel with them, rather we welcome them. But I should like to examine the road that is proposed to be traversed in order to reach the laudable objectives.

In the name of uniformity, there is going to be greater concentration of power in the hands of the Central Government. In our effort to prevent adulteration of food, it seems we are out to adulterate democracy itself. Whither are we drifting? The question that needs examination is whether by this enactment we are increasing the people's participation in the affairs of the Government. Practically in all the States we have legislations to deal with food adulteration. Now all these State Acts will be repealed, I mean the Acts under which the actual administration of the food adulteration laws was entrusted to the local authorities, that is municipalities, corporations, union and district boards and village *panchayats*. The State Governments merely confined themselves to extend the area of operation of the Act, to appoint public analysts and to fix standards of purity for the different articles of food. In effect, it meant a decentralisation of power and responsibility and an invitation to the people to associate themselves with the administration.

Now what do we propose to do? This is going to be a Central place of legislation. The Government of India will define the qualifications, the powers and the duties of the food inspectors and the public analysts. These inspectors and analysts will be appointed by the State Governments but the fundamental departure from the existing laws is this, that the administration of the Act will now be vested in the State Governments and the local authorities will enjoy only such powers or perform such functions that may be delegated to them by the State Governments under clause 24 (2)(e) of this Bill. The enforcements of the Bill that we are going to pass now will be in the hands of the food inspectors appointed by the State Governments. What does it lead to? It leads to greater bureaucratization of our administration; we are pinning our faith on a few ill-paid inspectors to deliver the goods. We are going to divest the local authorities of the statutory powers and responsibilities that they had under the State Acts. What kind of a democracy are we going to build where the Government distrusts the people—particularly to govern themselves and to administer their own affairs? We are practically drying up the very source of democracy. Gandhiji said that we should lay the foundations of our democracy in the village *panchayats* which should be modelled as full-fledged village republics. Are we aiming at that conception of democracy by enacting legislations as this?

I know that the hon. the Health Minister will fling at me the report which was published in the year 1943 by a committee appointed by the Central Advisory Board of Health to investigate the question of food adulteration in this country. I am aware of the recommendations of that committee. The committee was very critical of the workings of the local authorities in the matter of administration of the food laws, and basing its judgment on their past record it came to the conclusion that the powers should be taken away from the local autho-

rities and that the chief executive officer for food legislation should be the Director of Public Health. This Bill is entirely based on the recommendations of that committee and follows the pattern laid out in that report. This committee was appointed under a bureaucratic regime when democratic ideals had not taken shape. How far it is proper for this Government, pledged to the ideals of democracy, to implement the recommendations of that committee is for the hon. Minister to consider.

What are our objectives today? We want to strengthen the local administrations; we want to give more powers and responsibilities to the local authorities; we want to invite the people to give their co-operation and assistance in the administration of this country, more particularly in solving the problems facing this country. If the Government has discovered that there are defects and drawbacks in the working of the local bodies, they ought to have devised ways and means to rectify those defects, instead of sapping the very life-stream of democracy. In U.K., I am sure hon. Members are aware, the Food and the Drugs Act is entirely administered by the local authorities, and they have achieved a very large measure of success.

After making these general observations, I would like to examine a few of the provisions of this Bill. The pivot of the administration of this Bill will be the food inspectors. Their qualification is going to be defined by the Central Government but I want to say that the inspectors should not only be men of ability but men of integrity as well. We can have ability from experience and training but integrity largely depends upon the scale of pay that we fix for them, and this point should not be lost sight of.

There should be an adequate number of these inspectors and public analysts. In U.K., it is a statutory responsibility for every County Council, for every Borough Council and for the Common Council of Lon-

[Shri Rajendra Pratap Sinha.]
 don to appoint a food inspector—they are called sampling officers—and a public analyst. Here, we have left it to the discretion of the State Governments to decide as to what number of inspectors and analysts they should appoint. I would have very much liked if there had been put some such statutory provision as there is in England. I think that it would have been very good indeed if we had empowered the village *panchayats* to designate or to appoint one of their own officers as food inspectors. This problem of food adulteration has become a very deep rooted menace both in the countryside and in the towns. I do not know how it will be feasible or practicable to enforce the provisions of this law all over the countryside unless we have such large number of inspectors and analysts all over the country as there are in England.

Equally important is the provision of laboratory facilities for carrying out the analysis of the samples that may be collected. I would like to have a laboratory, if that is possible, in every district, and if, to start with, we cannot have a laboratory in every district, we must have a laboratory in every Commissioner's Division in the States. There is another very important point that needs consideration and that is, we must ensure speedy disposal of the cases instituted under this measure. Experience shows that cases instituted under the State Food Acts have taken years for disposal and the complaint has been that it is very difficult to bring to book the offenders under the Acts.

SHRI RAJAGOPAL NAIDU (Madras): Summary trials.

SHRI RAJENDRA PRATAP SINHA: My lawyer friend suggests that we should have summary trials of cases arising out of this law. I commend this for the consideration of the hon. Minister.

I would have very much liked it if the village *panchayat* courts were empowered to try cases arising out of this piece of legislation. I am advocating this point because I would like the House and the hon. Minister to appreciate that this problem of food adulteration exists as much in the countryside as in the towns, and if the village courts, the *panchayat* courts are authorised to deal with the cases arising out of this law, then there will not only be cheap justice but speedy justice and the *panchas* will be in a better position to judge the crime as they will know the offenders of their locality very intimately. These are the very important points that have not been considered.

DR. D. H. VARIAVA: May I ask one question for information? Will there be laboratories in the villages to analyse the food which is alleged to be adulterated? Otherwise how can they try the case and convict the accused who is alleged to be selling something adulterated?

MR. DEPUTY CHAIRMAN: He wants one at least in each district.

SHRI RAJENDRA PRATAP SINHA: The village samples could be sent to the district laboratory. Later on we could have public analysts and laboratories in every sub-division. It will be far easier to enforce the measure in that case.

MR. DEPUTY CHAIRMAN: Please wind up, Mr. Sinha.

SHRI RAJENDRA PRATAP SINHA: As I was saying, these important points have not been adequately considered while framing this Bill. I would say that the Bill, as it is drafted and is before us, is very innocent, harmless and effeminate.

Then, I will draw your attention to clauses 11 and 12 of this Bill. The purchaser under clause 12, is expected to follow the same procedure which is prescribed for an inspector to follow if he desires to set in motion the penal provisions of this Bill. In this connection I will quote to you another

provision in the British Act, section 18, which says: "The person purchasing a sample of any article with the intention of submitting it to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent who sold the sample his intention to have it analysed by the public analyst" etc. Now, clause 11 is also a similarly worded clause. It says: "When a food inspector takes a sample of food for analysis he shall" do all the things mentioned in the sub-clauses below, namely "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". Now we find that in the British Act also it says that a purchaser taking a sample for analysis is only to inform the vendor of his intention to get the sample analysed, but by judicial pronouncements, it has been decided in Britain that an ordinary private purchaser is not expected to follow this procedure. He is not expected to inform the vendor of his intention to get the sample analysed, at the time of the purchase. We have, here similar provision but we have modified it in clause 12 while dealing with the question of purchases made by private individuals and we have provided the first proviso which says: "Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed:".

Now, you will find that in U.K. they have been able to succeed in enforcing this measure to a very large extent because they have sought the co-operation of the public. Here what we do is to distrust our own men and we hedge them with so many limitations that they will not be in a position to join hands with you to fight out this evil which is so rampant.

I will give you an example from a case law of U.K. It is regarding the supply of butter: "A parcel of butter supplied under this contract was found upon analysis to contain 25 per cent. of margarine* * * and the grocer contended that compliance with the pro-

visions of the section, section 14, was a condition precedent to a prosecution under the Act." It was section 14 of the previous Act. Now the Judge says: "It seems to me that to adopt the contention of the appellant in this case would be to largely restrict the operation of a salutary Act, and to exclude that class of cases of which the present is an example, where there is a contract for the delivery of provisions within the Act which may extend over a considerable period of time, and also the class of cases in which provisions are purchased from time to time in small bulk without any suspicion at the time of purchase of any deceit being practised by the seller."

Now, if we had in our Bill such a provision as this, that is to say, if the purchaser was exempted from following that procedure, that would have helped very much to check the adulteration, particularly of *ghee*. We know there is the common practice to adulterate good quality *ghee* with vegetable products. It has been made compulsory for the vegetable products to give what is known as the Boudouin test. Now if in a sample of *ghee*, after I have purchased it, I discover that it is adulterated, or is not up to the mark, I could very easily get it analysed to see whether it gives the Boudouin test or not. Now if it does not stand that test I could prosecute the fellow for supplying me adulterated *ghee*, but under this Bill it will not be now possible to do so because for an ordinary purchaser each time to inform the vendor that he will get the sample, food sample purchased from him analysed is very difficult. I would therefore urge upon the Minister to drop this first proviso in clause 12

What I find is this. We have borrowed the framework of the British Act but we have missed the essential points from that Act. And that is that we are not having the co-operation and the participation of the people to fight this menace which is so prevalent in this country. I wish that the hon. Minister could so mould this

Bill that we could get the active co-operation of the people to fight this ~~manoeuvring~~ ~~manoeuvring~~

SHRIMATI VIOLET ALVA (Bombay):
~~Thank you.~~

Mr. Deputy Chairman, I also stand here to congratulate the Health Minister for this bold move in bringing before this House this bit of legislation. As other Members have dealt with at length, clause by clause, and as they have dwelt on food and the problems of adulteration, I shall not go into detail. Before I begin and because I want to be brief and not repeat anything, I should like to bring to the attention of this House what appeared in the Press last week. It is the opinion of Dr. Edith Summerskill, a Member of the Labour delegation that visited China: "It is easy to build a steel plant with Soviet help but you cannot easily rid a country of the size of China of flies without the help and co-operation of the people in solving this elementary but formidable problem." This then is the crux of the problem today before this House. Member after Member has said that the co-operation of the people is necessary. For any planning if it is to succeed, merely something done at a departmental level or at a Governmental level won't do; the Ministers sitting in committees with officials and some non-officials far away from the flies is not going to solve your food problem in this country.

This Prevention of Food Adulteration Bill, in other words, means that we are striving to get wholesome food for the 360 million inhabitants of this land. To get wholesome food what is the basic thing to be done? Mere legislation like this put on the Statute Book is not going to bring either good food or health to the country. The first thing that we should do is to create opinion—public opinion—and public opinion can be created by education, with education we have to bring about an economic stability which will give a higher and higher standard of living to each individual in this land. I do welcome this move

because it is a courageous move. In the midst of so many high-sounding Bills on commerce and industry, on defence and what not, we now come to the basic thing—first things first. We will be one with the Health Minister if she brings in future something more drastic than this.

As Members have pointed out, how many analysts are you going to have and how many inspectors are you going to have, that is the problem. And do we not know the tribe of inspectors in this land? We have the sales tax inspectors and wherever there is prohibition we have the prohibition inspectors. Then we have the Police. We have all kinds of inspectors rampant in this country and now to that you are adding one more class of inspectors. Member after Member has pointed out that these inspectors will have to resist temptations. How are they going to resist temptation? That will be the problem when this Bill goes on the Statute Book. We are aware that laws are observed in the country more in the breach rather than in observance and this Bill, I am afraid, will suffer the same fate as that of the many other Bills that we have put on the Statute Book, but that should not deter us. We must go ahead.

I do not wish to refer to the different clauses—the operative, the penal, the rule-making and other clauses—that are in the Bill because they have been dealt with at length. I only want to cite a few cases which come up from time to time. You know that in 1952 there was a scare in Delhi that tortoise eggs were being sold instead of fowl's eggs and quite a good many people left off eating eggs in the morning at breakfast. Likewise, when you go into the small manufactories of this country where they prepare things like vinegar, things like different essences the colouring materials for the confectionaries, if you go to some of these places—and I come from Bombay—if you go round some of those lanes and see the conditions in which those places are situated, you will realise that it is not merely

adulteration of food that has to be guarded against but also the unhygienic conditions and the insanitary atmosphere that have to be attended to. I had tabled some questions last year whether all these things, when they were prepared, were being analysed in the laboratory and the answer that was given—it was a written answer—was not satisfactory at all. I will give you one more instance from North Kanara. There was a gentleman who wanted to tin fish in India and sell it. He had a tin prepared. He went all over the place and he could not get any laboratory where he could have the tin examined and get a report. Finally, he came to Delhi and it was Dr. Punjabrao Deshmukh who helped him to get the fish analysed and to get a report. This, then, is the state of affairs. It is all very well to say that we want wholesome food but basically we have to work right from the roots.

The vested interest is so deeply entrenched in this country. *Vanaspatti* was referred to. Are you able to drive out this *vanaspatti*? When we talk of cattle wealth, we say we have one-fifth of the cattle wealth of the world but when we come to butter, cream and milk, we say we have not got enough. What is the matter? There are at least two States, I know, that do not allow *vanaspatti* to come in. One is Rajasthan and the other is Jammu and Kashmir. If these two States can do without *vanaspatti*—of course it must be true that *vanaspatti* must be going there also through the back door because I was told by some Rajasthan person that it is going there—why cannot we do without it? Here are the two States that have banned *vanaspatti*. Where is the need to have *vanaspatti*? Can't we progressively diminish the quantity of *vanaspatti* and bring in pure *ghee* which is the basic need of this country? If you take the *per capita* consumption of milk by children, no child in India gets enough milk. In the higher income groups the mothers go in for tinned foods which come from abroad and pure milk is not

available especially in cities. If you want the child to have the proper type of food as the doctor prescribes, it is very hard to get. You cannot get whey or milk or curd or even proper skimmed milk. This, then, is the state of affairs.

We shall be with you if we can put right the problem of adulteration of food with this Bill. We shall try but merely an inspector coming from five miles away, raiding a shop and taking away food to have it analysed is, I think, a wrong procedure. If such a measure is to succeed you will have to make the citizens more conscious. Locality-wise, in every locality it will be the people's job; it will be their conscience that will have to be awakened to see that the shops or the vendors or the suppliers of foodstuffs in that particular area do not indulge in these kind of crimes. I may here say that sometimes in the most fashionable hotels, in the most costly hotels you come across stale food which, when you taste, you feel it is stale and you push it away and say, 'take it away'. This then is the state of affairs. If it is so high up in exclusive places, then what about the lanes and the bylanes where the vendors and the food-sellers go? I want to say that the consumer and the seller will have to be taken into confidence. I do not wish to go into the details but here this clause 16(2) says that the offence and the penalty should be published at the offender's expense in such newspapers or in such other manner as the court may direct. Then why not have this laid down, that when there is an offender who has been punished, he must display that he was punished on such and such a date, somewhere in the shop, for the next three months? At least that would be a sort of deterrent, at least that will warn the people living around that this man was in the habit of adulterating food. If you are going to publish it in the newspaper, why not put it in the shop? I do not see anything wrong. I think more drastic measures will have to be taken and if citizens and the residents of a particular locality are taken into confidence, and

[Shrimati Violet Alva.]
if they actively help the Government, I think we shall succeed, but merely through inspectors I do not think we can achieve the desired result. We have not got enough laboratories, I do not think we shall be able to put up as many laboratories as we would like to, because this is a Central legislation and it is going to be for the whole country. I do not know how each State is going to implement it, but we can rouse the conscience of the citizens of our land and we can, with their help, fulfil what we are trying to put on the Statute Book today. Thank you, Sir.

PANDIT S. S. N. TANKHA: Mr. Deputy Chairman, the legislation before the House is indeed very good and wholesome and I wholeheartedly support it. The evil of food adulteration, as you know, has become so rampant in our country and it has assumed such large proportions that it is very necessary to check it and bring it under control. But, I am doubtful if legislation alone can do any miracle in getting rid of this evil. As you may be aware, many of the States have already got legislations prohibiting adulteration of foodstuffs and very many of the municipalities and corporations have their own rules and bye-laws prohibiting and making punishable the adulteration of foodstuffs. But what has been the result of all that legislation? Have we been able to cure or check this evil, or is it still continuing as before? My submission is that it is still continuing as it was before. Not only that, I am inclined to think that it has increased as the years have passed, and, therefore, my submission is that it is not legislation alone which will cure it or lessen it, but that we must educate public opinion to put down this evil. Legislation alone, as you all know, cannot solve the problem. Only a year back you will remember, we passed a legislation to the effect that bribe-giving was to be made as heinous an offence and as much punishable as that of bribe-taking. Now, by passing that legislation have we eradicated the

evil of bribe-taking or bribe-giving? My answer is, 'No, we have not'. Therefore, it is our duty to create public opinion and to arouse it in such a manner that people of the locality may abhor and socially boycott those dealings in food adulteration, which action on the part of his neighbours will deter the offender from indulging in these unsocial habits. All the same it must be owned and, I am prepared to recognize it that the Government's intention in bringing forward this Bill is in absolute good faith and that the House must lend its support to it. Not only the House but the public outside must extend its wholehearted support in helping the Government to give effect to the proposed measure.

Now, coming to the provisions of the Bill itself, it has been said that the definition of adulteration provided under clause 2 is more or less all-comprehensive and will embrace all evasions of food adulteration. But, I shall presently cite two instances before you and then try to examine how far the offenders in those cases can be made punishable. Let us take clause 2, sub-clause (i), which defines "adulterated". It reads: "...an article of food shall be deemed to be adulterated—(a) 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". Now, suppose a man is going on a cycle with a certain number of cans. I stop him on the way and ask him to give me a seer of what he has with him. He gives me a seer of the material which he has with him and after purchasing it I tell him that I am going to get it examined. Thereafter I complete the formalities and get the contents examined and suppose it is found that it contains a large quantity of water. May I ask if a man in those circumstances can be punished under sub-clause 2(i)(a)? I feel that if he cannot be convicted under sub-clause 2(i)(a); no other sub-clause of clause 2 will apply in his case? Now, let us see what are the ingredients of sub-clause

2(i)(a). They are, that the article is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature which it purports or is represented to be. I have merely stopped the vendor and taken what he had with him. I did not demand from him that I wanted pure milk. I merely stopped him and took a seer of what he had with him, and since I did not demand any "substance" or "quality", I cannot say that he has cheated me in that respect and that the substance which he has given to me is not of that standard.

SHRI RAJAGOPAL NAIDU: The assumption is that it is pure milk.

PANDIT S. S. N. TANKHA: No. The only words of clause 2, sub-clause (i)(a) that could be applied to the case are "to his prejudice" that is to say, to the prejudice of the purchaser. "Prejudice" may mean two things—prejudicial to his health or prejudicial to his monetary interest.

PROF. G. RANGA (Andhra): How could it be monetarily prejudicial?

PANDIT S. S. N. TANKHA: There is no question of prejudice to health involved in the present case, because what I took from him contained water, and water is not prejudicial to health. The next question is whether it is prejudicial to my monetary interest. Supposing I paid him ten annas for the stuff taken, and if that is the price of pure milk in the market, it can be said that it has been to my monetary prejudice that he has given me a cheaper stuff for the amount paid. But if the accused proves that the market value of pure milk is twelve annas a seer, and the milk which is obtained from the market for ten annas a seer is adulterated milk, then I submit, under such circumstances, such a person cannot be punished under this sub-clause. The only sub-clause which may perhaps apply in such a case, if any applies at all, is the last sub-clause, sub-clause

(l) of clause 2. My friend tells me that the words in clause 2(i) (a) are: ".....or is not of the nature, substance or quality which it purports or is represented to be." But where is the question of "represented to be" involved in the present case? The man did not represent that it was pure milk. I had taken what the man had in his can. The substance taken did not purport to be anything more than what was contained in the can and hence no connection under sub-clause 2(i)(a) may be possible. And sub-clause (l) can be made applicable only if any standard of milk is prescribed by the Government and that the quality of substance supplied is found to be below the quality of purity prescribed. But in this connection I would submit that the articles of food are so great in number and so varied that it may be very difficult for the Government to prescribe standards for all articles of human consumption.

Then, there is another instance which I would like to put forward before the House. That is of the adulteration of *ghee* with a vegetable called *ghuiyan*. I do not know the English equivalent of that word, but it is a very ordinary vegetable which is found everywhere and which is very commonly mixed with *ghee*. Now, the question is whether a person who mixes that vegetable with *ghee* can be convicted under any of these sub-clauses. The only sub-clause, to my mind, under which he can possibly be convicted is sub-clause (i) (c) of clause 2 which says "if any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof". But, I am inclined to think that it is not possible for the accused to be convicted because of the words "so as to affect injuriously" occurring in sub-clause (c) since the mixing of *ghuiyan* with *ghee* will not affect injuriously the nature, substance or quality thereof. Therefore, I would submit to the hon. Minister that cases like these may be considered by her, and the

[Pandit S. N. Tankha.], definition of the word "adulterated" should be made more comprehensive so as to include all offences of this character.

Now, as regards the criticism against the Government that the sale of *vanaspati* is not being banned by it, it appears to my mind that unless it is established that *vanaspati* injuriously affects the health of human beings, it should not be banned. As far as my information goes,—and I think I am correct in saying so—the Government of India appointed two expert committees to go into this question and to report whether *vanaspati* was or was not harmful to human beings, and the report of both the committees, as it has appeared in the papers,—although it has not come out at length, but so far as it is known to me—is to the effect that there is no ingredient found in the *vanaspati* which would be harmful to the health of human beings. And I suppose that it is only after that report that we now find in *vanaspati* the addition of certain vitamins which were found deficient in it and which have now been added on at the instance of the Government. And, therefore, I do not see any reason why, unless it is established that *vanaspati* is harmful, its sale or manufacture should be stopped. I hold no brief either for the manufacturers or the sellers of that product. But, my difficulty is that if you take it away from the market, then you have no other substitute to offer to the public for their consumption. What are we going to give to them? Can we give them good *ghee*, and can we give it to them at a price at which they can buy and consume it?

SHRI KANHAIYALAL D. VAIDYA:
Pure oil.

PANDIT S. S. N. TANKHA: My submission is that leaving the poorer classes aside even the middle classes in these days cannot afford to purchase pure *ghee*. Therefore, to say

that *vanaspati* should be banned, seems to me quite meaningless. Now, it might be said that the substitute that we can offer is groundnut oil or coconut oil. But, my question is: What is this *vanaspati*? Is it not a more refined form of the groundnut oil or the coconut oil or any other oil? Therefore, where is the harm in its consumption, or its production or sale?

Then, coming to clauses 5 and 7 of this Bill, which prohibit the manufacture, sale and import of certain articles of food, I welcome these two clauses and I entirely agree that these instructions are very necessary and have rightly been included in this Bill.

Now, Sir, coming to clause 10 of the Bill, my friend, Mr. Bisht, has taken exception to sub-clause (9)(a) and sub-clause (9)(b) of this clause, and particularly he has taken exception to sub-clause (9)(b). And he thinks that the inclusion of sub-clause (9)(b) in the Bill will deter the food inspector from performing his duties with courage and efficiency. And, when he pointed this out to the House, I was also inclined to think in the same way. But later on going through another provision in the Bill, namely, clause 22 which provides that "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"? I have taken a different view from his. You will find from clause 22 that this provision amply protects the food inspector in the discharge of his legitimate duties. On the question of the incorporation of sub-clause (9)(b) one view is that this sub-clause has been added to clause 10 because the food inspector has to deal with the general public, and there is danger that he may harass them, or he may vexatiously or mischievously cause any annoyance to them, and, therefore, it is very necessary that there should be some deterrent stipulation placed on him so that he may be careful to know that if he does not act properly, he shall be made answerable to

the man whose goods he has wrongly seized. But, I submit that this point of view too is not quite correct, because under the law of Torts, as you know, every person who acts maliciously and not with a *bona fide* intent or does not act with good intentions, is answerable to the other injured man for his actions. Therefore, it.....

(Interruptions.)

MR. DEPUTY CHAIRMAN: Mr. Tankha, you should address the Chair and not carry on conversation with Mr. Naidu.

PANDIT S. S. N. TANKHA: I am sorry, Sir.

MR. DEPUTY CHAIRMAN: Are you likely to take some more time?

PANDIT S. S. N. TANKHA: Yes, Sir

MR. DEPUTY CHAIRMAN: Then you can continue tomorrow.

Now there is a message.

MESSAGE FROM THE LOK SABHA

THE CONSTITUTION (THIRD AMENDMENT) BILL, 1954

5 P.M.

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

"I am directed to inform the Rajya Sabha that the annexed motion in regard to the Constitution (Third Amendment) Bill, 1954, has been passed in the Lok Sabha at its sitting held on Monday, the 13th September, 1954, and to request that the concurrence of the Rajya Sabha in the said motion and further that the names of the members of the Rajya Sabha to be appointed to the Joint Committee be communicated to this House.

55 R.S.D.

MOTION

That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 35 members, 23 members from this House, namely:—

1. Shri Jawaharlal Nehru,
3. Shri Upendranath Barman.
2. Shri Rafi Ahmad Kidwai.
4. Shri V. B. Gandhi.
5. Shri Kotha Raghuramaiah.
6. Shri Narhar Vishnu Gadgil.
7. Shri Tek Chand.
8. Shri A. M. Thomas.
9. Shri S. Sinha.
10. Shri C. D. Pande.
11. Shri Raghubir Sahai.
12. Shri Shriman Narayan Agarwal.
13. Shri R. Venkataraman.
14. Shri Nemi Chandra Kasliwal
15. Shri Raghavendraro Srinivas-rao Diwan.
16. Shri Liladhar Joshi.
17. Shri Ranbir Singh Chaudhuri.
18. Shri K. S. Raghavachari.
19. Shri Bhawani Singh.
20. Shri N. C. Chatterjee.
21. Dr. D. Ramchander.
22. Dr. A. Krishnaswami.
23. Shri T. T. Krishnamachari and

12 members from the Rajya Sabha; that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 20th September, 1954;