

**Eighth Series, Vol. XXIII No. 26**

**Tuesday, December 9, 1986**  
**Agrahayana 18, 1908 (Saka)**

# **LOK SABHA DEBATES** **(English Version)**

**Seventh Session**  
**(Eighth Lok Sabha)**



*(Vol. XXIII contains Nos. 21 to 26)*

**LOK SABHA SECRETARIAT**  
**NEW DELHI**

**Price : Rs. 6.00**

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**[Original English proceedings included in English Version and Original Hindi proceedings included in Hindi Version will be treated as authoritative and not the translation thereof.]**

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# LOK SABHA DEBATES

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## LOK SABHA

Tuesday, December 9, 1986/Agrahayana  
18, 1908 (Saka)

*The Lok Sabha met at Eleven of the Clock.*

[MR. SPEAKER *in the Chair*].

[*English*]

SHRI BASUDEB ACHARIA (Bankura) :  
Sir...

SHRI P. KOLANDAIVELU (Gobichettipalayam) : There is Obituary Reference.

[*Translation*]

MR. SPEAKER : Kindly resume your seat. I warn you that whatever you are going to do, will later on cause problems for you. Then you will shout even more.

11.01 hrs.

## OBITUARY REFERENCES

[*English*]

MR. SPEAKER : I have to inform the House of the sad demise of two of our former colleagues, namely Dr. Imteyaz Ahmad and Shri R. Dharmalingam.

Dr. Imteyaz Ahmad was a Member of the Fourth Lok Sabha during 1967-70 representing Giridih constituency in Bihar.

A veteran freedom fighter, Dr. Ahmad took active part in the freedom struggle. A noted physician, he took special interest in labour welfare especially in provision of medical facilities to the poor. Dr. Ahmad

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was associated with several educational and social institutions in various capacities.

Dr. Ahmad passed away at Giridih on 20th November, 1986 at the age of 75 years.

Shri R. Dharmalingam was a Member of the Second and Third Lok Sabha during 1957-67 representing Tiruvannamalai constituency of the erstwhile State of Madras.

A businessman by profession, Shri Dharmalingam served as the Chairman of Municipal Council. He played a prominent role in the spread of cooperative movement.

Shri Dharmalingam passed away at Tiruvannamalai on 24th November, 1986 at the age of 64 years.

We deeply mourn the loss of these friends and I am sure the House will join me in conveying our condolences to the bereaved families.

The House may now stand in silence for a short while to express its sorrow.

*(The Members then stood in silence for a short while.)*

[*English*]

SHRI BASUDEB ACHARIA : Sir, the policemen of Bhagalpur.

[*Translation*]

SHRI MURLI DEORA : Speak after 12 O'clock.

MR. SPEAKER : Today 12 O'clock has struck at 11 O'clock.

[*English*]

SHRI SAIFUDDIN CHOWDHARY (Katwa) : It is a very serious matter.

**SHRI BASUDEB ACHARIA :** They have again crossed the bloody threshold. These policemen who acquired notoriety for blinding the people have murdered three women.

**MR. SPEAKER :** Order, order.

[Translation]

If you give me in writing, I will ask them in writing and after the informations is received, we may have a discussion on the matter.

**SHRI BASUDEB ACHARIA :** But when shall we do it? Today is the last day.

**MR. SPEAKER :** What can I do.

[English]

You cannot expect me to have some telepathic.....

**SHRI BASUDEB ACHARIA :** Not telepathic, Sir, it has come out in every newspaper.

[Translation]

**MR. SPEAKER :** Tomorrow, there might also be a problem of law and order in your State. We should not let any disorder to be created.

[English]

We should keep things in order. We should not trespass into others' rights. We should have to consult. And then, they shall have to seek some information. If it is something which can be discussed, it can be discussed.

**SHRI BASUDEB ACHARIA :** It is a Cold blooded murder.

**MR. SPEAKER :** I can give you my promise that I will have to ask and then be satisfied. If it pertains to their responsibility, I will fix it.

**SHRI BASUDEB ACHARIA :** The same policemen who blinded the under trials...

**MR. SPEAKER :** I cannot take your words for that.

**SHRI BASUDEB ACHARIA :** They have murdered three women

**MR. SPEAKER :** I will find out. Shri P. V. Narasimha Rao.

(Interruptions)

**MR. SPEAKER :** I will find out. That is what I have said.

**SHRI SAIFUDDIN CHOWDHARY :** Today is the last day.

**MR. SPEAKER :** I cannot do it.

[Translation]

Had you been in my position, what would you have done?

**SHRI SAIFUDDIN CHOWDHARY :** We would have gathered the information.

**MR. SPEAKER :** How would you have gathered the information?

[English]

**SHRI SAIFUDDIN CHOWDHARY :** If in any part of the country, women are killed, whose responsibility is it?

(Interruptions)

**MR. SPEAKER :** Don't do it.

(Interruptions)

**MR. SPEAKER :** Papers to be laid. Shri Narasimha Rao.

**SHRI P. V. NARASIMHA RAO :** My laying has been drowned in the din!

**MR. SPEAKER :** Now put it right in his lap!

11.04 hrs.

PAPERS LAID ON THE TABLE

[English]

Annual Reports of and Reviews on the working of the Jawaharlal Nehru University and Bal Bhawan Society etc. etc.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND

MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO) : I beg to lay on the Table :

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Jawaharlal Nehru University, New Delhi, for the year 1984-85.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Jawaharlal Nehru University, New Delhi, for the year 1984-85.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-3590/86.]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Bal Bhawan Society, India, New Delhi, for the year 1985-86.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Bal Bhawan Society, India, New Delhi, for the year 1985-86 together with Audit Report thereon.
- (iii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Bal Bhawan Society, India, New Delhi, for the year 1985-86.

[Placed in Library. See No. LT-3591/86.]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Central Tibetan Schools Administration, New Delhi, for the year 1985-86.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Central Tibetan Schools Administration, New Delhi, for the year 1985-86 together with Audit Report thereon.

- (iii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Central Tibetan Schools Administration, New Delhi, for the year 1985-86.

[Placed in Library. See No. LT-3592/86.]

- (5) (i) A copy of the Annual Report (Hindi and English versions) of the University of Hyderabad, for the year 1985-86.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the University of Hyderabad, for the year 1985-86.
- (iii) A copy of the Annual Accounts (Hindi and English versions) of the University of Hyderabad, for the year 1985-86 together with Audit Report thereon.

[Placed in Library. See No. LT-3593/86.]

- (6) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Tiruchirappalli, for the year 1985-86 together with Audit Report thereon.

[Placed in Library. See No. LT-3594/86.]

- (7) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Calicut, for the year 1985-86 together with Audit Report thereon.

[Placed in Library. See No. LT-3595/86.]

Annual Report of and Review on the working of the National Water Development Agency for the year 1985-86

THE MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : I beg to lay on the Table ;

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Water Development Agency for the year 1985-86 along with Audited Accounts.
- (2) A statement (Hindi and English versions) regarding Review by the Government on the working of the National Water Development Agency for the year 1985-86.

[Placed in Library. See No. LT-3596/86.]

**Annual Report and Review on the working of the Food Corporation of India for the year 1985-86**

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the Food Corporation of India for the year 1985-86 along with Audited Accounts, under sub-section (2) of section 35 of the Food Corporations Act, 1964.
- (2) A copy of the Review (Hindi and English versions) by the Government on the working of the Food Corporation of India for the year 1985-86.

[Placed in Library. See No. LT-3597/86.]

**Report of the Comptroller and Auditor General of India for the year 1985-86; Western Coalfield Limited and Annual Report and Review on the working of the Singareni Collieries Company Limited for the year 1985-86**

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : I beg to lay on the Table :

- (1) A copy of the Report (Hindi and English versions) of the Com-

troller and Auditor General of India for the year 1985—Union Government (Commercial)—Part VI—Western Coalfields Limited under article 151(1) of the Constitution.

[Placed in Library. See No. LT-3598/86.]

- (2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

- (i) Review by the Government on the working of the Singareni Collieries Company Limited for the year 1985-86.
- (ii) Annual Report of the Singareni Collieries Company Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3599/86.]

**Annual Reports and Reviews on the working of the IBP Company Limited, Indian Oil Corporation Limited and Biecco Lawrie Limited for the year 1985-86**

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : On behalf of Shri Brahma Dutt, I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956 :

- (1) (i) Review by the Government on the working of the IBP Company Limited and its subsidiary viz. Messrs. Balmer Lawrie and Company Limited for the year 1985-86.
- (ii) Annual Report of the IBP Company Limited and its subsidiary viz. Messrs Balmer Lawrie and Company Limited

for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3600/86.]

- (2) (i) Review by the Government on the working of the Indian Oil Corporation Limited for the year 1985-86.
- (ii) Annual Report of the Indian Oil Corporation Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3601/86.]

- (3) (i) Review by the Government on the working of the Bienco Lawrie Limited for the year 1985-86.
- (ii) Annual Report of the Bienco Lawrie Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3602/86.]

Merchant Shipping (Seamen's Employment Offices) Rules, 1986 Annual Report and Review on the working of the Hindustan Shipyard Limited

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : I beg to lay on the Table :

- (1) A copy of the Merchant Shipping (Seamen's Employment offices) Rules, 1986 (Hindi and English versions) published in Notification No. G. S. R. 955 in Gazette of India dated the 1st November, 1986 under sub-section (3) of section 458 of the Merchant Shipping Act, 1958.

[Placed in Library. See No. L T-3603/86.]

- (2) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

- (i) Review by the Government on the working of the Hindustan Shipyard Limited for the year 1985-86.
- (ii) Annual Report of the Hindustan Shipyard Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3604/86.]

Statement correcting reply to USQ  
No. 3031 dated 24.11.86

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI) : On behalf of Shri Dalbir Singh, I beg to lay on the Table a statement (Hindi and English versions) (i) correcting the reply given on 24 November, 1986 to Unstarred Question No. 3031 by Shri Kamal Chaudhry regarding Working of Cooperative Group Housing Societies in Delhi and (ii) giving reasons for delay in correcting the reply.

[Placed in Library. See No. LT-3605/86.]

Annual Reports and Reviews on the working of Modern Food Industries and Bihar Vegetable Development Corporation Limited etc. etc. for the year 1985-86

THE MINISTER OF STATE IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI GHULAM NABI AZAD) : I beg to lay on the Table :

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :
- (i) Review by the Government on the working of the Modern Food Industries (India) Limited the year 1985-86.
- (ii) Annual Report of the Modern Food Industries (India) Limited

for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3604/86.]

(2) A copy each of the following papers (Hindi and English versions) under section 610A of the Companies Act, 1956 :

(a) (i) Review by the Government on the working of the Bihar Vegetable Development Corporation Limited, for the year 1984-85.

(ii) Annual Report of the Bihar Fruit and Vegetable Development Corporation Limited for the year 1984-85 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3607/86.]

(b) (i) Review by the Government on the working of the North Eastern Regional Agricultural Marketing Corporation Limited for the year 1985-86.

(ii) Annual Report of the North Eastern Regional Agricultural Marketing Corporation Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3608/86.]

(3) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (a) of item (2) above.

[Placed in Library. See No. LT-3607/86.]

(4) (i) A Copy of the Annual Report (Hindi and English versions) of the Cooperative Store Limited (Super Bazar) Delhi, for the year 1984-85 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Cooperative Store Limited (Super Bazar) Delhi, for the year 1984-85.

(5) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above.

[Placed in Library. See No. LT-3609/86.]

(6) A statement (Hindi and English versions) explaining the reasons for not laying the Annual Report and Audited Accounts of the National Cooperative Consumers Federation of India Limited for the year 1984-85.

[Placed in Library. See No. LT-3610/86.]

Indira Vikas Patra (Amendment)  
Rules, 1986, Notifications under  
Customs Act and Income Tax  
Act

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI  
JANARDHANA POOJARY) : I beg to lay  
on the Table :

(1) A copy of the Indira Vikas Patra (Amendment) Rules, 1986 (Hindi and English versions) published in Notification No. G.S.R. 1252(E) in Gazette of India dated the 5th December, 1986 under sub-section (3) of section 12 of the Government Savings Certificates Act, 1959.

[Placed in Library. See No. LT-3611/86.]

(2) A copy of Notification No. G.S.R. 1241(E) (Hindi and English versions) published in Gazette of India dated the 3rd December, 1986 together with an explanatory memorandum regarding revised rate

of exchange for conversion of Australian Dollars into Indian currency or vice-versa under section 159 of the Customs Act, 1962.

[Placed in Library. See No. LT-3612/86.]

- (3) A copy of the Income-tax (Tenth Amendment) Rules 1986 (Hindi and English versions) published in Notification No. S.O. 896(E) in Gazette of India dated the 3rd Decemb~~er~~ 1986. under section 296 of the Income-tax Act, 1961.

[Placed in Library. See No. LT-3613/86.]

- (4) (i) A copy of Notification No. S.O. 821(E) (Hindi and English versions) published in Gazette of India dated the 31st October, 1986 specifying the (i) 7-Year "1986 IPCL-14 per cent Secured Redeemable Non-Convertible Bonds" issued by the Indian Petrochemicals Corporation Limited Baroda and (ii) 7-Year "14 per cent Secured Redeemable Non-Convertible Bonds(13 Series)" issued by the Rural Electrification Corporation Limited, New Delhi, as debentures for the purpose of clause (xvii) of sub-section (1) of section 5 of the Wealth-tax Act, 1957 issued under the said Act.

[Placed in Library. See No. LT-3614/86.]

**Annual Reports and Reviews on the working of Pragya Tools Limited and Tannery and Footwear Corporation of India Limited etc. etc. for the year 1985-86**

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT):**  
On behalf of Prof. K. K. Tewari. I beg to lay on the Table a copy each of the following papers (Hindi and English Versions) under sub-section(1) of section 619A of the Companies Act, 1956 :

- (a) (i) A statement regarding Review by the Government in the

working of the Pragya Tools Limited for the year 1985-86.

- (ii) Annual Report of the Pragya Tools Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3615/86.]

- (b) (i) A statement regarding Review by the Government on the working of the Tannery and Footwear Corporation of India Limited for the year 1985-86.

- (ii) Annual Report of the Tannery and Footwear Corporation of India Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3616/86.]

- (c) (i) A statement regarding Review by the Government on the working of the Hindustan Cables Limited for the year 1985-86.

- (ii) Annual Report of the Hindustan Cables Ltd., for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3617/86.]

- (d) (i) A statement regarding Review by the Government on the working of the Maruti Udyog Limited for the year 1985-86.

- (ii) Annual Report of the Maruti Udyog Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3618/86.]

- (e) (i) Review by the Government on the working of the National Newsprint and Paper Mills Limited for the year 1985-86.

- (ii) Annual Report of the National Newsprint and Paper Mills Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3619/86.]

- (f) (i) A statement regarding Review by the Government on the working of the National Industrial Development Corporation Limited, New Delhi, for the year 1985-86.

- (ii) Annual Report of the National Industrial Development Corporation Limited, New Delhi for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3620/86.]

- (g) (i) A statement regarding Review by the Government on the working of the Tungabhadra Steel Products Limited for the year 1985-86.

- (ii) Annual Report of the Tungabhadra Steel Products Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3621/86.]

- (h) (i) A statement regarding Review by the Government on the working of the Bharat Leather Corporation Limited for the year 1985-86.

- (ii) Annual Report of the Bharat Leather Corporation Limited for the year 1985-86 along with Audited Accounts and

the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3622/86.]

- (I) (i) A statement regarding Review by the Government on the working of the Triveni Structural Limited for the year 1985-86.

- (ii) Annual Report of the Triveni Structural Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3623/86]

Annual Reports and Reviews on the working of the Technical Teachers Training Institute and Regional Engineering College, Silchar etc. etc.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO): On behalf of Shrimati Krishna Sahi, I beg to lay on the Table :

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Technical Teachers' Training institute Southern Region, Madras, for the year 1985-86 along with Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Technical Teachers' Training Institute, Southern Region Madras, for the year 1985-86.

[Placed in Library. See No. LT-3624/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Silchar, for the year 1985-86.



- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Silchar, for the year 1985-86.

[Placed in Library. See No. LT-3625/86.]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Calicut, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Calicut, for the year 1985-86.

[Placed in Library. See No. LT-3626/86.]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Karnataka Regional Engineering College, Surathkal, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Karnataka Regional Engineering College, Surathkal, for the year 1985-86.

[Placed in Library. See No. LT-3627/86.]

- (5) A copy of the Annual Accounts (Hindi and English versions) of the Regional Engineering College, Durgapur, for the year 1985-86 together with Audit Report thereon.

[Placed in Library. See No. LT-3628/86.]

- (6) (i) A copy of the Annual Report (Hindi and English versions) of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Visvesvaraya Regional College of Engineering, Nagpur, for the year 1985-86.

[Placed in Library. See No. LT-3629/86.]

- (7) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Tiruchirapalli, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Tiruchirapalli, for the year 1985-86.

[Placed in Library. See No. LT-3630/86.]

- (8) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Kurukshetra, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Kurukshetra, for the year 1985-86.

[Placed in Library. See No. LT-3631/86.]

- (9) (i) A copy of the Annual Report (Hindi and English versions) of the Regional Engineering College, Durgapur, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Regional Engineering College, Durgapur, for the year 1985-86.

[Placed in Library. See No. LT-3632/86.]

- (10) (i) A copy of the Annual Report (Hindi and English versions) of the Motilal Nehru Regional Engineering College, Allahabad, for the year 1985-86.

- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Motilal Nehru Regional College, Allahabad, for the year 1985-86.

[Placed in Library. See No. LT-3633/86.]

- (11) (i) A copy of the Annual Report (Hindi and English versions) of the University of Delhi, Delhi for the year 1984-85.
- (ii) A copy of the Review (Hindi and English versions) of the Government on the working of the University of Delhi, Delhi for the year 1984-85.
- (12) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (11) above.

[Placed in Library. See No. LT-3634/86.]

- (13) (i) A copy of the Annual Report (Hindi and English versions) of the Malaviya Regional Engineering College, Jaipur for the year 1985-86.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Malaviya Regional Engineering College, Jaipur, for the year 1985-86.

[Placed in Library. See No. LT-3635/86.]

**Annual Reports and Reviews on the working of the Electronics Trade and Technology Department Corporation Limited and Semi-conductor Complex Limited etc. etc.**

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of Shri K.R. Narayanan I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

- (1) (i) A statement regarding Review by the Government on the working of the Electronics Trade and Technology Development Corporation Limited for the year 1985-86.
- (ii) Annual Report of the Electronics Trade and Technology Development Corporation Limited for the year 1985-86

along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3638/86.]

- (2) (i) A statement regarding Review by the Government on the working of the Semi-conductor Complex Limited for the year 1985-86.
- (ii) Annual Report of the Semi-conductor Complex Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3637/86].

- (3) (i) A statement regarding Review by the Government on the working of the CMC Limited for the year 1985-86.
- (ii) Annual Report of the CMC Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3638/86.]

**Annual Reports and Reviews on the working of the Social Welfare Board and Sports Authority of India**

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF HEALTH AND FAMILY WELFARE (SHRI P. V. NARASIMHA RAO) : On behalf of Shrimati Margaret Alva I beg to lay on the Table :

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Central Social Welfare Board, New Delhi, for the year 1985-86 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Society Welfare

Board, New Delhi, for the year 1985-86.

[Placed in Library. See No. LT-3639/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Sports Authority of India for the year 1985-86 along with Audited Accounts.
- (ii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Sports Authority of India for the year 1985-86.

[Placed in Library. See No. LT-3640/86.]

Annual Reports, Annual Account and Reviews on the working of the Indian Plywood Industries Research Institute, Bangalore for the year 1985-86

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO) : On behalf of Shri M. Arunachalam. I beg to lay on the Table :

- (1) (i) A copy of the Annual Accounts (Hindi and English versions) of the Khadi and Village Industries Commission, for the year 1985-86 together with Audit Report thereon under sub-section (4) of section 23 of the Khadi and Village Industries Commission Act, 1956.
- (ii) A statement (Hindi and English versions) regarding Review by the Government on the Audited Accounts of the Khadi and Village Industries Commission for the year 1985-86.

[Placed in Library. See No. LT-3641/86.]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Plywood Industries Research Institute, Bangalore, for the year 1985-86.

- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Indian Plywood Industries Research Institute, Bangalore, for the year 1985-86 together with Audit Report thereon.

- (iii) A statement (Hindi and English versions) regarding Review by the Government on the working of the Indian Plywood Industries Research Institute, Bangalore, for the year 1985-86.

[Placed in Library. See No. LT-3642/86.]

Annual Report of and Review on the working of the Project and Equipment Corporation of India for the year 1985-86

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSI) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

- (1) Review by the Government on the working of the projects and Equipment Corporation of India Limited for the year 1985-86.
- (2) Annual Report of the Projects and Equipment Corporation of India Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3643/86.]

Annual Reports and Reviews on the working of the Hindustan Insecticides Limited and Hindustan Organic Chemicals Limited

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI R. K. JAI-CHANDRA SINGH) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956 :

- (a) (i) Review by the Government on the working of the Hindustan Insecticides Limited for the year 1985-86.
- (ii) Annual Report of the Hindustan Insecticides Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3644/86.]

- (b) (i) Review by the Government on the working of the Hindustan Organic Chemicals Limited for the year 1985-86.
- (ii) Annual Report of the Hindustan Organic Chemicals Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3645/86.]

Annual Report and Review on the working of the Central Council of Homoeopathy for the year 1985-86

THE MINISTER OF STATE IN THE DEPARTMENT OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE) : I beg to lay on the Table :

- (1) A copy of the Annual Report (Hindi and English versions) of the Central Council of Homoeopathy for the year 1985-86 along with Audited Accounts.
- (2) A copy of the Review (Hindi and English versions) by the Government on the working of the Central Council of Homoeopathy, for the year 1985-86.

[Placed in Library. See No. LT-3646/86.]

Annual Reports and Reviews on the working of the Bharat Earth Movers Limited and Mishra Dhatu Nigam Limited for the year 1985-86

THE MINISTER OF STATE IN THE DEPARTMENT OF DEFENCE PRO-

DUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL) : I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :

- (a) (i) A statement regarding Review by the Government on the working of the Bharat Earth Movers Limited for the year 1985-86.
- (ii) Annual Report of the Bharat Earth Movers Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3647/86.]

- (b) (i) A statement regarding Review by the Government on the working of the Mishra Dhatu Nigam Limited for the year 1985-86.
- (ii) Annual Report of the Mishra Dhatu Nigam Limited for the year 1985-86 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-3648/86.]

#### ASSENT TO BILLS

11.09 hrs.

[English]

SECRETARY-GENERAL : Sir, I lay on the Table the following three Bills passed by the Houses of Parliament during the current session and assented to since a report was last made to the House on the 5th November, 1986 :

- (1) The Sales Promotion Employees (Conditions of service) Amendment Bill, 1986.
- (2) The Estate Duty (Amendment) Bill, 1986.
- (3) The Appropriation (Railways) No. 4 Bill, 1986.

**MATTERS UNDER RULE 377**

11.10 hrs.

[English]

- (i) **Need to restore the inland water transport facility between Kanyakumari and Ernakulam**

**SHRI N. DENNIS (Nagercoil)** : Providing Inland Water Transport facility between Kanyakumari and Ernakulam would accelerate and promote greatly the economic and tourist activities of the South-Western region of our country. Such a facility could be easily implemented by the renovation and removal of the gaps that exist in some places mainly in between Kanyakumari and Trivandrum. Previously, there was continuous and regular inland water transport facility between Kanyakumari and Trivandrum too, through the ancient A.V.M. canal. Subsequently, breaches occurred and closed some portions of the canal with sand and mud and earth and they are not renovated and removed for several years. So due to failure of maintenance and long neglect, now there is no continuous water transport service. If these gaps are removed and renovated and thereby continuity is restored, convenient and highly useful Inland Water Transport facility could be easily achieved between Kanyakumari and Trivandrum and by carrying renovation and maintenance work further north between Trivandrum and Quilon, a very useful inland water transport facility could be formed between Kanyakumari and Ernakulam. Such a facility would greatly promote trade, commerce and tourism and also that would provide cheaper and popular transport facility for the general public. So, Government may be pleased to take immediate steps for the speedy implementation of continuous Inland Water Transport facility between Kanyakumari and Ernakulam.

[Translation]

- (ii) **Need to lay railway line connecting Barabanki with Bahraich in U.P.**

**SHRI KAMLA PRASAD RAWAT (Barabanki)** : Mr. Speaker, Sir, I would like to raise the following matter under Rule 377 :

There is no direct rail service for Bahraich, the District headquarter, from Barabanki in Uttar Pradesh, while these two districts are contiguous to each other. For going to Bahraich, the District headquarter, the passengers first go to the Gonda district and from there they go to Bahraich by train which is not only time consuming but they have to pay the double fare also. Therefore, I demand that a railway line should be laid to link the district headquarter of Barabanki to the district headquarter of Bahraich so that passengers are not put to any difficulty. Bahraich district links Nepal to India. After this new railway line is constructed, the import-export trade of various items between India and Nepal will increase and the people will become more prosperous.

- (iii) **Need to repair the National Highway from Bihar to the Chinese border**

**SHRIMATI MADHUREE SINGH (Purnea)** : Mr. Speaker, Sir, I would like to raise the following matter under rule 377 :

The national highway in Bihar which has been an approach road to China for many years, has never been in good condition till date. For the last many years we have been hearing that it is being repaired, but the people fail to understand as to what sort of work is being done there. In other countries, people even make arrangements to travel under sea water within no time, but here, in our country, they talk of difficulties as the road lies by the side of the river Ganga. The people who have travelled on this road can alone tell of their plight. This national highway has strategic importance as it connects Bhutan to our country.

Therefore, I request the Hon. Minister to make an enquiry at his level and contact the Government of Bihar to get the road repaired immediately so that difficulties of the people could be removed.

[English]

- (iv) **Need to provide financial assistance to Madhya Pradesh for lift irrigation project to ensure water supply to Datia town**

**SHRI KRISHNA SINGH (Bhind)** : Sir, I invite the attention of the House to the dire need of augmenting the water supply system for the Datia town.

Presently water supply to Datia town is made from Ram Sagar. But this system is highly inadequate and after years of drought, as 1985 and 1986 have been, the water scarcity in Datia is too acute to withstand. The need to augment the water supply to Datia town has been only recognised at all levels including the State and Central Government levels.

Reliance had, however, been placed for the purpose at Raj Ghat Project; but progress in regard to this project is so tardy and sluggish that one can hardly conceive of augmentation of water supply for Datia from this project in foreseeable future. The project has been bogged down in inter-State wranglings while the cost of the project is escalating and multiplying.

A proposal has, therefore, been made to augment supply of water to Datia town and adjoining areas from the river Sindh by way of lift irrigation. Though it would be very much economical and feasible to supply water to Datia through lift system from Sindh, it would be too much to expect the State Government by itself to finance the scheme. Adequate Central Assistance will, therefore, be very necessary to implement the scheme. I understand a survey for the scheme ordered last year, has yet to start. I would very much appreciate if Central Government comes forward to extend liberal aid to ensure that the lift project for water supply to these areas is implemented forthwith.

[Translation]

- (v) Need to adopt measures to destroy the Lantana bushes to protect the forests in the country

SHRI M. L. JHIKRAM (Mandla) : Mr. Speaker, Sir, I would like to raise the following matter in the House, under Rule 377 :

The percentage of the forests in the country is declining day by day due to illegal felling of trees. Besides the illegal felling of the trees the rapid expansion of Lantana bushes is also equally responsible for it. The rapid expansion of these bushes in all the forests of the country is destroying other trees also. Therefore, for the development of the forests, it is quite essential to destroy the Lantana bushes. Not only in the forests,

these bushes have also expanded in the rocky hillocks and in the plains. One may find these bushes everywhere. It has totally stopped the growth of the trees. So, in order to protect our environment, we will have to destroy the Lantana bushes on a war footing.

I request that the Central Government should immediately adopt measures to destroy these dangerous Lantana bushes so that the forests could be saved in time.

[English]

- (vi) Need to increase the monthly remuneration being paid to the Village Health Guides and also the amount of medicines supplied to them per month

SHRI CHINTAMANI JENA (Balasore) : The Village Health Guides (V.H.G.s) are the grassroot workers of our country who render their services for the benefit of the people in interior-most parts of our country with a scanty monthly remuneration. They are the first persons to attend on the patients of various types and render preventive, curative as well as first aid treatments to the patients living in rural areas and in the countryside. But unfortunately these persons are not paid their monthly remuneration regularly; sometimes it takes even 7-8 months, resulting in utmost difficulties, miseries and inconveniences.

Besides, medicines worth Rs. 50/- (Rupees fifty only) per month are supplied to these V.H.G.s which amount was fixed in the year 1977. In spite of increase in the prices of medicines, the amount of medicines to be supplied to them has not been enhanced, resulting in acute shortage of medicines. Even these medicines are not supplied to them regularly.

I would request the Hon. Minister of Health and Family Welfare to kindly take immediate measures so that regular supply of medicines is ensured and monthly remuneration is paid to them regularly. Also the amount of medicines may be enhanced to Rs. 100/-. The monthly remuneration of the Guides may also be increased.

- (vii) Need to take steps to modernise Sindri Fertilizer Plant

SHRI BASUDEB ACHARIA (Bankura) : Sir, the fertiliser plant at Sindri which is

considered to be the mother plant was inaugurated by Pandit Jawaharlal Nehru who described it as a giant leap forward and the first temple of modern India. Over the years, the technology adopted by the Sindri factory has become obsolete and the plant has become outdated. This has affected production. The Government had, some years ago, taken a decision to discontinue production of fertiliser based on pyrites as it had become uneconomical. The Government also appointed a high power Committee headed by Pant Pothan to study the health of Sindri plant and equipment and suggest appropriate measures for their effective and productive utilisation. The Committee also suggested several steps in this direction. The Government has given a go-by to all suggestions to modernisation of the plant and has decided to stop it and go in for retrenchment of thousands of staff.

I urge upon the Government not to resort to such extreme steps but to take steps to modernise the outdated plant as suggested by the various Committees. The plant can be made viable if proper investment is made.

(viii) **Need to fix realistic procurement price for the jute crops by the Jute Corporation of India**

**SHRI SYED SHAHABUDDIN** (Kishanganj) : Despite reduction in jute acreage, the grower of raw jute in all jute growing states is facing a situation of distress sale. In the Purnea district of Bihar, as in other places, the JCI Centres were not operational until the end of September 1986, while raw jute begins to flow into the market by early July. Even when the JCI entered the field, it set up too few centres, not even one in each jute growing block. Even the few set up, were some times unwisely located and did not function throughout the week. In brief, the JCI has not been able to organise itself to be in a position to fulfil the Prime Minister's assurance that all raw jute offered by the jute growers shall be purchased at the statutory price.

The assurance can be fulfilled only if JCI opens at least one procurement centre in every block, either at the block headquarter

or in the traditional *hat* in the block; such centres should be operational by the first week of July; they should function throughout the week and work overtime, if necessary, in order to complete all transactions relating to the raw jute offered by the jute grower at the centre by midday on the same day. For this, the planning must begin now so that the staff required, the physical infrastructure, the transport and ware-housing arrangements and above all the money for purchase are in position at all centres in every block by the first of July.

The Government should set a target that the JCI must purchase at least 90 per cent of the jute crop after it has announced a realistic procurement price which should take into account not only the increasing value of land, the rising cost of agricultural inputs and the minimum wages for agricultural labour, but also a minimum level of profit for the sake of incentive as well as dignified living. This year, if the Government takes stock of the situation block by block it shall find that the JCI and its associates have not purchased even 50 per cent of the estimated jute crop. To that extent its assurance to the jute grower remained a dead letter. This must be avoided in future.

[Translation]

(ix) **Need to provide more railway facilities to the residents of Kanpur**

**SHRI JAGDISH AWASTHI** (Bilhaur) : Mr. Speaker, Sir, Kanpur is a big industrial city of north India. Thousands of passengers daily travel by rail from Kanpur to nearby small towns as well as big cities like Delhi, Bombay and Howrah. The various transport facilities available to the passengers at present are insufficient and all the offices at Central Railway Station do not have sufficient accommodation. The number of platforms is also inadequate. I would like to put forward the following suggestions in this regard :

1. If it is not possible in the near future to introduce a new train from Kanpur to New Delhi, then the present 11 UP and 12 Down trains should be terminated at Kanpur Central Station and trains

- should be run from Kanpur Central Station to Delhi and Howrah.
2. Instead of attaching a second class general coach to Ganga Yamuna Express at Kanpur, a three tier sleeper coach should be attached to it.
  3. A bi-weekly train should be run from Kanpur to Bombay and Howrah.
  4. Arrangements should be made to provide a stoppage of Tata Express at Pura Station of Northern Railway which is a thickly populated town and a Central town of two tehsils.
  5. By removing two metre gauge lines at Kanpur Central Railway Station, a new platform should be constructed there.
  6. The sub-way for going from one platform to another at the Central Railway Station should be extended and it should have exit outside the platform so that the passengers could easily go outside the platform.
  7. The old Railway Station building is not in proper use. The office of the Regional Station Superintendent and other offices at Central Station should be shifted to this building.
  8. Gobindpuri Station, where all important trains halt, should be developed immediately so that more facilities could be provided to the passengers.

- (x) Need to make arrangements for rehabilitation of persons whose crops and property have been damaged due to water logging in Indira Gandhi Canal area

**SHRI BIRBAL (Ganganagar) :** Mr. Speaker, Sir, due to seepage of water from Indira Gandhi Canal between the first head at Mastiwali to the Suratgarh head, the land remains continually waterlogged. There is waterlogging for the last two to three years continuously. The villages in this area have been affected by waterlogging.

Houses have collapsed due to it and agricultural land has become unsuitable for farming. So, the agricultural produce which is the means of livelihood of the people there has become extinct. Drains should be dug out to channel the water to some lower areas. I suggest that the Government of India should get this whole area surveyed to formulate a plan for installing maximum number of tubewells and this whole region should be declared as rice crop area.

If the Government does not pay immediate attention, then this extremely fertile land will turn into barren land. I request that the people whose houses have collapsed should be provided financial help in the shape of rehabilitation grant and compensation and the land which has become useless for agriculture should again be made cultivable by the use of modern equipments. The recovery of various loans etc. granted by the Government and the banks should be stayed for the time being.

- (xi) Need to make effective arrangements for timely transportation of agricultural produce from Punjab to other States

**SHRI BALWANT SINGH RAMOO-WALIA (Sangrur) :** Mr. Speaker, Sir, Punjab is the leading State in making contribution to the national buffer stock. The farmer of Punjab is engaged improving the economic condition of the country through his hard work and innovative techniques in agriculture, but the Government institutions are trying to render his work ineffective and fruitless.

The stock of foodgrains in Punjab State was 53 lakh tonnes as on 1.10.1986, valued at Rs. 900 crores. The Food Corporation of India has made promises many a time that arrangements will be made to dispatch foodgrains from Punjab on a priority basis to the other States, but be are sorry to say that despite numerous reminders in this connection by the State Government to the Food Corporation of India, no concrete action has been taken so far.

Transportation of foodgrains through railways is very slow and inefficient. The present problem of storage of foodgrains does not seem to be resolved through these arrangements. I request that in Punjab also, the system of quick transportation of food-



grains to other States be introduced like that of the system prevalent in the neighbouring State of Uttar Pradesh. This can check the losses caused by long term storage of food-grains to the Government and ultimately the farmer.

(xii) Need to prevent any violation of the Constitution by anti-Hindi agitationists

SHRI RAJ KUMAR RAI (Ghosi) : Mr. Speaker, Sir, a news item has appeared that the President of the Dravida Munetra Kazhagam and about 1500 workers will court arrest after burning the copies of the Constitution of India against the imposition of Hindi. This movement is likely to continue from November 17 to December 17, 1986.

After the independence, the then intellectuals of the country had decided to make Hindi as the official language. But keeping in view the then prevailing conditions, it was provided that Hindi would not be made the official language until it was adopted by the whole of India. Despite the Government's clear assurances, these things are being done due to political considerations.

The Central Government has established the Parliamentary Official Language Committee for the propagation and promotion of Hindi in its various departments and offices. The propagation and promotion of Hindi has been only through persuasion. Hindi has not been imposed anywhere. Despite these facts, this type of propaganda and opposition is certainly unconstitutional. The Government must pay immediate attention to this matter and the Constitution should be protected and its dignity safeguarded at all costs.

(xiii) Need to look into the affairs of Banaras Hindu University

[English]

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Banaras Hindu University which remained constantly in a disturbed state was closed *sine die* by the Vice-Chancellor in mid-August. It opened finally in full form on 24th November 1986. In the meantime,

the Vice-Chancellor suspended the students' union and gave notice to 22 Karamchhari leaders and clamped the right of free expression of university teachers.

Hardly after three days of opening, the authorities asked the District administration to clamp Section 144 in the campus, while, students were preparing for their examination peacefully. Section 144 brought police back in the campus on 2nd December resulting in ransacking of the hostels and beating of students.

The whole of the Varanasi city is disturbed. In fact, the university has always been simmering with different kinds of discontentment in recent times. With a budget of about Rs. 70 crores, the university has been kept closed for half-a-year costing about Rs. 40 crores and with this state, it may remain closed for a full year till some measures to rectify the situation are undertaken immediately.

I thought you would have asked the Minister to come here. (*Interruptions*)

KUMARI MAMATA BANERJEE (Jadavpur) : You have allowed a statement under Rule 377 in respect of this central university but not in respect of Calcutta University.

(*Interruptions*)

[*Translation*]

MR. SPEAKER : If you want, a discussion on Calcutta University could be held in the next session.

(xiv) Need to start work in the diamond mines in Panna district of Madhya Pradesh

SHRI DAL CHANDER JAIN (Damoh) : Mr. Speaker, Sir, there are famous diamond mines in Panna district. Some mines have been closed due to some reasons. The work on the following mines should be started again. Har Rai Chowki, Malhan ka Seha, Bada Ghat, Manjhanala, Arsayana, Manor Sakaria and Gudaha so that the labourers could get employment and diamonds could be mined. Besides, the labourers should be allotted residential plots there.

(xv) Need to take immediate measures to set up the proposed Himalayan Environmental Institute in Pithoragarh district of Uttar Pradesh

SHRI HARISH RAWAT (Almora) : The Government of India had in 1982 sanctioned the establishment of the Himalayan Environmental Institute at Katarmal in Almora district in Uttar Pradesh. The State Government has also made available 500 acres of land for this purpose. The then Deputy Minister of Environment and Forests and Secretary of the Department of Environment had also inspected that site and approved of the suitability of the place.

Last year the Hon. Prime Minister had also agreed to lay the foundation stone of this Institute, but at the last moment this programme was cancelled due to some unavoidable reasons.

Immediate establishment of this Institute is absolutely necessary not only in the interest of the local people, but in the larger interests of the country as well. The Ministry of Environment should take immediate action in this regard.

(xvi) Need to remove all kinds of exploitation from our social life

SHRI MOOL CHAND DAGA (Pali) : Mr. Speaker, Sir, even after independence, our society is pursuing the policy of exploitation and suppression. The poor are still under the clutches of this wrong policy. The dishonest patwari of the village, the corrupt police officer, the shrewd businessman and some callous and cruel imperialist elements have been exploiting the poor and helpless people. The land is given to share croppers. Half of the produce is taken by the owner of the fields. The poor cultivator cannot take home even half of the produce despite his hard work.

The educated intellectuals like advocates exploit their clients. The head of the family in a house exploits the domestic servant, the shopkeeper exploits his accountant and sometimes the husband

is also seen exploiting his own wife. Small and destitute children are exploited in hotels, factories and other trades. Even today, children can be seen doing work on railway platforms, footpaths and in dirty streets under the scorching heat of the sun. Many cheats in the garb of saints exploit people. Many people in the name of the service of the nation offer various sorts of temptations to serve their own interests.

In this way, various sections of the society are indulging in exploitation. The Government has not been able to do away with the exploitation in the country by different classes, even after making legislation in this regard. The Government has not been able to ensure the minimum wages to the workers and agricultural labourers. The exploited section of the society should be liberated from the exploitation immediately. Until exploitation is removed from the society, the people who earn their living by working hard, will not be able to get due wages and also continue to fall victim to the cruelty of the contractors and the rich.

Therefore, if we want to bring about socialism and remove the exploitation in the country, then we will have to abolish the policy of exploitation and suppression by enacting strict laws so that the people who honestly earn their living may get the proper reward for their hard work.

SHRI GIRDHARI LAL VYAS : Mr. Speaker, Sir, Shri Daga has done a good job on exploitation, you should get him a Ph. D.

MR. SPEAKER : What should I get him ?

SHRI GIRDHARI LAL VYAS : Ph. D...

MR. SPEAKER : Ph. D. or riddance from the family members.

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*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

11.37 hrs.

CONSUMER PROTECTION BILL, 1986,  
 STANDARDS OF WEIGHTS AND  
 MEASURES (AMENDMENT) BILL, 1986,  
 STANDARDS OF WEIGHTS AND  
 MEASURES (ENFORCEMENT) AMEND-  
 MENT BILL, 1986, ESSENTIAL COM-  
 MODITIES (SECOND AMENDMENT)  
 BILL, 1986, DRUGS AND COSMETICS  
 (AMENDMENT) BILL, 1986, PREVEN-  
 TION OF FOOD ADULTERATION  
 (AMENDMENT) BILL, 1986, MONO-  
 POLIES AND RESTRICTIVE TRADE  
 PRACTICES (AMENDMENT) BILL, 1986,  
 AND AGRICULTURAL PRODUCE  
 (GRADING AND MARKING) AMEND-  
 MENT BILL, 1986,

[English]

MR. SPEAKER : Now, the House will take up consideration of all the Bills mentioned at Serial Nos. 21 to 28 together for which three hours have been allotted. The Ministers will now move for the consideration motions in respect of all the Bills at Serial Nos. 21 to 28 one after the other.

SHRI MOOL CHAND DAGA : These are all important Bills. How can we discuss these together ?... (Interruptions)

MR. SPEAKER : They will be coming one after the other.

SHRI MOOL CHAND DAGA : You said that these would be discussed together.

MR. SPEAKER : You did not hear the later part. I said—one after the other, that is fill in the blanks. Please listen and then talk.

SHRI SHANTARAM NAIK : We would like to congratulate the Hon. Ministers because the consumers and the weaker sections will be benefited by this legislation.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, in the present economic and social scenario, the subject of

consumer protection is of vital concern and importance for all of us because we are all consumers in one form or the other. Although various scientific and technological developments have brought about perceptible socio-economic changes, the consumer's control over the market mechanism has gradually diminished. His suzerainty in choice of goods and services has been greatly eroded by various forms of unfair, monopolistic and deceptive trade practices

Although there are a number of consumer protection laws such as the Essential Commodities Act, Prevention of Food Adulteration Act, Standards of Weights and Measures Act, MRTP Act, etc., the existing arrangements have not led to the growth of an effective consumer protection movement. These laws are either preventive or punitive in approach, and they do not provide for speedy relief and compensation to the aggrieved consumers. The procedures are long-drawn and cumbersome. Besides, at present, there is no statutory machinery which could function as a common platform for officials and non-officials to discuss the consumer problems and advise the Government on policies and measures needed to promote and protect the rights and interests of consumers.

Protection of legitimate rights and interests of consumers depends not only on the legal framework that could be provided for the purpose by the Government but more so on a strong voluntary consumer movement effectively functioning at the grass-root level and also on adequate response and cooperation from the trade and industry.

Our Government under the dynamic leadership of the Prime Minister, Shri Rajiv Gandhi, has accorded a high priority to the building up of such a movement in the country. 'Concern for the consumer' is included in the New 20 Point Programme. We are keen for the development of a broad-based and effective consumer movement in the country and for this purpose, a number of measures have been initiated. Assistance and cooperation of voluntary organisations, trade and industry, prominent citizens, youth and women would go a long way in the attainment of this objective. Consumer education is crucial for the success

[Shri H. K. L. Bhagat]

of our mission and for this purpose, the support of mass-media particularly, radio and television, etc., will be sought more meaningfully. To facilitate redressal of consumer grievances, the existing laws are being amended to confer specific rights on the aggrieved consumers or consumer organisations registered under the Companies Act or under any other law in force to file a complaint in the courts. Hitherto such a complaint could be filed only by government functionaries. In addition to the improvements in the existing infrastructure, it has been considered necessary to have a separate comprehensive consumer protection legislation which could provide for speedy, simple and inexpensive relief/compensation to the consumers. To make it effective, it was also felt that the redressal machinery should be available within easy reach of the consumers. To decide about the framework of this legislation, it was felt necessary that views of the concerned interests should be elicited. Therefore, an All India Seminar was held in New Delhi in January 1986 in which representatives of the State Governments, voluntary consumer organisations and Central Ministries/Departments participated. Suggestions emanating from this seminar and those received from prominent persons working in the field were considered in a number of inter-ministerial meetings. Consumer protection legislations and arrangements existing in this regard in countries like USA, UK, Australia and New Zealand were also studied. Good features were considered for suitable adoption and adaptation to suit our socio-economic conditions.

After careful consideration of various ideas, this Consumer Protection Bill, 1986—now the designation given to this Bill is slightly different for redressal of grievances, etc.—has been introduced for kind consideration of the House. This Bill is a landmark in the field of socio-economic legislation of the country. This comprehensive Bill is in addition to and not in replacement of any other law on the subject of consumer protection. The Bill enshrines the rights of the consumers to be promoted and

protected by the Consumer Protection Councils in the Centre and the States and the redressal machinery at the national, State and District levels. The legislation intends to provide prompt and meaningful remedy for consumer grievances, but its success will depend on effective implementation of its provisions by the Central and State Governments. More than that, I have no hesitation in saying that the success of the legislation would depend on the development of a strong broad-based voluntary consumer movement at the grass-root level.

I also take this opportunity to request my brethren in the trade and industry to rise to the occasion and set up consumer redressal cells within their organisations which would minimise consumer complaints and improve their image. Trade and industry should not only evolve a Code of Ethics for fair business practices but also implement them in letter and spirit.

Now, I may briefly summarise the salient features of the Bill—

- (i) To give speedy redressal to consumer complaints, the Bill provides for setting up of Consumer Dispute Redressal Forum in every District, a Commission at the State level and the National Commission at the Centre. The Forum in the District will have Original Jurisdiction to redress complaints upto a claim amount of Rs. one lakh. The State Commission will have original jurisdiction to settle claims upto an amount of Rs. 10 lakhs. The National Commission can entertain any claim for damages above Rs. 10 lakhs. The State Commission and the National Commission will be vested with appropriate Appellate and Revisionary powers.
- (ii) To promote voluntary consumer movement and to ensure involvement of consumers, the Bill provides for establishment of Consumer Protection Councils in Centre and the States. These Councils will have both non-official and official members. The objects of the

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*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTF*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

Councils will be to promote and protect the rights of the consumers.

- (iii) It shall apply to all goods or classes of goods or all services or classes of services except those which are specifically exempted by notification by the Central Government.
- (iv) The provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force.
- (v) Necessary penal and punitive provisions have been incorporated to ensure that the proposed legislation is effective in protecting consumers.
- (vi) The complaint can be filed by a consumer or an organisation being a society registered under the Societies Registration Act or a company registered under the Companies Act, representing consumers or by the Central or a State Government.
- (vii) The complaint can be on account of any unfair trade practices resulting in loss or damage, defect in the goods, deficiency in the services, prices charged in excess of the prices fixed by or under any law or displayed on the goods/packets.

Hon'ble Members will agree that the proposed legislation will meet the objectives of providing speedy and inexpensive redressals to the aggrieved consumers and promote a strong and broad-based voluntary consumer movement in the country. I am sure that this important social and economic legislation will receive support from Hon'ble Members of this House.

I would like to add only two more words, that is, that each Indian is a consumer including a producer, a trader or an industrialist. This Bill is pro everyone against none. Not because I am a Member of the Cabinet. I wish to add and I have quoted the Prime Minister, how keen he is to protect the social and economic justice to millions and millions of people in India. He

has been pressing for this. He has been asking for this. But for him such a progressive Bill during the short time, after he took over, might not have come on record. Therefore, I want to place on record our grateful thanks with which the Prime Minister and the interest that he has taken.

With these words, I commend the Bill.  
I move :

“That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and others authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration.”

MR. SPEAKER : I have got four notices for amendments to the Consideration Motion. I will ascertain from those Members, whether they are going to press for that. Shri Dinesh Goswami. Not present. Shri Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad) :  
Not moving.

MR. SPEAKER : Shri Mool Chand Daga. Are you moving ?

SHRI MOOL CHAND DAGA (Pali) :  
Yes Sir, I am moving.

I beg to move :

“That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 29 members, 19 from this House, namely :

1. Shri H. K. L. Bhagat
2. Smt. Chandresh Kumari
3. Shri Prakash Chandra

43 *Consumer Protection Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd*

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*Amdt.) Bill, Drugs and Cosmetics (Amdt.) Bill, Prevention of food Adulteration (Amdt.) Bill, MRTP (Amdt.) Bill and Agr. Produce (Grading and Marking) Amdt. Bill.* 44

4. Shri Somnath Chatterjee
5. Prof. Madhu Dandavate
6. Shri Dinesh Goswami
7. Shri Indrajit Gupta
8. Shri Virdhi Chander Jain
9. Shri Dharam Pal Singh Malik
10. Shri Shantaram Naik
11. Shri K. S. Rao
12. Shri C. Janga Reddy
13. Shri Chiranjilal Sharma
14. Shri Saleem I. Shervahi
15. Prof. Saifuddin Soz
16. Shri Simon Tigga
17. Shri K. P. Unnikrishnan
18. Shri Girdhari Lal Vyas
19. Shri Mool Chand Daga

and 10 from 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 last day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and Communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee." (3)

MR. SPEAKER : Shri Ram Bahadur Singh. Are you moving ?

SHRI RAM BAHADUR SINGH (Chapra) : Yes, Sir, I beg to move :

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, be referred to a

Select Committee consisting of 8 members, namely :

1. Shri Basudeb Acharia
  2. Shri H. K. L. Bhagat
  3. Shri Dinesh Goswami
  4. Shri Indrajit Gupta
  5. Shri C. Madhav Reddy
  6. Shri G. G. Swell
  7. Shri Zainul Basher; and
  8. Shri Ram Bahadur Singh (29)
- with instructions to report by the 29th April, 1987."

MR. SPEAKER : Mr. Bhagat, now you please move for the consideration of the next Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration."

I have not to say much at this juncture. I shall reply to the debate at the end.

MR. SPEAKER : Next Bill. Shri Bhagatji.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

MR. SPEAKER : Next Bill. Shri Bhagat.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

45 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and* 46  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

MR. SPEAKER : Next Bill. Kumari Saroj Khaparde.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): Sir, I beg to move :

“ That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration ”.

Sir, the Drugs and Cosmetics Act, was enacted in 1940 with an objective to control and regulate the import, manufacture, distribution and sale of the drugs and cosmetics. To combat the growth of spurious drugs, the Act was amended in 1982 to provide more effective measures to check such spurious drugs .

Sir, the Act and rules in the present form have prescribed the standards and quality of drugs, the conditions of their manufacture, sale, distribution, and import. The licensing authorities inspectorate authorities are required to carry out regular inspections. The amending Bill enables any person or any recognised consumer association to launch prosecution in a court of law against the manufacturer or a dealer in drugs when the person who has used this drug is aggrieved. The intention of the present legislation is to confer powers on the Consumer Associations in the country to draw legal samples of drugs, and send them for test. On the basis of the test report or even otherwise, if the consumer of the drug is harmed in any way, he should be enabled to launch prosecution either by himself or with the assistance of the Consumer Associations. The House will agree that since the drug control measures are essentially for protecting public health, it is necessary that the public should also have powers to protect their rights by launching prosecution.

Two Sections of the Act are being amended. Firstly, Section 26 of the Act which now enables a purchaser of a drug to send the sample for test to the Government Analyst is being expanded by giving the same power to any recognized consumer Association to get the sample tested from the Government Analyst. Secondly, Section 32 of the

Act is being amended. This Section now gives power only to the Drug Inspector to launch prosecution. By amendment of this Section, any aggrieved person or a recognized Consumer Association shall also have the power to launch prosecution.

Experience has shown that an individual hesitates to come forward to exercise such powers invested on him under the provisions of the Act because of time factor and legal complications involved.

The House will agree that these powers are necessary to strengthen the consumer movement in the country, so that wherever action to prosecute a defaulting drug manufacturer or dealer is not taken by the State Drug Control authorities who enforce these provisions, such action can be taken by the aggrieved persons or the Consumer Association. This step, I am sure, will help in ensuring a stricter compliance of the regulations of quality control discipline by the manufacturers and also the ethics of sale of drugs by the dealers.

Since these measures are for protecting public health and for assisting the consumer movement I would recommend to the House to accept these new measures as given in the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE) : I beg to move :

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

Sir: This is another consumer protection legislation which is designed to prevent adulteration of foodstuffs. The House is well aware that the Prevention of Food Adulteration Act was enacted in 1954. Over the years, the Act has been amended in 1964, in 1971 and again in 1976, to include provisions for severe penalties to the offenders and to plug loopholes in the implementation of the Act.

[Kumari Saroj Khaparde]

The rules framed under this Act lay down minimum quality standards for various food articles. The rules also outline detailed labelling provisions, so that consumers get correct information about the products purchased by them. The basic framework of the Act is thus oriented towards consumer protection.

Food is the basic need of every individual. It is no denying the fact that quality of food has a definite bearing on the quality of human life, both physical and mental. An article of food not conforming to the standards is deemed to be 'adulterated'. In case the article contravenes any of the labelling provisions by which a consumer could be duped, the food article is termed as 'misbranded'. Sale of 'adulterated' and 'misbranded' article of food is a punishable offence under the Act.

It is well known to the august House that no amount of administrative action will be adequate to achieve the objective of the food laws, till the consumers are deeply involved in the programme. Consumer consciousness and consumer awareness are the needs of the hour.

With this objective in mind, I now put the present Bill contemplating to further amend Section 12 and 20 of the Act, defining consumer associations, and entrusting them with the power of collecting samples for analysis and taking legal action against the offender. I also recommend to this House to pass this piece of legislation. Thank You.

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM): On behalf of Shri J. Vengal Rao, I beg to move :

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be taken into consideration."

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI RAMANAND YADAV): I beg to move :

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

MR. SPEAKER : Motions moved :

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and others authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration."

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration"

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration."

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

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be taken into consideration."

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."



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*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTPL*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

**SHRI C. MADHAV REDDI (Adilabad) :** Mr. Speaker, the much awaited and much promised Bill is at last before us on the last day of the session. The seminar was held in the month of January, the first month of this year and in the last month of this year...

**MR. SPEAKER :** It is just very near to January.

**SHRI C. MADHAV REDDI :** The government waited for one year. I welcome this Bill. Better late than never. The Hon. Minister described this Bill as a landmark in the field of socio-economic development of the country. I do not know to what extent I subscribe to this view, but I certainly felt that it is a very good beginning and he deserves our congratulations. I am sure, in the course of time, when he is going to implement this Bill because, as he himself said, everything will depend upon implementation of the provisions of this Bill, when he does this successfully, I am sure, he will earn the name of Ralph Nadar of India.

Before I come to the various features of this Bill and also a bunch of seven Bills which are before us, ordinarily I would have opposed the manner in which a bunch of these seven Bills is being rushed through in this House on the last day of the session because that had been the practice of the government in the past, but in respect of this particular Bill, which is so important and which is so essential for the protection of consumers, I do not want oppose even the procedure with which the Bill is being brought.

**MR. SPEAKER :** I will not like you to oppose it on that score.

**SHRI C. MADHAV REDDI :** And consistent with that view, I had withdrawn my motion for referring the Bill to the Joint Select Committee.

**MR. SPEAKER :** No, I will not allow.

**PROF. N.G. RANGA :** Thank you.

**SHRI C. MADHAV REDDI :** But as I said, this is not a perfect Bill. There are

many loopholes, many lacunae and there are a lot of amendments given. I hope in the same spirit the Hon. Minister is going to accept some of the amendments moved by the members when we take up clause-by-clause consideration.

Sir, the consumer movement in this country is very weak as has been explained by the Minister and there is no protection to the consumer.

12.00 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

This Bill has got two important features. One relates to the consumer education and the other relates to the redressal of consumers' grievances. It has been well conceived because education is very important, for which the Bill envisages the establishment of a Consumers' protection Council, at the national level as well as at the State level but the Bill brings about the need to develop a number of consumer organisations in the private organisations, voluntary organisations in the country. It has been left entirely to the people's initiative.

Today we have a very effective organisation worth the many which are in the field of consumer protection. Some of them, such as in Delhi and Bombay metropolitan cities there are some consumer Guidance Societies of India in Bombay and Common Cause in Delhi, Consumer Education Research Centre, Ahmedabad and Karnataka Consumer Service Society, Bangalore. These are the only three or four organisations which are worth mentioning in this country. But the rest of official figure of 160 or 161 all of them are not actually active in the field of consumer protection. Now, there is a need for setting up a number of such institutions, providing them financial assistance and other assistance because of the provisions which we are making in this Bill they will be effective only if there is an initiative by the consumer organisations or some individuals. It is very rarely that consumers or individuals come forward and lodge a complaint in our country. It is an organisation

[Shri C. Madhav Reddi]

which takes up the cause. And then it is rightly said that the consumer who suffers who has got a grievance need not be a member of that consumer organisation. Anybody can take it up now. It is a very good suggestion. But now-a-days can an organisation exist and resist? who is going to take up the cause? We are providing machinery at the district level, state level taluk level, but there must be somebody to make use of this machinery. And this is not being looked into and no momentum has been injected in the financial assistance, protection or encouragement, guidance to the consumer organisations in the country.

Sir, coming to the consumer redressal agencies the district level agencies will be a forum, a district forum and these redressal forums will also, not only take up the cases where compensation is to be paid, where a claim is paid but also in other cases where there is no claim or no question of claim is there.

In the Bill it is definitely mentioned that the claim is up to Rs. one lakh of rupees and then the jurisdiction of the district court will be there. But there are many claims where there are no complications and in which you can clinch the amount. What will happen in such cases? There only a direction has to be given to a manufacturer, "that you have changed the product." Or to the manufacturer that he should supply such and such quality product and so on and so forth. In all such matters we have to assume certain figures. And it is difficult to assume a figure which is to be mentioned clearly that not only in respect of the cases where an amount can be fixed with regard to the position of the consumer, but also other cases the jurisdiction has to be clearly defined. The various other Acts which are being amended through these seven Bills, the subject-matter is the same i.e. consumer protection. I do not know why all these amendments have not been brought forward in one single Bill. May be some technical flaw may be there. I would like to know why all these Bills have been brought. All these amendments which have been suggested are very essential, because, today

we find that in several of these Acts there is no protection for the consumer. Certain penalties have been prescribed, but there is no redressal. He cannot go to the court. In the case of agriculture, there is an 'AGMARK' system. But then it is voluntary; it is not compulsory. Now it is being made compulsory. Like that many of these amendments which have been suggested, are very essential and they will go a long way in giving protection to the consumer. I support all those amendments proposed in the seven Bills.

In this country, we have a protected market. We are having some sort of a seller's market. The producers have near monopoly including the public sector. In such an atmosphere where the market is protected, consumer has to depend upon the whims and fancies and mercy of the manufactures because there is no competition. If there is a competition, certainly the manufacturers would try to improve the product. Since we are working in a protected market, the consumer has no protection at all. It is only the manufacturer who gets protection. Then many of the consumer products are being manufactured by the public sector. Let us not forget that this is a two-edged weapon, because we are passing this Bill. Then at times, we have to use this weapon against our own public sector. The public sector will have to be very careful in the manufacture and in the supply of these goods. I do not know how the public sector can be freed from this Bill. Anything which the public sector manufactures or distributes, it comes within the purview of this Bill. It is very good that the public sector has been brought within the purview of this Bill. It has to observe the rules and see that the consumers are very well protected, the consumers are supplied goods which are not hazardous to their health and which are cheaper also.

There are two or three defects which I would like to point out at this stage. One is that when a consumer goes to a redressal forum or commission at the state level or national level, at the appellate stage, he produces a sample which, he claims, is defective and for which he should

be given compensation and so on and so forth. Now, this sample is sent to a notified laboratory. You will be notifying a number of laboratories in the country. And there some fee has to be paid. You are making the consumer to pay the fee. I am sorry to say that many of the consumers will be small people. They are not expected to make any payments on account of the fee which is to be paid to the laboratory. Sometimes, it is going to be exorbitant fee which can be exploited. For this, there should be a fund created. And along with the application if the consumer or consumer organisation says that he is not in a position to pay the fee, this fee should be paid out of a separate fund created and the consumer should not be asked to pay that fee.

Similarly, in a number of clauses, mention has been made of a limited company. I would like to suggest that a limited company is never incorporated for an organisation for consumer protection because a consumer protection organisation does not have a balance sheet. It has no profit and loss account because there is no profit there. All these organisations are only service organisations and they are to be registered only under the societies Registration Act and not as a company. So, wherever the word 'company' has come, it must be removed.

Like that, there are several lacunae in the Bill which, I am sure, will be removed in the course of implementation. When the Act is going to be implemented, I am sure, many improvements would be possible. I wholeheartedly support this Bill and I think that instead of referring this Bill to a Joint Select Committee where lot of pressures may be brought, it is better if we pass this Bill immediately today and if there are any defects, we remove those defects later on.

PROF. N. G. RANGA (Guntur) : Mr. Deputy Speaker, Sir, on the floor of the House, I wish to congratulate you at your personal level and wish you all the best in your life.

MR. DEPUTY SPEAKER : Thank you, Sir.

PROF. N. G. RANGA : Secondly, Sir, I wish to congratulate today my Hon. Friend, the Leader of the Opposition and all the parties also in this House, including my own, for having agreed to get this Bill passed quickly so that the Government would be able to do its part in protecting the consumers.

For a very long time we have been complaining that the consumers have been exploited in a merciless manner. As you all know, I am myself a *Kisan*. I am a representative of the *Kisans* and the *Kisans* have been the worst sufferers, especially at the grass-root level. When they go to the market and purchase fertilizers, insecticides and also machinery, and when they suffer at that level, what they produce would come to be reduced. They suffer and ultimately the consumers of agricultural products also suffer. We have been asking for protection for those people. The Hon. Speaker of this House himself has raised his voice in favour of the farmers, the *Kisans*, as against the adulterators, those who indulge in adulteration. There are the general consumers also who suffer very much when they go to purchase medicines or various other things also. There has not been any protection for them till now. Fortunately for us, some of our housewives led by some of our women Members of this parliament and of the previous parliament, have taken the initiative in bringing into existence Consumer Protection Committees in a number of cities. The work done by our friends Mrs. Dandavate and Mrs. Mukherjee of this House and also by the lady Members on the Congress side, comes very prominently to my mind. Mr. M. R. Pai is doing very good work in Bombay. So many others have also been doing this work. Even Indira Ji was conscious of the need for proposing such means for protecting the consumers, and now the present Prime Minister, Shri Rajiv Gandhi has had the good fortune of being advised by the various people, including the Seminar which was held here in Delhi, and the Government has come forward with this Bill. We are all in favour of it. How it is going to be implemented, how soon, in what manner and to what extent it is going to be implemented, the answer to all these things lies in the alacrity with which the bureaucracy would work. My Hon. friend

[Prof. N. G. Ranga]

Mr. Reddi has already given the instance of how the bureaucracy has been dragging its feet. For nearly one year, they have been working over this very simple Bill.

This Bill is of very great importance. Why should they take one year? They have been doing that in regard to every other Bill and many other activities of the Government. That is where this House has got to assert itself and assist and strengthen our Ministers. What is it that our poor Ministers can do except posing as Ministers unless the bureaucracy co-operates. If the Ministers assert themselves too much, then the bureaucracy has now begun to go on strike also as is happening in several States. So, we have got to be extremely careful as to how we would be able to control and also co-operate with and win the co-operation of the bureaucracy in providing protection in this direction and in many other directions also.

I am not in favour of the suggestion of my Hon. Friend, Shri Mool Chand Daga, that it should go to a Select Committee and also so many of these amendments—25 of them. They only indicate that the Bill is not very perfect. In many respects it needs improvement. But at the same time we need it so badly and we have been waiting for it for so long, that the House, I hope, would be willing to let it be passed here and now without having to go through the tardy process of Select Committee consideration.

Our Hon. Minister deserves congratulations, thanks as well as congratulations, more so congratulations because it is given to a very few Ministers to be able to father such a Bill as this which obtains universal approval from the whole of the House, this House as well as the other House I also hope and we have been waiting for it for a long time, all of us, producers as well as consumers. We the kisans are producers and we are also consumers. So is the position also of the industrial workers and the proletariat as well as unorganised labour all over the country. They have got their

organisation. They are also registered. Trade Unions, organisations are registered. There are two All India organisations. Both of them are being recognised in various industries by the Government—the AITUC and the INTUC. All other branches are considered to be responsible organisations. We have also got the Krishak Samaj. This is also registered. Rural Peoples Federation, that is also registered. It does not matter whether they are registered under the Societies Act or under the Company Act. Anyhow, fortunately there is a provision for their being recognised by the Government. I had mentioned a few weeks back about the existence of these organisations and the need for the Government to invoke their co-operation in strengthening the consumers movement. I wish a mention would be made that the Government had taken notice of their existence for the purposes of this Bill, when it becomes an Act. But any how I hope the Government would take care to see that they provide representation on these various councils which are going to be brought into existence under the aegis of this Act and their co-operation would be invited and their representatives also would be invited to cooperate with it in implementing this Act.

I wish to congratulate once again our Prime Minister because in areas, in other directions, it is not so very easy for any Prime Minister, for any Government, for the matter of fact, how people are going to be benefited, to what extent they are going to be benefited. But in this direction it is easy. Therefore this is one of the easiest and at the same time one of the most universally recognised and welcome direction in which the 20 Point Programme can be expected to yield public good for the whole of the people irrespective of their class or caste or anything like that. So, I would like to make an appeal, if it is not unparliamentary, to the bureaucracy here as well as all over India and the courts also to go out of their way to cooperate with the Governments and the organisations concerned which would be brought into existence under this Act and help the consumers to get their fair deal.

[Translation]

\* SHRI ZAINAL ABEDIN (Jangipur) :  
 Mr. Deputy Speaker, Sir, this Consumer Protection Bill has been brought forth to protect the rights and interests of the consumers. Amendments to some other Acts, enacted at different times, have also been brought forth along with it with the same object in view to make them compatible with the provisions of this Bill, that is why we are discussing eight Bills together. The proclaimed objects of this Bill is good and laudable and hence I support the object of the Bill. But Sir, after this Bill is passed and it becomes an Act, I have my doubts as to how far it will really be able to protect the interest of the consumers. The interest of the consumers cannot be protected merely by enacting a legislation. Sir, the prevention of food adulteration Act was passed in 1954. But has food adulteration stopped after the passing of that Act? Not at all, rather food adulteration has increased considerably. In a recent survey it has been found that 25% to 70% of foodgrains are adulterated today. But for that how many culprits have been punished till today? Sometimes it has been published in the headlines of newspapers that several people have lost their lives due to poisonous foreign matter mixed in foodgrains. How many people have been punished for such adulteration? Therefore strict implementation of a legislation is the main thing. It is much more important than the mere enactment.

Sir, adulteration of foodstuffs can take place at three places. The manufacturer or producer can do it, the wholesaler can do it and the retailer can do it. If a consumer after purchasing something from a retailer finds that there is some defect or deficiency in the commodity purchased, then according to the provisions of the Bill he can lodge a complaint with the district forum against that retailer. It may so happen that the retailer is selling that commodity unaware of its adulteration, he is innocent and is in no way responsible for the

adulteration. The adulteration has been done either by the producer or the wholesaler. The retailer may not have the means to prove that he is not guilty himself. He is being punished for the crime committed by some one else. Therefore in most of such cases the possibility of the poor, illiterate retailer being punished for the crime of others, remains. It has been provided in the consumer protection Bill that when a district forum receives some complaint about a defect in some commodity, they will send a sample for analysis to the appropriate laboratory. I do not know how many appropriate laboratories are there in the whole country. Every district does not have such laboratories. Therefore various district forums will have to send their samples for examination and analysis to the appropriate laboratories in the State Capitals. I feel that when in this way samples from different districts accumulate at one centre, it will not be possible for that laboratory to discharge its responsibilities properly. It has also been provided in this Bill that before sending the samples to the appropriate laboratory, the District forums must collect the prescribed fees from the complainant. I think that this provision of collecting fees is depriving the poor consumer of his right to make a complaint itself. If a common poor consumer in a village, after he is cheated while purchasing a commodity, is further asked to pay a fee to lodge a complaint, then I think that the poor consumer is being deprived of his right to complain through this provision in the Bill.

Sir, clauses 4 and 7 of the Bill provides for the setting up of central consumer protection council and State consumer protection council respectively. The Chairman of the Central consumer protection council shall be the minister in charge of food and civil supplies in the Central Government. But the Bill does not specify who will be Chairman of the State Councils. It has only been said that there will be some non-official members and some official members therein. Now what will be the qualifications of the non-official members, who will select them, what will be the method of their selection etc. have not been specified in the Bill. It has also not been mentioned how many non-official

\*The Speech was originally delivered in Bangali.

[Shri Zaina] Abedia]

members will be there and how many official members will be there. I fear that if the number of official members become more and overwhelming then they will dominate and become the do intent factor in these councils. The councils will then run on bureaucratic methods and will fail to serve the real purpose. The interest and rights of the consumers cannot be protected merely by enacting laws. This Bill says that a consumer voluntary movement will have to be built up. Now, no movement can be generated through legislation. If a movement is to be built up, then the level of consciousness of the consumers shall have to be raised. They have to be made conscious of their rights. But the type of education that is required to awaken their consciousness about their rights, cannot be imparted through any legislation. For that purpose the mass-media can be used extensively. The masses can be educated through the radio, television, newspapers, magazines and other literature. I regret to say that so far the mass media has failed to discharge their responsibility in this respect. The Government has also failed to play its proper role in utilising the mass media to educate the public in this respect.

Sir, during the recent floods we saw that the hoarders hoarded all the essential commodities, created an artificial scarcity and thereby the prices of all essential commodities went sky-rocketing in the market. In such a situation which consumer can identify which hoarder? Against whom can be lodge a complaint and how? In such cases the Government should themselves identify the hoarders through their own agencies and take action against them accordingly. Otherwise the consumers will suffer.

Before I conclude, Sir, I will mention one more point. The public sector is very important for the consumers. But as we have often seen, leaving a side the long distance trains, the suburban railway trains mostly run without lights, fans or drinking water facilities and practically no passenger amenities. The telephones in the mufassil areas remain dead hour after hour, and sometimes people get staggeringly inflated ghost telephone bills. The rice and wheat

that is supplied through the ration shops is often unfit for human consumption. Many times while buying packaged food it is seen that on the packet it is written '1 Kg when packed'. But after it is packed, the weight is found to be much less. Who will be held responsible for this? Sir, when you buy a 50 Kg bag of levy cement, you actually get 40 Kg. or 45 Kg. of cement. In these cases the public sector shall have to shoulder the responsibility why has the public sector been kept outside the purview of this Bill? Does the Government want to say that it is only the private traders and producers who are cheating and deceiving the people, the Government shall put a halt to that but the exploitation by the Government and the public sector will continue? Is it the main object of this Bill? That is possible. Therefore, I hope that appropriate steps will be taken to repel the attack made on the consumers by the Government and the public undertakings. With that Sir, I once more extend my support to this Bill and conclude my speech.

[English]

SHRI. SHARAD DIGHE (Bombay North Central): Sir, I rise to welcome wholeheartedly the Consumer Protection Bill which has been brought before the House for consideration.

I must congratulate the Hon. Minister, Mr. H. K. L. Bhagat, so also the Prime Minister and the Government itself on having determined to bring this Bill in this session itself even on the last day and on showing their determination to get it passed, even though the time is very short. When I raised Half-an-Hour Discussion in this House on 11th November this year on this very subject namely, answer to Starred Question No. 9 of 4th November, 1986, I had assumed that the Government would bring an appropriate Bill in this session itself and, at that time, the model Bill was circulated among the public, even though thereafter it was clarified by the Hon. Minister that it was not a model Bill but they were merely notes. I had made several suggestions at that time and I am happy to note that many of those suggestions have been accepted by the Government in this Bill.

61 *Consumer Protection AGRAHAYANA 18, 1903 (SAKA) Amdt.) Bill, Drugs and 62*  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

First of all, I am very happy to see that this Bill covers everything, goods and services and does not exempt anybody.

In the model law that was circulated, the services were exempted and many of these Government undertakings were exempted but it is gratifying to note that Government has come forward now to cover everything to protect the consumers of this country.

It need not be emphasised that the condition of the Indian consumers is very pitiable and, according to the recent survey, the Indian consumer is cheated of about Rs. 1,600 crores a year through defective weights and measures alone. Therefore, it is very necessary to protect the consumers, as early as possible. When we give a slogan of more production, it is necessary, at the same time, to give social and economic justice to various classes of the people, especially the consumers. From this point of view, it is very gratifying that a very good law is being placed before this House.

I had commended at that time that consumers councils which would have been formed namely, Central Consumers Protection Council should not be packed with Ministers and bureaucrats. Now I am happy to see that those provisions have been removed and now in the Central Consumer Protection Council, only one Minister in charge of the Department of Food and Supply has been placed as the Chairman and other official and non-official members are represented in this Council. But I would request the Minister to make it clear that this provision, namely :

“Such number of other official or non-official members representing such interests as may be prescribed.”

he will not pack up bureaucrats in these Councils because there is scope for keeping more and more Government servants. But I am sure looking to the spirit of this Bill, the Government will keep more and more non-official Members who are interested in the consumers' movement itself.

Similarly, my suggestion is that when we have formed the Consumer Disputes Redressal Forums at the district level. State level and national level, the composition of these show that it includes the interests of commerce and trade. My suggestion will be that in these forums also, the representative of consumers should be included along with commerce and trade because they are going to decide the disputes between traders and consumers. Therefore, when we include the representatives of the commerce and trade and education, then we should have representatives of the consumers themselves on these Consumer Disputes Redressal Forums on all these levels. My submission is that a person of eminence in the field of education need not be there at all. Instead of that, a representative of the consumers should be there so that it will be protecting more and more interests of the consumers.

A reference was made by Hon. Member Shri Madhav Reddi regarding laboratory fees. Here also I agree. In clause 13 sub-Clause 1 (d) it has been provided that such fees as may be specified for payment to the appropriate laboratory for carrying out the necessary analysis or test shall be paid by the complainant. Perhaps, it may be due to the fact that the District Forums and other Forums may prescribe very large amount of fees and then it will not be possible for the consumers to take advantage of this laboratory test etc. Therefore, some minimum fees should be provided or Government should provide certain funds and from those funds, this can be subsidised and a nominal fee can be charged to the consumer for getting the test of the goods and defects about which he is complaining.

As far as complaints are concerned, they include not only quality, quantity but price also and these defects can be complained of under this provision. The definition of complaint, under Clause 2 sub-Clause 1 (c), has got, according to me, a little defect. It says : “ ‘complaint’ means any allegation in writing made by a complainant that as a result of any unfair trade practice adopted by any trader, the complainant has suffered loss or damage”. It is envisaged in the whole Act that complaint

[Shri Sharad Dighe]

can be made also by the consumers' organisations and even by the State. So, in this sense the State and the consumers' organisations cannot suffer any loss or damage. Loss or damage must have been suffered by some other consumers and they will be representing that consumer when making this complaint. Therefore, there is a little defect, according to me, and they are to be removed.

Finally, I would also like to suggest that in sub-Clause (j) of the same Clause, the manufacturer has been defined—perhaps the explanation will bring some difficulty as far as complaints are concerned: "Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office". According to my suggestion, this explanation should not be put because the branch office will be exempted and the consumer or the complainant will have to find out the head office wherever it is or the main principal manufacturers and that will create some practical problems.

Lastly, I would like to submit that the pecuniary jurisdiction which is conferred at the District, State and the national levels, should be removed because it is difficult to find out the value of the goods as well as compensation. If it is less or more, you will have to choose according to the different forums and that will give a lot of scope for litigation. Therefore, my submission is that the District should be able to try all cases irrespective of the value and the other forum should be restored with only appellate jurisdiction. That will give more and more protection to the consumers.

With these words, I wholeheartedly support this Bill.

**SHRI THAMPAN THOMAS (Mavelikara):** Sir, I welcome the idea behind the Bill and not the Bill as it is because the

Bill, I feel, is inadequate, insufficient and ill-conceived. The consumer protection movement cannot be contained by a Bill but it has to be contained by the movement. For that purpose, a movement will have to be built up. The first thing required is that there should be an awareness on the part of the consumers about the quality of goods, about the services which have to be rendered and all that. In that respect, when we look at, we see a country where even *kesri dal* which is so harmful to the health of the people is being distributed in Madhya Pradesh where people are having paralytic complaints. Recently I had read that the *kesri dal* of Madhya Pradesh was transported to Tamil Nadu, to Nagercoil, and we heard of paralytic complaints from those areas where the poor people had consumed *kesri dal*. If *kesri dal* which is supposed to have all venom, all poison, can be cultivated and distributed and it is permitted, how will those things be protected by this Bill is not known.

Another thing I will submit is about the Food Corporation of India which is a government agency for the purpose of storing and transporting foodgrains. Recently, in Kerala, some of the godowns were smelling very bad. We checked as to what had happened and it was found that rice worth about Rs. 2 crores was dumped in those godowns. The condition of the rice was such that it could not be even touched by human beings, and those workers who went and started the operation of removing the rice from the godowns fell unconscious and were removed to hospital. If a government agency which is supposed to supply foodgrains to the people can do such things, I do not know what consumer protection will be there with such an innocuous Bill. I have my own doubt about it. I will tell you what had happened with the Rs. 2 crore worth of foodgrains in Kerala. Those foodgrains were subsequently auctioned and given to private traders. Those private traders will mix it with their private stock and again supply to the people who are ignorant about it.

Therefore, I feel that a Bill of this nature is not sufficient for preventing these



things. Now, what is there in the Bill? Its approach is: you form a limited company to oppose adulteration. How far is it possible? I am associated with companies. I see that, if a company is registered and if the accounts are not submitted every year, they will be prosecuted and sent to jail. Will any voluntary body come forward and register themselves under the Companies Act and take upon themselves the burden of submitting the accounts, audited Balance Sheet and all that? It is impossible. It is not workable. If we want to build up consciousness and awareness among the people in this matter, then that has to be done by properly constituted Councils and bodies which work among the masses and which involve all the people. A company cannot do it. There are charitable and endowment societies which are registered, there are trade unions there are women organisations, there are student bodies and various such for a where this consciousness and awareness can be created and where they should be encouraged to bring these matters to the notice of the public and to protect them from such things. Therefore, my submission is that companies will not be able to help in any manner.

Even in respect of the constitution of various bodies, according to this Bill, the members will be coopted by the Government. Take a government where there are five partners in a coalition Ministry; whom will they nominate? They will nominate Dick or Harry whose political interests they want to promote in the village. And they will become finally like RTA Boards. You must have heard the story of the Regional Transport Authorities constituted in various districts for issuing permits. Political parties in power nominate their representatives to the RTA Boards; corruption is rampant there; they have become corrupt bodies. The same thing will happen here also if bodies are constituted with nominated members. The traders and blackmarketeers and those people who want to defraud the society will get into those bodies and see that their purpose is serviced. Therefore, having District Councils with nominations is not good. It will be detrimental to the interests of the people. If there has to be

something, some judicial forum along with people who are involved in it, with women representatives in it, people who know the things and who can assess, will have to be constituted. Therefore, the forums which are going to be constituted now are not going to serve the purpose.

I agree with the other suggestions made by my learned friends. Now I come to the pecuniary limitations given to court; it is a very fundamental point of law where there is a vicarious liability and a tortious liability. It is limited to a particular amount and given to a particular area of operation. So, it is unworkable. There should be a law for administration of justice and the fundamental principles of law will have to be looked into in the proper forum.

I am not going into much of the details. I would like to mention an important point on which some amendments have also been brought in. Only eight laws are brought in here, but even in those eight laws as has been pointed out by one of my friends—there are many defects where the real culprit is escaped and the person who happens to be there by chance is involved. So, my submission is that it will have to be checked.

Another important point which I would like to stress is that there is a consumer cooperative movement. The Hon. Minister is himself in charge of that. If we can support the consumer cooperative movement wherein individual members are involved for the purpose of procurement and distribution of articles for themselves, it would solve many problems. I submit that consumer cooperative society will have to be encouraged and developed as a national movement, by which the malady can, to a large extent, be avoided and proper check can be made on the Government sector and the private sector. The way out is to encourage the consumer cooperative movement.

DR. PHULRENU GUHA (Contai):  
 Sir most of the consumers are women and I am the first woman to speak on this Bill!

**MR. DEPUTY SPEAKER :** The next Speaker is also a woman who is very much ready.

**DR. PHULRENU GUHA :** I welcome the Consumer Protection Bill most heartily. I congratulate the Minister and the Government for bringing this Bill. There are a large number of Acts in our country, but there is no law so far to protect the consumer as a whole. Every human being is a consumer. I must confess that consumer movement is not developed in our country so far. With this Bill, I am sure, a real consumer movement will grow. Without proper consumer movement, this Bill cannot be fully used in the society as it is envisaged. The Government can only bring a Bill, but it is upto the people to use it and utilise it for the society.

In this connection I would like to say that the consumer education is very important. For that I suggest that there should be an educational centre for consumer. Mass media should be used for the consumer education also.

I am very glad that this Bill provides for goods and services. I am extremely glad that the Government has recognised the voluntary consumer associations. It is gratifying that any consumer can complain and action will be taken in a very short time. But, in this connection I would like to say that in Page-7 (d) it is mentioned that the consumer will have to pay whenever they complain. There are many poor consumers who will not be able to pay. So, some arrangements are to be made. I leave it to the Government at the moment and they should think over it and do something.

I strongly suggest that there should be an equal number of women in the Council. Not only in the Council, but also in all the districts and states. I also strongly suggest that the number of officials should be as limited as possible; otherwise it will be a place for the officials only. It is also said that whenever there is a complaint on any goods produced by the big traders, it will be looked into. I am afraid, the big traders have enough money and they will utilise their unearned money and will, at the end, prove

that their production is not disqualified. So, I should request the Minister to take great care of this aspect.

On page 6 under 13 (a) it is said within the time given by the District Forum. I would suggest when the rules are framed please specify the time. Do not leave it to the District Forum because they may take very very long time as we usually see. Again I draw your attention to page 7 about the time-limit. Specifying the time-limit should not be left to them. The rules should be framed and the time-limit should be specified.

There are two more points. One is that it is said when a complaint is made the complaint is to be made to the place where the company is situated. It is humanely impossible. A company is in Bombay and a person is complaining in a district of West Bengal. How is it possible unless he or she is a rich person.

My second point is that on page 11 you have said "which is extended to three years or with fine". The word 'or' should be deleted because whenever there is a question of fine the traders will be able to give money as money is no consideration for them.

In conclusion I would like to suggest that the Bill should be passed no doubt today but in course of its working when we find that some amendment is needed then I would request the Minister that he may come to the House with the required amendment. With these words I whole-heartedly support the Bill.

**SHRIMATI GEETA MUKHERJEE (Panskura) :** Sir, although I do not agree to the bombastic claims made by the Minister that it is a historic event in the socio-economic situation yet I have general sympathy towards the objective.

I am afraid that this Bill has been somewhat hastily drafted. There are no answers to many questions which may arise in the mind of the people who go through this Bill. Some such examples have already been given but I would like to mention in my own way

one or two. Take the question of District Forum. What will the District Forum do after the complaint has been made? I find that a part of it is factually related to adulteration because it is quality, then price and service. In the quality of goods take the question of drugs. Often we buy drugs from the retail market. One consumer may be educated enough to pay the fee for the laboratory and then it is proved that the particular drug is adulterated. If it is proved then the consumer will be compensated. I would like to understand firstly who will be giving this compensation? There are various agencies in this deal—the manufacturer, the wholeseller and the retailer. It is not specified here who will be asked to pay the price, who will be asked to replace and who will actually be asked to compensate. Then the question will naturally be that it will be the person at the last point; that is, the selling point. If they are multi-national corporations of drugs or large national monopoly concerns, who may themselves have adulterated, we shall not be able to hook them. So, these things are not at all brought out clearly here without which, even if something is proved, complications will arise.

Then, another question comes to my mind in this regard. Suppose I am a consumer, I have gone in for some complaint and it has been proved that I was given adulterated food and I am compensated. For argument's sake, let us take this. I would like to know what happens to the whole adulterated goods in the store out of which a particular consumer might have bought some goods and then got compensated. I do not see any such thing has been mentioned in this Bill or contemplated as to who will take that action. Surely if a consumers movement is built up, it cannot be that millions of consumers will really act individually. Even if a particular society acts, one does not know how they can be compensated because each one of them did not buy; only one of them might have bought. Therefore, what would be the impact on the stockists, manufacturers with regard to their sale to millions of other consumers, which would be a similar kind of malafide. These questions are not at all tabled here.

I belong to one of the women's organisations which go in for this movement pretty often. Of course, the question raised is with regard to the registration under the Companies Act. That seems to be really a very funny proposition. Do you expect my organisation to be registered under the Companies Act to do this? Only under the Registration of Societies Act we can do. Naturally it has not been properly studied. What I would particularly like to raise in this connection is that consumers movement has to be encouraged. Side by side, the responsibility for taking normal administrative action against the black marketeers profiteers and against those who go in for adulteration cannot be given only to these bodies. It seems to me that with the best of intentions in this Bill, this might become a cosmetic exercise unless the principal functions of the administrative system are not carried out. I think that these two are very much complementary and in the name of the consumer protection, etc, the principal function and the principal responsibility of the administrative machinery to move against these people must not be put into the background.

Lastly, I do not believe that all such small bills here and there can make any substantial change in today's situation where the entire market is thrown open to the capitalist system and its own laws breed corruption, which brings black-marketing and exploits the people to the maximum. Therefore, the principal thing must not be forgotten that it is the ruling party which is wedded to capitalism and that is at the root of the consumer's trouble.

[ Translation ]

SHRI HARISH RAWAT (Almora) :  
 Mr. Deputy Speaker, Sir, we had been waiting for such a step from the Government since long and on behalf of crores of consumers of the country, I would like to thank Hon. Shri Bhagat and the Government of India. While introducing this Bill Shri Bhagat said that this Bill was not against anyone. I would like to bring this point to his notice that whereas this Bill is in the interest of crores of the people, it is also directed against

[Shri Harish Rawat]

the interest of a class, which we may call the exploiters or hoarders or adulterators. It is certainly against them. Till now, it was difficult to prosecute them, but now through this Bill a movement will start in the country and it will be easier to punish them. Therefore, I wish to thank Hon. Shri Bhagat for bringing this Bill and also for identifying the root causes as well as the shortcomings.

Mr. Deputy Speaker, Sir, we often used to talk in the House and outside the House about building up a consumer movement, but due to lack of actual protection from the Government's side, we were not able to do so. Now, this Bill will provide protection to the consumers and the people working for the rights of the consumers. There might be some technical lacunae in this Bill, but we cannot know them so soon and moreover it is on an experimental basis. When this is implemented, then we will monitor it and the lacunae found in the Bill will be removed by the Government.

Mr. Deputy Speaker, Sir, Hon. Shri Bhagat has mentioned a point in the Statement of Objects and Reasons of this Bill. I want to invite his attention towards that point. He says that we are educating the consumers through this Bill. This is most important. The important point is not of making a council only, but to educate the people. But it has not been clarified in clear terms as to what will be the process of educating people, what mechanism will be adopted for that. How will they be educated apart from setting up a Council and a Forum; how will we make use of our publicity media, and what sort of help and how much grant will be given to the various organisations working in this field. The Bill does not say anything in this regard. Therefore, I request the Hon. Minister that while answering the points raised by us, he should also explain to us as to how this Bill will help in educating the people. Merely saying "to educating people" will not do. He must make clarifications regarding the measures to be adopted and the grant to be given, etc.

Sir, there is provisions for a Council and a Forum in this Bill. Actually, creation of a

body at the Central, State or district level is not going to serve the purpose. We will have to create a chain of such bodies and for this purpose we will have to identify those people who are already working in the field of consumer movement. Until we identify such persons who are successfully working against the hoarders and profiteers and give them responsibility, to my mind, a forum at a district level cannot fulfil our aspirations. But this will also be working like other Government bodies.

Sir, I also want to say that the Forum at the district level should be more broad-based. It is good that you have also included women social workers and other persons from the field of commerce, trade and education. Mostly, the ladies are more adversely affected by the malpractices in this trade. But you have completely left out the persons working in the field of the consumer movement. They should also have been included. It should also have been mentioned in it that a prominent person working in the field of consumer movement in a district will be included in the Council and as a matter of fact more such persons should be included in such Forums at district level. I will insist that even at the State level also, such persons should be included in such a Forum. It should be ensured that the chairman is not a Government servant only, because our Hon. Minister is also a representative of the Government.

If you include such a person who is a committed worker and who wishes to work, then your intention behind presenting this Bill is fulfilled. While moving this Bill you said that taking into consideration the wishes of the Hon. Prime Minister you had brought this Bill in a haste.

**SHRI H. K. L. BHAGAT :** I did not say, "in haste".

**SHRI HARISH RAWAT :** You did not say "in haste," but you said "promptly". I committed a fault while giving the equivalent of the word "promptly" in Urdu. Your intention of bringing this Bill will be fulfilled only when you include the committed persons and the persons already working in this field in such Councils.

73 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and 74*  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

You have made a provision in this Bill and I am not against it, but you should see to it that all these Councils do not work merely like a court set up under this Bill.

Our colleague Hon. Member Shrimati Geeta Mukherjee has correctly said and I would also like to say that all the adulterated and sub-standard foodstuffs are generally manufactured by the big manufacturers. These manufacturers may be in Pali and Shri Daga may be knowing them very well. Then how action will be taken against them if any consumer files any complaint against them in a district Forum? This Bill does not say anything in this regard.

I also want to say about the Drugs and Cosmetics Bill, Sarojji is not present here. I thought that as 7 to 8 Bills were being discussed together and so a large number of Ministers would be present in the House. But it seems that everybody has thrown his burden on Shri Bhagat. This amendment has been brought in order to fulfil the aim of the Bill presented by the Hon. Shri Bhagat. But the aim of this Bill cannot be fulfilled till an amendment is made in the Drugs and Cosmetic Bill itself.

At present, such alcoholic items are being sold in the market in the name of drugs, like Sura, etc. which are damaging the health of the people, but under the Drugs and Cosmetics Act, these items are called drugs.

Unless an amendment is made in the Act in order to quantify the alcohol, I do not think that it will serve any purpose in this regard. I conclude by congratulating the Hon. Minister and hope that the Bill will fulfil the aspirations of crores of consumers.

[English]

SHRIMATI GEETA MUKHERJEE : Mr. Deputy Speaker Sir, as consumers of the Parliamentary services, may we ask the Hon. Parliamentary Affairs Minister as to why we have been deprived of our lunch hour? Even our consent was not asked. Where do we go for complaining?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS ( SHRIMATI SHEILA DIKSHIT ) : Just when Madam Mukherjee got up to speak, I was just going to request the Deputy Speaker to dispense with the lunch hour. I propose that we may sit through the lunch hour and dispense with the lunch hour.

SHRI NARAYAN CHOUBEY : The announcement should have been made much earlier. She is making it at 1. 10 PM.

MR. DEPUTY SPEAKER : She did not want to disturb the member who is speaking.

SHRIMATI SHEILA DIKSHIT : I only observed the common courtesy of not interrupting the member.

SHRI SOMNATH RATH ( Aska ) : Mr. Deputy Speaker, Sir, I rise to support the Bill. Sir, in the 18th point of the 20 Point Programme it is mentioned that consumer protection is to be given the top-most importance in the public distribution system. In our country, we have got at least 12 central laws and many States have different laws to protect the interests of the consumers, but we have not yet achieved the desired end. It is not by enacting laws that our desired end can be achieved, but it must be by mass movement and the awareness among the people which is to be created. Most probably that is the very reason why in this Bill, in the Statement of Objects and Reasons, it has been stated that "Council will create an atmosphere of right to consumer's education." And also, it has been stated that "the right to be protected against marketing of goods which are hazardous to life and property." So in order to make it a mass movement, the Consumer Councils and other authorities should be given wide powers to create awareness. We have got Consumers Advisory Committee in different States. The Council should be given more teeth to bite. The voluntary organisations should be encouraged. The Council and other authorities must analyse where costing is defective profit exorbitant and the product is defective. These powers must be specifically given to the Councils and

[Shri Somnath Rath]

other authorities and in addition, they should also be given the powers to supervise the procurement, storage and distribution of consumers commodities.

Mr. Thomas, the Hon. Member has said that the Consumers Co-operative Society should be encouraged and in fact the Government has encouraged cooperative movement. They have not only encouraged the Consumers Co-operative Societies, but have also given crores of rupees by way of subsidies, besides soft loans. But Sir, it is unfortunate that the co-operative system in distribution sector is also limping. As far as this area is concerned, though the policy of the Government is to have the distribution through these cooperative societies, yet the cooperative societies have not risen to that height and the middlemen takes undue advantages. Say for example, edible oil or sugar. It never reaches the consumers in some of the rural areas and in tribal belts, and blackmarketing is going on, leave apart the controlled cloth. Government has also given subsidy for distribution of foodgrains in rural and tribal areas. So, it is not that there is no sincere effort made on the part of the Government, but what is required is sincere implementation of the same.

In our country, there is no credit system for the consumers provided. I would suggest that the Hon. Minister will think about providing credit systems for the consumers, so that the consumers can take benefit out of it.

Sir, what I want to say is that, there must be sincere implementation of the provision of this Bill. And I hope the deficiency which now now exists in protecting consumers interest can be reduced to a great extent the authorities should also be given the powers to inspect and control the distribution of the essential commodities and take necessary action for the benefit of the consumers mostly to assist the poor adivasis, harijans.

I thank you very much.

[Translation]

**SHRI ZAINUL BASHER-(Ghazipur):**  
 Mr. Deputy Speaker, Sir, I support the

Consumer Protection Bill and other seven Amending Bills presented with it. This Bill is a dynamic step towards giving a new direction to the consumer movement in the country. I wish to congratulate and praise the Hon. Prime Minister and Hon. Minister for Food and Civil Supply, Shri H. K. L. Bhagat, for presenting this Bill. Actually, this point of providing protection to the consumers organisations was being raised in the House as well as outside the House for quite a long time, but this time Shri Bhagat took a drastic step. Had he not taken this step this time, the demand for supporting consumer movement would have remained unfulfilled. I can well imagine the pressures and difficulties which might have been faced by the Hon. Minister before bringing this Bill, because vested interests have been in operation for quite a long time in the country so that such type of Bills are not brought, but Shri Bhagat avoided those vested interests and took a bold step by bringing this Bill. For that he deserves congratulations not only from us and the House, but also from whole of the country.

There is no doubt, as I have already said, that it will provide a boost to the consumers' movement. This is an effective step in giving protection to this movement, but nothing has been said in this Bill about how this Bill will help in strengthening the consumers' organisations and probably it can't be said. For this purpose, an atmosphere will have to be created in this country and consumers' organisations will have to be formed and only social workers and social organisations can do this job. Today, in our country the consumers' organisations are limited only to some big cities like Calcutta, Bombay, Delhi and Bangalore and some other big cities. They are doing a good job in this direction, but the majority of the people live in the rural areas and small towns and there are no consumers' organisations in these areas. We can derive the benefits from this Bill through the consumers' organisations. Then how can these organisations be formed especially in the villages where majority of the consumers are living and are being cheated the most, where mostly sub-standard items are sold,

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*Bill, Standards of Weights and Measures Cosmetics (Amdt.) Bill, Prevention of*  
*(Amdt.) Bill, Standards of Weights food Adulteration (Amdt.) Bill, MRTP*  
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*Bill, Essential Commodities (2nd (Grading and Marking) Amdt. Bill.*

Therefore, these innocent people cannot be provided the protection without the consumers' organisations. I think the Government itself will have to chalk out the outlines for the formation of consumer organisations and encourage this movement. Unless the Government prepares the outline, it will perhaps be very difficult to form consumer organisations in the villages, towns and small cities. The purpose of this Bill cannot be served until the consumer organisations are formed in the countryside.

Sir, I want to draw the attention of the Hon. Minister to one more point. The system of distribution of articles of daily necessity differs from place to place in the country. At some places the system of public distribution is very good e.g. in Kerala, where public distribution system is functioning very efficiently. But in other parts of the country the public distribution system is not very effective. If the public distribution system is streamlined, then the consumers can get many good quality articles of daily use at fair prices. A demand has been made for a long time to prepare a model Bill to improve the public distribution system. Previously, we had heard of some activities in this regard, but for the last many days the Government has not paid attention to this issue. The implementation of a model Bill on the public distribution system in the entire country can provide great relief to the people and specially to the consumers living in the rural areas.

I will utilise this occasion to request the Hon. Minister that like his other courageous steps, he should take one more step to prepare a model Bill for a uniform and improved public distribution system in the entire country. With these words, I strongly support this Bill. I hope the purpose of this Bill will be achieved and we shall be successful in achieving good results.

[English]

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF  
FOOD AND CIVIL SUPPLIES (SHRI

H. K. L. BHAGAT) : Mr. Deputy Speaker, I must, at the very outset, express my warm appreciation and thanks to the entire House, all sections of the House, for supporting this Bill.

In fact, this was the demand of the entire nation and entire country, all sections, all parties; this demand, cutting across all party lines always and the spirit with which this has been supported, I feel very much grateful to the Hon. Members; I am thankful to them for the caution and advice that, in their wisdom, they have chosen to give me rightly in regard to implementation, in regard to some of the loopholes that might be there in the Bill; and I assure them that I am taking them with the spirit with which they have done it.

Coming to specific things, the Hon. Member Shri Madhav Reddi, was right when he said that the seminar took place in January and it has taken almost one year to bring this Bill; certainly it has taken one year; and what I would only like to say is this—to crave your indulgence—that, what existed a complex matter like this, always need very careful consideration. I must say, at the outset, that no legislation is generally, ever perfect, particularly a legislation relating to socio and economic matters with the vast complexity of our Indian life, the conditions in which we bring things in which they have developed, any one to claim that to any legislation particularly a legislation like this will be perfect and it will be a magic wand which will turn the entire world, which will provide the satisfaction to the consumers, I am not claiming, I cannot claim and I will not claim. But I would only say this that this one year labour was done by many concerned. It includes the bureaucracy, it includes the efforts put in by several organisations, newspaper writers, and many other things which we took into consideration, we studied the bills elsewhere, various suggestions came to us from all quarters, the labour that we did for one year I would crave his indulgence if you permit to state, with utmost humility that this one year has been used to produce a comparatively better healthy child. I call it a child in a sense what was healthy, I

[Shri H. K. L. Bhagat]

call it healthier as compared to what was said to be a bill at that time, it was described as a bill, as a model bill at that time. In fact, there were certain thoughts which emerged out of that Seminar. There cannot be a Bill as such unless it comes to the House. But it was described as a model bill and every one was considering that bill and saying that the bill is toothless the bill is this and that. That was the thinking of the Seminar at that time. Since then things have been considered, The public reactions have been considered and after this Bill which has come, has been a considerable improvement, during the one year. That is the only point which I would like to submit.

Now, a number of very important points were made by all the Hon. Members and I shall refer to some of them. Some of them have referred to common points, some of them have referred to certain other points.

Honourable, Shri Madhav Reddi has said that the consumers' organisations should be encouraged, and I entirely agree with the Hon. Member that no law, law can ever be a satisfaction and howsoever well-intentioned administration of that law might be a satisfactory solution to the problem of the people. It has to be picked up by the people, and organised disciplined responsible consumer movement at the grassroot level, if not existing today, a time may come, I do not now whether I will be there or not. May be it comes in my lifetime, it may not come in my lifetime. But I am sure we can have full confidence in the capacity of the consumers of India, may be illiterate people in the villages that in due course of time they will be able to develop a healthy consumer movement from villages on to the State headquarters and to the national level. I have no doubt about it. They have always done it. And I might say with respect that the Government should encourage that the consumer movement should neither be a Government sponsored movement, nor should it be a Government

controlled movement, nor should it be a political movement and it should be a movement by the citizens, growing from ground below, from among the citizens, where citizens of all walks of life, men and women participate. I should say, more women. Because they know the pinch in the kitchen and the purchases they make. For example, my wife almost admonishes me a number of times because she knows the market conditions more than. Similarly, I believe women are considerate, conscious, of the conditions. Therefore, we have councils, and we have said that all the forums, consumer forums, at least one woman will be there. And it is not that only one woman will be there There will be women, similarly in the councils also women should be there and when I say women I do not mean those in the elitist sense but those who can look after the interests. They should have stood by resolutions, and resolve to protect the interests of the people.

One question has been raised whether the consumer organisation should be financed or not. A number of consumer organisations have represented that they should be financed. I am not yet sure whether by financing the consumer organisations by the Government you can encourage or you can develop a consumer movement. I agree that this legislation itself does not mean development of the consumer movement. But the very mention of the fact that a consumer legislation is coming, it has encouraged formation of a number of voluntary small organisations. I have received some letters indicating that they have formed this organisation. As far as the question of financing them is concerned, to my mind, it will not be a sound principle that any voluntary organisation should depend on Government financing for development. The people have the capacity. Those who are dedicated have done it. I am not ruling financing out. The matter requires examination and consideration.

Shri Madhav Reddi raised another point that the people may not be able to quantify the amount of compensation. I must make it clear that no formal procedure for a complaint, no form, no fee has been



provided. Even writing a post card to the grievances redressal forum will be enough. Now, what is the loss suffered ?

If the man cannot quantify the loss suffered, he can say that he has suffered the loss but he cannot quantify it, it is open to the grievances redressal forum to quantify the loss and give compensation. The idea is simple, the procedure is simple. The principle of natural justice has been observed in this Bill so that later on complications may not arise. In fact, this is an additional simple remedy to provide adequate timely relief.

SHRI C. MADHAV REDDI : I said it in connection with the jurisdiction of the district level or state level forums.

SHRI H. K. L. BHAGAT : I wanted to come to this point later on because many other Hon. Members like Shrimati Geeta Mukherjee, Dr. Phulrenu Guha, Shri Sharad Dighe also mentioned this point. About jurisdiction, I might clarify for the information of Hon. Members that the complaint can be filed where the cause of action has arisen or partly arisen. That means, a person can file the complaint in a district where he resides. It is not necessary for him to go to any other district.

The other point is : why have I quantified it ? We have said, upto Rs. 1 lakh for one forum, ten lakhs for a bigger forum and like that. It depends upon the nature of complaints. There may be complaints of various types and categories. Some complaints may be of individual nature. Some complaints may concern a number of concerns. Some complaints may be of national stature in the sense that its effect may be there. Somewhere you have to draw the line of demarcation in giving compensation. And we thought that putting the amount of compensation would be the right thing. But this is not the last thing. As I said, this remedy is an additional remedy. I would not claim that this remedy itself will be able to remove all the ills. All those remedies will remain there. What we provide is that the food adulterator will have to suffer under the Prevention of Food Adulteration Act also. That

takes a longer process. Meanwhile, the tribunal can give some relief to consumers.

Another question was raised by Shri Madhav Reddi as to why we have brought a bunch of legislations together. Well, we could have put in this way that this will apply to all the laws mentioned. But then it becomes difficult. I am not very sure legally. I am not a legal expert. Supposing, the court is having Prevention of Food Adulteration Act before it and this is not mentioned specifically, then it will create problems. For the sake of convenience it requires that in every law necessary amendment should be made.

Competitive market is necessary in this country. Unless competitive market is there, difficulties may arise. Certainly we need a competitive market. Competitive market is growing but it is not what it should be. The idea is that it should be a competitive market and a market with quality. My own feeling is that this kind of a legislation will encourage some competition in quality also because for those who have bad quality apart from other laws, the MRTP Act will apply to monopoly houses for unfair trade practices, and other things will come here as mentioned in this legislation. But what I am respectfully submitting is that we are keen for developing a competitive market. In fact, there is no limit to competitive market. One cannot say that a competitive market is developed. Competitive market means competition goes on increasing for ever. We want to see that day when competitive market goes on further and further developing.

I think a very correct and sound advice was given by Hon. Madhav Reddi regarding public sector undertakings that they will have to be careful and cautious. As the Bill stands now, as it is before you, until the Government exempts anything, it is applicable to all and I see really no reason why the public sector undertakings should not give quality. I know their difficulties. I know their problems. On the other hand, one expects from public sector undertakings that they should be more anxious about giving quality to the people.

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One important question has been raised that who pays for the sample with regard to the adulteration. As the law stands now, it is true that the man who sends the sample will have to pay for it. That is true. Whether that payment should not be made, I just now talked to the Minister of State. I shall request them to examine this matter. The law at present is that the man who makes the complaint, pays for the sample and if it is found to be correct, the money is refunded to him. That is the law under the prevention of Food Adulteration Act. But here, if his case is found to be correct and the redressal grievance forum has to give some compensation to him, well, the Tribunal can, while granting compensation, take that into account. All the same, this suggestion I shall commend for examination and consideration, to the Health Ministry.

Another point was made that there cannot be any registered societies under the Companies Act and that the Companies Act remains only for commercial purposes. No. Under the Companies Act, a society can be registered, and under the Companies Act we have so many charitable societies even today, we have so many trusts, we have so many research organisations, we have so many welfare organisations. We want that such organisations should grow. There are organisations, public companies in America and other countries. They do research. They do education of consumers. They file complaints. They do many things. We are keen that if people cannot do it under a registered society they should do it under some other law and under the Companies Act these societies can be registered.

Now I am coming to the point made by Hon. senior Member Prof. Ranga. Prof. Ranga said that *kisane* representative and the representatives of the trade union organisations and others should be given a place in the Councils and other forums wherever possible. I assure him that the law, as it is being brought before you, certainly gives scope for the same and the Government would certainly like that representatives of consumers, trade unions farmers should all

have opportunity to have their say to the extent possible, and the Government has that in mind, whether it is one organisation or the other.

With regard to agricultural commodities, it is true that there are complaints that the farmers are exploited by way of some adulterated fertilisers and other things or by way of sub-standard agricultural goods and so on and so forth. It is true. But at present, the standards of fertilisers, etc. are fixed. That is controlled by the Ministry of Agriculture under another legislation. That will stay. But this forum gives an opportunity to the farmer. If he gets an adulterated fertiliser, he can go to the redressal forum. A much quicker remedy will be available to the farmer of India to take advantage by this. I must say that some of the consumers organisations have done very good work. Some were named by Shri Madhav Reddi and some others. Some of them are already members of the Consumers Council and we will certainly like to appreciate their work, those who have done good work and who want to come forward.

The real question is implementation. Prof. Ranga said, the question is how to implement it, what to implement, in what time, in what manner.

Another point was raised by Shri Thampan Thomas, another Member from Bengal and others. They said that it should not become a bureaucratic machinery. The Council and the forum should not be merely bureaucratized. I give you an assurance. Bureaucracy you just cannot wish away. Bureaucracy is an important forum in the Constitution and in other spheres. I believe, whatever progress we have made nobody can say that Bureaucracy has no hand in it. We have made tremendous progress in the country and bureaucracy has made its contribution. I can assure you categorically that we have no intention whatsoever to make these organisations or forums a bureaucracy dominated or run by them. No. Bureaucracy will be there to the minimal and not in larger numbers. My own experience of present various advisory committees is that even the non-official Members who come there, some-

time I find, do not give their opinion frankly and they look to their officer. They do not want to annoy them because they have to deal with them tomorrow. Therefore, our intention is clear on this.

In regard to the amendment, I cannot say at the moment, though perhaps later on I will give my reaction. As I said in this Bill, the spirit with which you have supported, wherever we find amendment is necessary, you will not find us shirking for the purpose.

I think the Hon. Member from Bengal Shri Zainal Abedin said that the declared objectives were good. About the fertilisers he made a point. He said that adulteration is done at various levels. Who will be responsible for it? If you have seen it, in the law itself we have made a provision that it is the man who sells it is the manufacturer and others who can also be responsible for it. This is a question of vicarious liability. Shri Sharad Dighe raised this point that when you are doing away with branches, you are taking it too forward. Though maybe, it may create some problem. It has to be legally proved. I am nobody. Unless the man proves, the principle of vicarious liability is accepted in many legislations and there is nothing new in that and our intention is whoever is responsible, whether it is manufacturer or in-between a distributor or a retailer, well, they should suffer for something which is bad and actually we would like to get at the source of it and if we find any difficulty, as Shri Sharad Dighe said, we will have a fresh look at that.

One of the Hon. Members said about the punishment. I would say this that this is more of a compensatory nature rather than a punitive legislation or the like. But in this also if the man does not give compensation, supposing a man is asked to replace an article, pay Rs. 10,000 as compensation, he does not go to jail immediately. Otherwise the main objective of this is to provide prompt, speedy and adequate timely compensation.

One point was said—why not give strong punishment to the hoarder and all these things. There is a law in which you have

given the power. The power lies with the State Government where the hoarder, black marketeer and such people get detained. I have written to the State Government. I will suggest to all the State Governments that in suitable cases they should go with a long handle, apart from prosecuting them where there are fit cases of detention, they should detain them.

My friend Shri Thampan Thomas said that the co-operative movement should be encouraged. Co-operative societies should be encouraged I agree with him. This is the Government policy. We stick to that policy. We would continue to encourage them. But what I would tell him and others is that the co-operative societies and organisations have to protect themselves from their own people also. I need hardly say that in some cases, I am not passing any judgment, there have been scandals of unparalleled magnitude. In the name of cooperative movement we will never permit swindling and I hope you will agree with me.

Now, Hon. Member, Shri Zainul Bashar, said that what is really required is a movement. I entirely agree with him—I am again saying, very disciplined, recognised, responsible consumer movement will be necessary. If the consumers make it a point to make an absolutely vexatious, frivolous complaint, no provision is there to dismiss such a complaint. The system will not work. Everybody has to understand his rights, not only rights but responsibilities. We have so many things manufactured in this country and in this small sector, in the cottage sector, in the public sector and in the private sector the number of articles runs into thousands and perhaps more than thousands, may be into lakhs. Now you cannot fix the Government standard for each article, it is impossible. We are trying to tighten up the ISI also. You passed the Bill the other day, but ISI with all its capacity cannot do that. Therefore, in this Bill it is said that it is the standard fixed by the Government or a standard which is declared by the person concerned himself saying, 'it is my standard, if you deviate from that standard, well you tend to suffer.' But as I say this is a very important beginning and

[Shri H. K. L. Bhagat]

it will work only for all of us, I mean the people of India, the consumers of India, the trade and industry, I will say. Well, my friend, Mr. Harish Rawat asked as to why I have said that this Bill is against none. I do believe, this is against none. This is in the interest of the trade and industry itself. It will help them in improving their quality and if they improve their credibility, I am sure that they will be able to earn much more than others. Therefore, while there are traders and manufacturers in one part, there are consumers in many parts.

Now, one question was raised about the public distribution system by Hon. Member, Shri Zainul Basher, and he said that we should bring some kind of a model law regarding the public distribution system. I am not sure what kind of a model law we can bring for public distribution system. There are laws already and there are certain guidelines and norms already. What is really needed is their proper implementation. Under the Essential Commodities Act, I need hardly give those figures, action was taken against a large number of people, very large, but much more extensive action is required to be taken. It is true, he is not wrong, he is correct that distribution system not in one State but in several States is good, in some States it is not as satisfactory. We have taken up this matter with the State Governments concerned and I and my colleague, Mr. Ghulam Nabi Azad were discussing this morning itself that we shall go to the States and have discussions with the State Governments and see that they do their best to improve the system to carry the goods to the people as best as possible. Now, it was mentioned by the Hon. Member from Kerala as an example, about the Food Corporation of India. I would tell him that the Food Corporation of India, as the law is, will not be exempted from it. Firstly, even today the Food Corporation of India is not exempted from the provisions of the Prevention of Food Adulteration Act. Certainly, they have their standards of food articles as also fixed under the Prevention of Food Adulteration Act. The Food Corporation is no exempt.

He gave an example. I do not know about the Kerala case—where Rs. 2 crores were involved—whether it has happened or not. I will certainly look into that and if that has happened in the way he has mentioned, I will certainly not hesitate to take action. But I might tell him, if a worker is allowed to go into a godown and he suffers because of rotten smell, he is within his right to proceed against the Food Corporation of India for taking the compensation. Why should he not? Therefore, I am saying that the intention of the Government is not to give any extra protection. I am a Food Minister, all right. But I have to look after the consumer affairs and I think, it will help the Food Corporation of India. I do not believe that all that Food Corporation supplies is bad. Largely what it supplies is according to the standards. It has a large number of quality tests and laboratories and so on. But I do not want even any one single solitary case that sub-standard food articles should be provided.

I would say, on the whole question of consumers protection, we have a multiplicity of legislations. It is the proper implementation of those legislations and monitoring thereof also which is needed. Coordination is needed. Coordination, a sort of monitoring, sitting together is needed. A number of Ministries deal with that. There is no coordination committee as yet. Personally, I am for a coordination committee which should monitor all the various laws so that they can be monitored properly and see what and where are we lacking. But the best results will come only by involving the people, by making the people participate.

With regard to the distribution system and fair price shops, we have suggested that the best way to improve things is always to involve the people at down level. We have suggested in every fair price shop, a committee of 5 including women should be appointed to supervise and they should be given some authority. We have suggested it already to the State Government. In some cases, they have set up some zonal machinery, some district machinery. Somewhere, the State Governments have done something. But if you want to improve the

distribution system further, No. 1, the Centre has to improve its own thing. The State Governments have to have the machinery. Some of them have; some of them do not. They should have machinery to carry, to take the responsibility from the moment the goods are handed over to them for distribution to the fair price shops and it will be good, if they can take all the good things together and give to the fair price shops. I agree that the public distribution system certainly needs an improvement. I said, the other day, the public distribution system is doing one of the greatest and unique services in India which perhaps we find a rare example in any other country. It is because, on the one hand, it helps the farmers also. Well, I am sure that today we purchase wheat at a certain price. I am sure the Government were not to purchase wheat at that price. The quantity of wheat we have grown in this country, we have surplus today. Private traders will never purchase it at that price.

Even giving some margin for cutting down, marginal reduction is possible. We are doing an exercise also to see to reduce the cost by FCI. A very serious exercise is going on so that we can reduce the cost wherever we can. Even giving that margin, it goes without saying that public distribution system is helping the consumers and it is not for nothing. It is unique in this country that this Government is giving a subsidy of almost about Rs. 2,000 crores per year which help the farmers, which help the people who get ration from the fair price shops. Some of the State Governments in their respective States have also improved on them. Therefore, I would say that we are conscious about the public distribution system.

In all modesty, I would like to submit that this Bill will provide some relief to the people and also help to an extent in encouragement of the consumer protection.

I once again thank Hon. Members, everybody, for the unanimous support that they have given to this Bill.

MR. DEPUTY SPEAKER : In view of the exhaustive reply given by Mr. Bhagat, I don't think that the other Ministers would like to say anything further. Amendments moved by Shri Mool Chand Daga and Shri Ram Bahadur Singh.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, I want to say one thing that the Hon. Minister made a very good speech and I welcome it. A conference of Speakers took place in Delhi on the 25th instant and it was declared therein...

[English]

I am speaking on my Amendment.

MR. DEPUTY SPEAKER : You need not necessarily speak on your Amendment. Are you pressing or withdrawing your Amendment ?

SHRI MOOL CHAND DAGA : I am speaking on it.

MR. DEPUTY SPEAKER : Do you want to withdraw it or put it to vote ?

SHRI MOOL CHAND DAGA : I want just to speak further.

MR. DEPUTY SPEAKER : I will allow you to say something at the third reading stage.

SHRI MOOL CHAND DAGA : Kindly allow me.

MR. DEPUTY SPEAKER : If you want to say anything, I will allow you at the time of third reading.

SHRI MOOL CHAND DAGA : Why not at this stage ? I have moved my Amendment. I have got some points. After all, when you say it is quite a good Bill, I want to raise some points. It is for the Hon. Minister to answer. What is the harm ? Why do you do it in a hurry ? Why do you rush through the Bill ?

MR. DEPUTY SPEAKER : I am not rushing through the Bill.

SHRI MOOL CHAND DAGA : I have not understood. I want to say something.

MR. DEPUTY SPEAKER : The Minister is on his legs. You listen to him.

SHRI H. K. L. BHAGAT : I am not stopping him. The Hon. Member has a right to speak at the time of consideration. Now the Bill has been moved for consideration. If he has some amendments and if he wishes to speak on some amendments, he is free to do that. He had one amendment for referring the Bill to the Select Committee. He has moved one amendment. If he wanted to move it, he could have moved that amendment.

MR. DEPUTY SPEAKER : He has already moved it.

SHRI H. K. L. BHAGAT : If he wants to say something on that particular amendment, let him say that.

It is for him to decide. But the wish of the whole House is that this Bill, in spite of some deficiency, should be passed today and it will be delaying it by referring it to Select Committee. I would request him to withdraw his amendment. It is up to him.

SHRI C. MADHAV REDDI : The correct procedure is that on an amendment of this type, the Hon. Member must speak before the Minister replies. That is over. Once reply is given, there is no question of speaking.

SHRI MOOL CHAND DAGA : This is not the way of dealing with my amendment. When I have moved my amendment, let me speak. I do not take too much time. (Interruptions) The Hon. Minister has given reply within one hour. Now I want to point out certain points. The Hon. Minister will answer. If the Hon. Minister convinces me, it is all right. I do not mind. This is not the way of going through the Bill.

SHRI H. K. L. BHAGAT : I am sorry for the procedure. I have high regard for Mr. Daga. But he has no right to reply.

MR. DEPUTY SPEAKER : He is not replying. (Interruptions)

SHRI H. K. L. BHAGAT : It is totally wrong.

SHRI SATYAGOPAL MISRA : When Clause by Clause consideration is taken up, then, he can speak.

MR. DEPUTY SPEAKER : That is what I told him.

(Interruptions)

SHRI MOOL CHAND DAGA : I have a right to say a few words. Can you not allow me ?

MR. DEPUTY SPEAKER : You say. Don't take too much time.

SHRI MOOL CHAND DAGA :  
"The speakers also agreed that there should be a separate ministry to implement the consumer laws as the ministry of civil supplies was also in charge of procurement and distribution of goods to fair price shops making it unsuitable to be the implementing body as well."

[Translation]

This was declared in that Conference of Speakers. Now this Bill has been drafted and all of us have gone through it, but it is nowhere mentioned in the Bill that if someone has some doubts about the results of analysis of goods by one laboratory, then he can approach another laboratory. When the goods of a person are seized under the Food Adulteration Act, he is given a sample of those goods and he can approach another laboratory, but under this Bill it is not so.

[English]

According to the provision, only the factory where he goes, that would be a conclusive proof. But that cannot be a conclusive proof.

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*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

[Translation]

How could I be sure that there is no dishonest person in some factory or laboratory? Should I not have the right to approach another factory for the analysis? You should sometimes go through this Bill.

[English]

First, he will have to go the District Forum, then there is the State Forum and then the National Commission and finally the Supreme Court.

[Translation]

Now you tell me, I want to purchase the goods now and you have introduced such a lengthy procedure.

[English]

First, he must go to the District Forum; then there is District Committee on appeals; then the must go to the High Court i.e. the Notional Committee...

[Translation]

If the value exceeds Rs. 10 lakhs —

[English]

—he can go to the Supreme Court. This is a lengthy procedure. The third things is about the defect. Have you defined 'defect'? Whether the goods will show that these things are required. Nowhere it has been mentioned—

[Translation]

—that the following ingredients should be present.

[English]

if there is any fault, imperfection or short-coming which is required. Now what is required? Required by law. So, you must mention those requirements—

[Translation]

—where these ingredients are required.

[English]

About services, I have not understood how they have covered these bureaucrats. Service means service of any description. What is the service? Banking, service, financing, insurance.. How do these things are related with the consumers.. Banking service, consumers service, insurance service are not read anywhere in the...

[Translation]

Such services will be covered under it.

[English]

How will you do with the State Commission? There are three Committees. Please try to understand and then give me your reply, because after all he says

[Translation]

How will they run the society? First, the society will have to pay for it. The consumer complains and says that his goods should be get examined in the laboratory.

[English]

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF  
FOOD AND CIVIL SUPPLIES (SHRI  
H. K. L. BHAGAT): He is making a  
general discussion. He is saying such things  
at a different stage...

SHRI MOOL CHAND DAGA : I am  
saying that it is necessary. I again request  
the House to consider my request. But I  
will not mind if it is considered or not. I  
will have the satisfaction of having made on  
the floor of this House...

SHRI H. K. L. BHAGAT : I have said  
that the Hon. Member has given his sugges-  
tion and I react to his suggestion.

SHRI MOOL CHAND DAGA : Please try to understand me.

MR. DEPUTY SPEAKER : This is enough, Daga ji...

(Interruptions)

[Translation]

SHRI MOOL CHAND DAGA : If any consumer comes from a village, then will he be able to pay the laboratory fee ?

[English]

MR. DEPUTY SPEAKER : Mr. Daga, please take your seats.

SHRI MOOL CHAND DAGA : I can take my seat. I don't mind. What will be the charge ? There are so many clauses. Kindly go through them minutely.

[Translation]

It will be better, if you look into it minutely. I am least concerned with it. But I have a right to speak. I do not have any personal enmity with him. I just want to know if he will be able to fulfil any aim by presenting such a Bill ? Mr. Deputy Speaker, Sir, you are not allowing me to speak.

[English]

SHRI H. K. L. BHAGAT : Sir, I admire Mr. Daga. I would like to say that Mr. Daga speaks always. He has the knack of speaking—whether he can or cannot, but he does speak. I appreciate his spirit with which he is speaking and the apprehension which he has in mind, I have myself said that this Bill is not perfect, but I feel that by sending it to a Select Committee at this stage, we will only be prolonging it. The Hon. Member has raised many points some of which, to my mind, are not relevant and a few may be relevant, but no useful purpose will be served by our sending the Bill to a Select Committee at this stage; by that, we will only be prolonging it which will not serve the interests of the consumer.

[Translation]

SHRI MOOL CHAND DAGA : It is all right. I will give you in writing, then you may consider these points.

SHRI H. K. L. BHAGAT : I will also discuss these points with you.

SHRI MOOL CHAND DAGA : If you wish to do so, I do not have any objection but—

[English]

—there are so many points, there are so many lacunae.

MR. DEPUTY SPEAKER : Mr. Daga, are you withdrawing your Amendment ?

SHRI MOOL CHAND DAGA : Yes, Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 3 was, by leave, withdrawn.*

MR. DEPUTY SPEAKER : Mr. Ram Bahadur Singu. He is not present. I shall now put the Amendment moved by Shri Ram Bahadur Singh to the vote of the House.

*Amendment No. 29 was put and negatived.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration."

*The motion was adopted.*



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*(Amdt.) Bill and Agr. Produce*  
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MR. DEPUTY SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

My Amendment No. 5 relates to the definition of 'consumer dispute'. In the Bill it is said :

Clause 2—(Definition)

"(e) 'consumer dispute' means a dispute when the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint."

SHRI C. MADHAV REDDI : Sir, I beg to move :

Page 2, line 12,—

for "Companies Act, 1956"  
 substitute "Societies Registration Act, 1860" (4)

That is not enough because he may accept saying, "Yes, I made a mistake; I supplied" and having said that, he may not try to do anything to relieve the distress. That is why I have suggested the following to be added, namely,

Page 2, line 48,—

add at the end—

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant" (5)

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant"

Page 3, line 3—

after "force" insert—

"or by custom or usage" (6)

Unless he provides relief to the satisfaction of the complainant, the dispute remains because that is the basic thing. What constitutes a dispute, that is the most important thing because only after the dispute, the complainant can go to the forum or to the Commission. My point is that, even though he may accept that there is a dispute, he may dodge or delay to provide relief, to provide substitute material, he may not do anything, he may keep quiet. In that case, the 'dispute' should remain. That is why, I have suggested the following to be added, namely,

Page 3, line 9,—

after "force" insert "or by custom or usage" (7)

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant"

Page 3, line 9,—

after "undertaken" insert "or implied" (8)

Page 3, line 16,—

after "makes" insert "or processes" (9)

Otherwise, the defect will remain.

Page 3, line 17,—

after "make" insert "or process" (10)

SHRI H. K. L. BHAGAT : I have great respect for the Hon. Member. What I have been advised is that the amendment proposed is only elaborating the provisions already contained in Clause 2(c). As such, the purpose is already served. The amendment is not necessary.

Page 3,—

after "line 33" insert—

"(i) a company incorporated under Companies Act, 1956." (11)

Page 3, line 44,—

after "processing" insert "repairing" (12)

SHRI C. MADHAV REDDI : I have moved other amendments also to Clause 2...

MR. DEPUTY SPEAKER : You speak on all of them together. Then the Minister will reply.

SHRI C. MADHAV REDDI : I will speak on Amendment No. 11. In Clause 2(1), it is said :

“(m) “person” includes—a firm whether registered or not...”

That means, if it is a company, it is not covered. A manufacturer can be a company—it may be a public company or a private company. It is given here as, a person includes a firm whether registered or not. It should be like, a person includes a company, a firm whether registered or not.

SHRI H. K. L. BHAGAT : I must say with respect that I have as carefully gone through the amendments as I could do. A person, as defined in the general clause of the Act, includes companies also. It does include a company. Therefore, no amendment is necessary.

MR. DEPUTY SPEAKER : Is the Member withdrawing his amendments ?

SHRI C. MADHAV REDDI : Yes Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment Nos. 4 to 12 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clauses 2 and 3 stand part of the Bill”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Clause 4—(The Central Consumer Protection Council)

SHRI C. MADHAV REDDI : Sir, I beg to move :

Page 4, line 34,—

*add at the end—*

“but the number of official members shall not exceed one fifth of the total members of the Council”. (13)

Page 4,—

*after line 34, insert—*

“(c) five members elected by the Lok Sabha from its members”. (14)

This is relating to the formation of the Council. Many Hon. Members expressed that this Council should not be flooded with official members and the official members' strength should be reduced to one fifth of the total membership of the Council.

My second amendment is to say that you should take at least five members of this House as members of the Council.

SHRI H. K. L. BHAGAT : I think the amendments are not necessary. I assure him that we wish to have a very large number of non-official members and I want to have the number of official members at the minimum. Secondly, Members of Parliament also can be considered and appointed. We are not barring them. Therefore, I would request him to withdraw the amendment.

MR. DEPUTY SPEAKER : Is the Hon. Member withdrawing his amendments ?

SHRI C. MADHAV REDDI : Yes Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

*Amendment Nos. 13 and 14 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clauses 4 and 5 stand part of the Bill.”

*The motion was adopted.*

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Clauses 4 and 5 were added to the Bill.

Clause 6—(Objects of the Central Council)

SHRI C. MADHAV REDDI : Sir, I beg to move :

Page 5,—

after line 7, insert—

“(g) the right to the payment of compensation for any harm or injury caused due to the sale of hazardous material.” (15)

This relates to the right to the payment of compensation for any harm or injury caused due to the sale of hazardous material. This has not been specified. The right to payment of compensation also should be inserted there.

SHRI H. K. L. BHAGAT : Sir, I would very much appreciate the anxiety of the Hon. Member. Obviously, it is already covered—injuries and other things are already covered.

SHRI C. MADHAV REDDI : Payment of compensation is not covered in any Clause.

SHRI H. K. L. BHAGAT : It is not necessary at all because it is already covered, if you see the definition of the facts and other things. Otherwise the Act means nothing. What you are suggesting or asking for is already very well covered.

MR. DEPUTY SPEAKER : Is the Hon. Member withdrawing his amendment ?

SHRI C. MADHAV REDDI : Yes Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No 15 was, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clause 6 stand part of the Bill.”

*The motion was adopted.*

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—(Objects of the State Council)

SHRI C. MADHAV REDDI : Sir, I beg to move :

“Page 5, line 16,—

for “(f)” substitute “(g)” ” (16).

MR. DEPUTY SPEAKER : Do you want to press it ?

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendment No. 16.

*Amendment No. 16 was, by leave withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clause 8 stand part of the Bill.”

*The motion was adopted.*

Clause 8 was added to the Bill.

Clause 9—(Establishment of Consumer Disputes Redressal Agencies)

SHRI C. MADHAV REDDI : Sir, I beg to move :

“Page 5, line 22,—

for “District Forum” substitute—

“Consumer District Forum” ” (17)

“Page 5, line 26,—

for “State Commission” substitute—

“Consumer State Commission” ” (18)

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*and Marking) Amdt. Bill.*

[Shri C. Madhav Reddi]

These amendments relate to the nomenclature. We call them "District Forum", "State Commission" or "National Commission". I only want that the word 'consumer' should be there in all the nomenclatures. You have to specify that it is "Consumer District Forum", "Consumer State Commission", etc. I want that the word 'consumer' should come everywhere.

SHRI H. K. L. BHAGAT : I would like to make one request to the Hon'ble Member. Such a Section has been used in various places. It will, therefore, have to be rectified at various places. I request the Hon'ble Member not to insist on this at this stage. It hardly makes any difference in substance; let it go as it is.

SHRI C. MADHAV REDDI : It is all right.

I seek leave of the House to withdraw my amendments No. 17 and 18 to Clause 9.

*Amendments No. 17 and 18 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That Clause 9 stand part of the Bill."

*The motion was adopted.*

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12—(Manner in which Complaint shall be made)

SHRI C. MADHAV REDDI : I beg to move :

Page 6, line 32,—

for "Companies Act, 1956"  
 substitute—

"Societies Registration Act, 1860".  
 (19)

I request that the Minister may kindly accept my amendment.

SHRI H. K. L. BHAGAT : I am unable to accept it.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendment No. 19 to clause 12.

*Amendment No. 19 was, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That Clause 12 stand part of the Bill.

*The motion was adopted.*

Clause 12 was added to the Bill.  
 Clause 13 was added to the Bill.

Clause 14—(Finding of the District Forum)

SHRI C. MADHAV REDDI : I beg to move :

Page 8, line 34,—

*add at the end—*

"and also free from any extra payment." (26)

Page 8, line 39,—

*after "to the" insert—*

"supply of goods containing hazardous substance or any other." (27)

Page 8, after line 46,—

*insert*

"(4) If after the proceeding conducted under section 13, the District Forum is satisfied that there is enough ground for a criminal prosecution against the opposite party, the District Forum may lodge a criminal case against the opposite party".

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*(Amdt.) Bill and Agr. Produce*  
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Clause 14(1) (a) and (b) reads like this :

"(a) to remove the defect pointed out by the appropriate laboratory from the goods in question;

(b) to replace the goods with new goods of similar description which shall be free from any defect;" (28)

I want this to be added at the end :

"and also free from any extra payment."

This is because he may replace the goods but he may demand extra money for that. I want that it should be without payment of extra price for the goods which may be supplied later.

SHRI H. K. L. BHAGAT : As regards amendment No. 26, it is not necessary because the clause itself clearly implies that. Regarding amendment 27, the word 'negligence' takes care of it. About amendment No. 28, it is not necessary. To provide redressal to the consumer's grievances, there are other agencies and laws which will take care and prosecute those who contravene the law.

Therefore, I cannot accept these amendments.

SHRI C. MADHAV REDDI : If the District Forum comes to a conclusion that there is a scope for prosecuting a person, they should refer the matter to a Criminal court. What is the harm in that ?

SHRI H. K. L. BHAGAT : As the scheme of things stands, the District Forum can decide the matter. The State Commission and the National Commission are also there to take care if it requires their attention. I think, these amendments are really not necessary.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendments No. 26, 27 and 28.

*Amendment Nos. 26, 27 and 28 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That clause 14 stand part of the Bill."

*The motion was adopted.*

Clause 14 was added to the Bill.

Clauses 15 and 26 were added to the Bill.

Clause 27—(Penalties)

SHRI C. MADHAV REDDI : I had to move :

Page 11, (i) line 27,—

*for "or" substitute "and"*

(ii) line 28,—

*omit "or with both." (23)*

Page 11, line 32,—

(i) *for "or fine" substitute "and fine"*

(ii) *omit "or both," (24)*

My amendments are self-explanatory. I request the Minister to accept the same.

SHRI H. K. L. BHAGAT : I am not able to accept this.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendments No. 23 and 24 to Clause 27.

*Amendments Nos. 23 and 24 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That clause 27 stand part of the Bill."

*The motion was adopted.*

Clause 27 was added to the Bill.

Clauses 28 to 31 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

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"That clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : Now, we will take now up the Standards of Weights and Measures (Amendment) Bill. The question is :

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

Clause 2 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 5 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

*The motion was adopted.*

109 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and 110*  
*Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt. Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

**MR. DEPUTY SPEAKER :** The House will now take up clause by clause consideration of the Bill.

The question is :

“That Clause 2 stand part of the Bill.”

*The motion was adopted.*

Clause 2 was added to the Bill.

Clause 3—(Amendment of Section 12 AA)

*Amendment made :*

“Page 2, line 3,

*after “consumer association”, insert whether such person is a member of that association or not,”*

(Shri H. K. L. Bhagat)

**MR. DEPUTY SPEAKER :** The question is :

“That Clause 3, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 3, as Amended, was added to the Bill.

**MR. DEPUTY SPEAKER :** The question is :

“That Clause 1, Enacting Formula and the Long Title stand part of the Bill.”

*The motion was adopted.*

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

**SHRI H. K. L. BHAGAT :** I beg to move :

“That the Bill, as amended, be passed.”

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill, as amended, be passed.”

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration.”

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The House will now take up clause by clause consideration of the Bill.

The question is :

“That Clauses 2 and 3 stand part of the Bill.”

*The motion was adopted.*

Clases 2 and 3 were added to the Bill.

**MR. DEPUTY SPEAKER :** The question is :

“That clause 1, Enacting Formula and the Long Title stand part of the Bill.”

*The motion was adopted.*

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

**KUMARI SAROJ KHAPARDE :** I beg to move :

“That the Bill be passed.”

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill be passed.”

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The question is :

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

*The motion was adopted.*

111 **Consumer Protection Bill, DECEMBER 9, 1986 Amdt.) Bill, Drugs and 112**  
**Standards of Weights and Measures**  
**(Amdt.) Bill, Standards of Weights**  
**and Measures (Enforcement) Amdt.**  
**Bill, Essential Commodities (2nd**  
**Cosmetics (Amdt.) Bill, Prevention of**  
**Food Adulteration (Amdt.) Bill, MRTTP**  
**(Amdt.) Bill and Agr. Produce (Grading**  
**and Marking) Amdt. Bill.**

**MR. DEPUTY SPEAKER :** The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clause 2 and 3 stand part of the Bill."

*The motion was adopted.*

**Clauses 2 and 3 were added to the Bill.**

**MR. DEPUTY SPEAKER :** The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

**KUMARI SAROJ KHAPARDE :** I beg to move :

"That the Bill be passed."

**MR. DEPUTY SPEAKER :** The question is :

"That the Bill be passed."

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The question is :

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1954, be taken into consideration."

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

**Clauses 2 to 7 were added to the Bill.**

**MR. DEPUTY SPEAKER :** The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

**SHRI M. ARUNACHALAM :** I beg to move :

"That the Bill be passed."

**MR. DEPUTY SPEAKER :** The question is :

"That the Bill be passed."

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The question is :

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

**Clauses 2 to 7 were added to the Bill.**

**MR. DEPUTY SPEAKER :** The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

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

**SHRI RAMANAND YADAV :** I beg to move :

"That the Bill be passed."

**MR. DEPUTY SPEAKER :** The question is :

"That the Bill be passed."

*The motion was adopted.*

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14.35 hrs.

**STATUTORY RESOLUTION RE : INCREASE IN EXPORT DUTY LEVIABLE ON BLACK PEPPER**

[English]

**MR. DEPUTY SPEAKER :** Now we will take up Item No. 29.

**THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) :** On behalf of Shri V. P. Singh, I beg to move :

"That in pursuance of sub-section (2) of section 8 read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the notification of the Government of India in the Ministry of Finance (Department of Revenue), G.S.R. No. 1235 (E), dated the 27th November, 1986, increasing the export duty leviable on black pepper from the level of Rs. 3 per kilogram to Rs. 5 per kilogram from the date of issue of the said notification.

Sir, black pepper is specified under heading No. 2 of the Second Schedule to Customs Tariff Act, 1975. The rate of export duty prescribed therefor has been Rs. 3/- per kg. since May 1985, when the export value realisation of black pepper was Rs. 40/- per kg. Since then, international price of pepper has gone up steadily during 1986. The Government has been watching the trend of export prices for quite sometime. The latest export value realisation of black pepper has been around Rs. 65/- per kg. Accordingly, Notification No. 473/86-Customs, dated 27.11.1986 has been issued, subjecting black pepper to export duty at the rate of Rs. 5/- per kg. This measure is expected to bring an additional revenue of Rs. 10 crores in a year, against an expected export of 50,000 tonnes in a year.

Sir : Changes in export duty on traditional items of export are made from time to time, after ensuring that only a part of the gain arising from the rise in international prices is mopped up, and that such a levy

does not adversely affect our exports. This is also the case with the present increase in the export duty.

I commend the Resolution for consideration and passing.

**MR. DEPUTY SPEAKER :** Motion moved :

"That in pursuance of sub-section (2) of section 8 read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the notification of the Government of India in the Ministry of Finance (Department of Revenue), G.S.R. No. 1235 (E), dated the 27th November, 1986, increasing the export duty leviable on black pepper from the level of Rs. 3 per kilogram to Rs. 5 per kilogram from the date of issue of the said notification."

**SHRI THAMPAN THOMAS (Mavelikara) :** This is a vital problem which is going to affect the economy of Kerala because, of the total export of black pepper in the world, 80 per cent is covered by India; out of this, 80 per cent is from Kerala. The three major countries producing black pepper are India, Malaysia and Indonesia. These were earlier known as the Black Pepper Community. Subsequently, Brazil also came in, and one more country has come in. This much is the whole production of black pepper. Out of this, 125,000 tonnes is the requirement in the international market. All of a sudden, this year it has so happened that USA wanted pepper from India; and, therefore, there is an increase of export from India to the United States.

Earlier, United States was not a buyer from India, it was not a buyer to that extent, as it was from other places. But our main market is Europe; and East European countries are getting these things from India.

Kerala had been the link in international trade relationship even in the ancient period. From Greek period onwards, people from European countries used to come to Kerala. Cochin had developed—so had Mahabali-puram. Even during the ancient period,

[Shri Thampan Thomas]

there were trade links for taking black pepper to European countries, from Kerala.

So, this has to be viewed very seriously, as a problem having wider repercussions in the economy of Kerala. I do not know whether Government has considered that aspect, and how far it will drastically affect Kerala if the export performance is reduced, on account of levying a new tariff rate, on this basis.

I would like the Hon. Minister to examine this, and to give me a concrete reply to this question, viz. whether this is going to affect the export potential of Kerala, i.e. of India on account of this export tariff.

The second point : when I am participating in this discussion, I would like to invite the attention of the Hon. Minister to the various problems that are confronted by the real cultivators of black pepper. Black pepper cultivation is mainly done by people who have merely two acres of land. That means either the middle class or lower middle class people are involved in the cultivation of black pepper, whereas in the case of rubber, coconut, ginger or some other spices like cardamom, they are all cultivated by planters—i.e. not by small growers. This cultivation is done by a community which is middle class, or people with two acre holdings. They are involved in its production. So, if it ultimately affects anybody, it will affect the poor and middle class men in the State. So, sufficient safeguards will have to be made when you are increasing it from Rs. 3 to Rs. 5. I think Government will take a lot of money from that particular business. It is going to gain a lot of money on that business. If that is so, promotional activities will have to be started for the purpose of increasing its cultivation. Otherwise, according to the data which I have collected, I feel that we may be going out of this business also. That is a possibility, because in 1947 we were catering to about 80 per cent, whereas it has come down to 26 per cent subsequently. In 1975-76 it came down. So, one way or the other, certain times we are losing the market. Now if we increase the tariff and ultimately it tells upon the cultivator, that too middle class, lower middle

class and the common man, this will have a very drastic consequence. So, methods will have to be devised to help cultivators, towards marketing, making buffer stock arrangements if they cannot sell the produce; and Government's involvement in these matters should be there. I am not against taxing the trader or the middleman who is getting the profit by involving himself in this business. I am not against taxing them. If this money can be generated from the money which the trader or middleman or the exporter gains after collecting it from the poor cultivators, I have no opposition to the Resolution I will gladly accept it. But ultimately if it affects the agriculturists, cultivators and poor people, I am against it; and that has to be given a double thought over this matter and such other things that I will submit.

Thereafter, I would urge that plantations, small cultivators may be helped. There were very serious problems recently which had crept in the field that is on account of flood. One flood will destroy the entire pepper cultivation in the central Travancore area from where I come. Really those are areas where it is being cultivated and it is there and a large portion of the area is utilized for that purpose. Therefore, care has to be taken in respect of the problems of those people.

This increase is very rational I feel. Last year only it was Rs. 3 and just before that, I think, much less; it was increased in 1985 to Rs. 3 and in 1985-86 it was increased to Rs. 5. Now, this all of a sudden market which you have got may go down; subsequently that may not be there. If that is the case, this increase will stay and the market will go down and ultimately we will be loser. Therefore, what I have to submit is that never kill the goose which gives the golden egg; that you are going to do by this and my submission is that don't do that; some way or other something we were getting from this black pepper and don't destroy it.

MR. DEPUTY SPEAKER : Since there is no name of other Hon. Member on the list to speak I would ask the Hon. Minister to reply to the debate.

SHRI B. K. GADHVI : Mr. Deputy Speaker, I very much appreciate the argu-

ments put forward by Mr. Thomas. We are not going to kill the golden goose that gives the golden egg. But, on the contrary, we are going to make it better. So far as pepper is concerned, internationally the price has gone around Rs. 65 per kg. When export duty was fixed at Rs. 3 per kg. in 1985, the international price of the pepper was around Rs. 40. Now there is a price increase. Therefore, with a view to mopping up certain additional resources, this resolution, this Notification has been issued for which I have brought this resolution. We have in-depth examined whether it will have an adverse effect on our export. We have also examined whether it would retard in any way cultivation of the pepper in the country; and on both accounts, the answers are indicative.

For the first time, I agree with Mr. Thomas that so far as prices in the country are concerned, a lot of incentives and impetus need to be given. In the Seventh Five Year Plan also certain schemes have been formulated and Agriculture Ministry also through the research is constantly trying to improve the quality, seeds varieties and the coverage of the area for cultivation of the spices. Therefore, just out of very many spices like clove, cardamom, pepper, I say that as far as first apprehension that middle class people and small people are engaged in this cultivation unlike rubber and others, where big people are there, in the Seventh Five Year Plan also a programme for improvement of production of spices in the country has been chalked out; and the important activities which may be undertaken and are being undertaken are as under :

- (i) Production and distribution of rooted cuttings of high yielding pepper varieties.
- (ii) Establishment of model gardens of high yielding pepper varieties.
- (iii) Increasing pepper production through the supply of input kits and sprayers.
- (iv) Field demonstration of improved management practices in pepper.
- (v) Rehabilitation of pepper gardens in Kerala State.

(vi) Production and distribution of clove seedlings which is not applicable here and it is with regard to others.

With regard to Institutional support also I would say that the research in spices crops is carried out by the Indian Institute of Agricultural Research at its Central Plantation Crops Research Institute, Kasaragoda. The Institute is engaged in evolving high yielding varieties of spices and including the pepper and also research on pests and diseases, application of fertilizers, plant protection and post harvesting methods and also a number of other actions are being taken to increase the crop cultivation of the spices in the country.

So far as another point which you have raised that it will adversely affect our exports is concerned I would say that when the export duty was not at all there before 1985, the figures are—in thousand metric tonnes I am giving you—our export of pepper in 1981-82 was 20.61, its value was Rs. 27 98 crores, and 1982-83 it was 22.59 tonnes—this is thousand tonnes I am telling—in 1983-84 it was 25.79, in 1984-85 it was 25.42, and in 1985-86 it was 37.62 thousand tonnes.

So, despite the imposition of export duty in 1985 of Rs. 3 per kg., the exports have not dwindled. On the contrary, there is a trend of increase. And we are sure that when this enhancement of Rs. 2 per kg. comes, international market has gone from very high, and there is a good demand, it would not adversely affect the exports, and therefore, on that count also, as I said earlier, you need not have any apprehension.

He also raised a point about export to America. We are exporting this pepper mainly to USSR, USA, Poland, GDR, Italy, Yugoslavia, Germany, Canada, France and export to America and USSR is also very good. I would say to USSR we are exporting 7,636 tonnes, and to America we are exporting 5,815 tonnes and the value in rupees to USSR is Rs. 104.6 crores and to USA it is Rs. 104.3 crores—almost it is equal. The rest of the countries also I can give the figures.

[Shri B. K. Gadhvi]

On all counts, the Member's apprehension is not well placed. It is quite unjustified. It will not have any effect either on cultivation or on the people who are making their trade in the country or it will not mar the exports and export promotion also will not be hampered by it. And as such, I submit that the Resolution may be adopted.

MR. DEPUTY SPEAKER: The question is:

"That in pursuance of sub-section (2) of section 8 read with sub-section (3) of section 7 of the Customs Tariff Act, 1975 (51 of 1975), this House approves the notification of the Government of India in the Ministry of Finance (Department of Revenue), G.S.R. No. 1235(E), dated the 27th November, 1986, increasing the export duty leviable on black pepper from the level of Rs. 3 per kilogram to Rs. 5 per kilogram from the date of issue of the said notification."

*The motion was adopted.*

14.53 hrs.

DELHI APARTMENT OWNERSHIP  
BILL, 1986

[English]

Consideration of Rajya Sabha  
Amendment

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): I beg to move:

"That the following amendment made by Rajya Sabha in the Bill to provide for the ownership of an individual apartment in a multistoreyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and to make such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto, be taken into consideration:

Clause 24

That at page 18,—

*after line 26, insert—*

Provided that nothing contained in this sub-section shall affect the right, title or interest acquired by any allottee or other person in common areas and facilities from any promoter on or before the 28th day of February, 1986".

It has become necessary to protect the interests of apartment owners and allottees from prolonged and avoidable litigation. This protection for the allottees and apartment owners is all the more necessary as the proposed legislation seeks to remove the promoters from the scene when once the apartments and common areas have been allotted.

In cases where third parties have acquired interests in common areas the promoters are no longer affected, and have often disappeared. Laws are preferably not made retrospectively and since this amendment is proposed to protect the interests of the ordinary allottees, that is why this amendment has become necessary and I would request the Hon. Members to agree to this amendment.

MR. DEPUTY SPEAKER: Motion moved:

"That the following amendment made by Rajya Sabha in the Bill to provide for the ownership of an individual apartment in a multistoreyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and to make such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto, be taken into consideration:

Clause 24

That at page 18,—

*after line 26, insert—*

"Provided that nothing contained in this sub-section shall affect the right, title or interest acquired by any allottee or other person in common areas and facilities from any promoter on or before the 28th day of February, 1986."

**SHRI BASUDEB ACHARIA :** I do not understand why this amendment has been brought in this House now. That was not brought when we passed the Delhi Apartment Ownership Bill in the last session. A particular date has also been mentioned to give effect to this amendment. For whom has this amendment been brought? It was not explained by the Hon. Minister why this amendment has been brought. I think, it has been brought in order to protect some rich people, who are residing in the multi-storeyed buildings. Hence I oppose this amendment which will serve only the interest of residents of multistoreyed buildings of Delhi area alone.

**SHRI THAMPAN THOMAS :** This is a very serious matter. We passed this Bill without the amendment. Now the Minister has come with this amendment. Therefore, it is quite natural that we should get time for discussion. This has got very wide implications, because there is a specific date mentioned here. I would like to know whom the Government wants to protect, because apartments in Delhi are very costly. The tenants are really a harassed lot and they require protection. At the time of introduction of the Bill, the Hon. Minister has assured us that the purpose of the Bill is to give certain protection. Now that protection is taken away by this amendment. We passed that Bill with the protection, i.e. any tenant who is there, has got the right to hold the property; he will become owner of the property, and the land attached to the estate will be of common use and when common use is there, they will live there with all rights. This has to be protected. Now this amendment says that on 28th February, 1986 if any person has got any right in the common property that will continue. Then what is the purpose of the Act? This is a serious moot question which we will have to discuss. Hon'ble Members are unaware of it. Today in the morning, we saw in the cover this amendment. Today, there is a very thin attendance in the House. Irrespective of party affiliation I think, it requires a discussion as to whom this Government wants to save and why it wants to throw poor tenants at the mercy of some persons who were holding it earlier. Therefore, my submission is this that the very purpose of the law is defeated. Therefore, this may not be permitted.

**SHRI INDRAJIT GUPTA (Basirhat) :** The Hon. Minister should explain what is the greater urgency for this amendment. Apparently, the necessity of it was not felt earlier. The House discussed the Bill and passed it. Now, suddenly the procedure followed also was not regular. I presume that they have taken the permission of the Speaker because only this morning when we opened our packet, we found a copy of the amendment.

15.00 hrs.

It was not circulated earlier as all Government amendments have to be. Well, I presume they got exemption from that by taking permission from the Speaker, but the main point of substance is that if this amendment is really nullified, the original purpose for which the Bill was passed in this House is something added on now subsequently—I do not know whether as an afterthought or due to pressure of certain interests who would later on appear on the scene. She must explain to us what are these rights in the common areas which they were seeking to protect and now they are removing that protection. It has been reported—I do not know—in comments in the Press and all that, that this is under pressure of the big vested interests. Actually, it is due to the pressure of the constructors or promoters of these big apartment houses that now suddenly a very extraordinary procedure is being followed. It is never done normally. The Government has now suddenly come forward with this amendment. So, if it defeats the very purpose of the original Bill, then certainly we cannot be made to agree to it like that. She should explain the whole thing openly and frankly and tell us.

**SHRIMATI MOHSINA KIDWAI :** Mr. Deputy Speaker, Sir, as you know, yesterday in the Rajya Sabha, an Hon. Member of the Rajya Sabha had moved this amendment.

**SHRI INDRAJIT GUPTA :** Which Member?

**SHRIMATI MOHSINA KIDWAI :** You know it was moved in Rajya Sabha by Shri Anand Sharma. It was moved by a Member of the Rajya Sabha in the Upper House and it was passed there. That is why it has come to this House. You know the procedure. We

[Shrimati Mohsina Kidwai]

are not moving the amendment in this very House. Yesterday it was passed in the Rajya Sabha. That is why we have come to this House.

Shri Indrajit Gupta has objected to the date being 28th February, 1986.

[Translation]

I have just now explained as to why we have brought this amendment. We want to protect the owners from litigation. It has been brought to provide relief to the flat-owners of a multi-storey building which was built 15 to 20 years ago. This Bill has been passed on 30th April, but the date has been mentioned as 28th February—

[English]

—because on 28th February, 1986 the Bill was introduced in Lok Sabha. That is why in the amendment it has been mentioned as 28th February, 1986.

[Translation]

It does not defeat this purpose. I do not agree with the Hon. Members that we have been pressurised by some lobby of the builders. You may well see that builders are not concerned with it. Therefore, this interest does not clash with any thing that we are giving any ownership to the Cooperative Society, D.D.A. or a person who has built a multi-storey building. It will apply to those who have got more than four flats and those who have got less than four flats have an option to be covered under it or not. Prior to this Bill, they did not have any heritable right, right of transfer and right to mortgage. The apartment owners are going to have all these rights under this Act. There is an amendment in this Act in which it has been said that instead of retrospective effect, it should be given prospective effect. It has been done in the light of this fact that some of them have given the places of common use to the third party during the last 15 years. The builder does not come in between. The party or the person who has had it, will have to face litigation.

SHRI BASUDEB ACHARIA : Nobody has faced any litigation so far.

SHRIMATI MOHSINA KIDWAI : When there is no Act in this regard, then

the question of litigation does not arise. We are going to provide this right under this Act that the people who live in the places of common use, will be given right of their apartments according to the apartment deed made earlier. This will apply to the places of common use and will effective after the 28th February. We have received thousands of cases regarding those places which are 15 to 20 years old. This Bill has been brought for them. It wan't be correct if you think that we have brought this Bill in order to protect influential people of under pressure of any lobby. There will be a number of cases of litigation in it.

[English]

We cannot foresee them. That is why this amendment has been brought.

SHRI THAMPAN THOMAS : One point I would like to ask the Hon. Minister. Will it not create two types of apartment holders because on a particular date, those who are holding the apartment will have a particular law and these who get apartments subsequently because of this amendment, will not be regularised ? Their regularisation will go.

MR. DEPUTY SPEAKER : The question is :

“That the following amendment made by Rajya Sabha in the Bill to provide for the ownership of an individual apartment in a multistoreyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and to make such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto, be taken into consideration :

Clause 24

That at page 18,—

after line 26, insert—

“Provided that nothing contained in this sub-section shall affect the right, title or interest acquired by any allottee or other person in common areas and facilities from any promoter on or before the 28th day of February, 1986.”

*The motion was adopted.*

MR. DEPUTY SPEAKER : We shall now take up the amendment recommended by the Rajya Sabha :

The question is :

Clause 24

That at Page 18,—

after line 26, insert—

“Provided that nothing contained in this sub-section shall affect the right, title or interest acquired by any allottee or other person in common areas and facilities from any promoter on or before the 28th day of February, 1986.”

*The motion was adopted.*

SHRIMATI MOHSINA KIDWAI : I beg to move :

“That the amendment made by Rajya Sabha in the Bill be agreed to.”

MR. DEPUTY SPEAKER : The question is :

“That the amendment made by Rajya Sabha in the Bill be agreed to.”

*The motion was adopted.*

15.07 hrs.

CHILD LABOUR (PROHIBITION AND REGULATION) BILL, 1986—*Contd.*

[*English*]

MR. DEPUTY SPEAKER : Now we take further consideration of the following motion moved by Shri P. A. Sangma on the 3rd December, 1986 namely :

“That the Bill to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments, as passed by Rajya Sabha, be taken into consideration.”

Shri Shyam Lal Yadav. You have already taken nine minutes.

SHRI SHYAM LAL YADAV (Varanasi) : The Handknotted carpet industry is purely a

cottage industry. Carpet weaving is a family affair. The underlying idea being to pass on the skill in the family so that the tradition of carpet making is kept alive. The weaver weaves carpet in his own house plying a subsidiary occupation which conforms to the best Gandhian concept of subsidiary income to an agriculturist and semi-agriculturist population. The carpet weaver should be conceived not as belonging to a proletariat class but as a village artisan plying a useful subsidiary profession.

The weavers by and large are agriculturist and semi-agriculturist classes working on the land for their main livelihood and weaving carpet in the non-agriculture season. Production is seriously affected during the agriculture sowing and harvesting season and production is good during the non agriculture season. This is an ideal system which has tremendous growth potential and nothing should be done to disturb it.

In carpet industry besides the process of weaving, there is hardly any employment of child labour in other categories of designers, binders, embossers, dyers, washers etc. Each category fulfils an important function but each category is separate one.

On the earlier opportunity I spoke about the report of the Committee of State Labour Ministers on Child Labour headed by Labour Minister of Gujarat Sri Sanatbhai Mehta.

I think the report of that Committee presented recently, has made some interesting study and their conclusions are practical and they deserve to be seriously taken into consideration. I think the Government must have gone into the Report. They paid a visit to carpet weaving belt of Bhadohi/Varanasi/Mirzapur. They studied the carpet weaving in great detail. Their observations and recommendations, I think, are very important and should be followed.

The problem of child labour cannot be over simplified nor can it be treated separately as one existing by itself. It is part of a very complex socio-economic phenomenon for which no quick or easy solution can be contemplated. Child labour is now certainly rooted in poverty. The Committee's recommendations, therefore, broadly comprise such

specific suggestions as can be put to immediate implementation and other general recommendations aiming at the ultimate objective of gradual elimination of child labour as an integrated process of planning in the development and education areas.

There are many sectors of industry and trade which are essentially carried on in smaller establishments—sometimes at home—because it involves the learning of a craft and gives a child opportunity to become an artisan in later years, such as wood-carving, carpet weaving, silk embroidery, zardosi, handloom weaving etc. These are traditional crafts which are passed on from one generation to another there being no other way of preserving the purity of these crafts. The Committee felt that in such cases, no minimum age need be prescribed for engaging a child in the transmission of inherited skills, since he does not function in an alien environment. Rather he works in his own home and that is why in the Bill also the workshop run by his family is exempted.

The Committee felt strongly that a time-bound action plan should be taken up by the Government for gradual elimination of child labour. The Committee was of the view that the time bound action plan should be comprehensive covering legislation, welfare arrangements including education and economic development, with a declaration of ultimate goal of eliminating child labour in some time-frame.

The Committee also felt that in respect of all crafts/trades where items are produced for the export market—and this is very important because the carpet in our country is produced only for export—and which receive subsidy from the Government, it could be made a condition for grant of subsidy that employers who engaged child worker in the manufacture of such goods, should provide non-formal education, skill development programme and compulsory health check-up for them.

It observed that the Trade Unions have not been actively associated with various aspects of employment of children. In the Bill also I do not see any involvement of trade unions. So I urge upon the Government to secure the involvement of trade

unions in a more effective way in the matter of providing welfare services to the child worker with the ultimate aim of elimination of child labour. The trade unions should play an effective role in arousing consciousness in society about the exploitation of child workers by employers.

In order to achieve the ultimate goal of abolition of child labour, it would be necessary to have an overall improvement in the economic condition of the families whose children are compelled to work. Wherever there is a concentration of child workers, it should be the endeavour of the Government to provide adequate attention in mobilising resources to undertake developmental activities on a suitable scale. For this purpose I would suggest some cess can be collected from the industry to be used for child labour welfare, education, health etc. As in the case of bidi manufacturers a cess is collected, in the same way a cess can be collected from the carpet industry also.

Having spelt out various other aspects of working children, it is not possible, in my opinion, to make any drastic changes in the existing legislation in the present socio-economic condition of the country. I would like to say here that there are already laws existing, which prohibit children from being employed in any undertaking or any workshop. The laws are there. It is only through smaller but more positive steps providing for the welfare of working children, for upgrading their skills and by making it less profitable for any one to employ child labour that it will become possible ultimately to abolish child labour altogether in the future.

In view of these various grounds, I hope the Hon. Minister will give a serious thought to my amendment that this carpet weaving process only may be omitted from Schedule B of the Bill because this will adversely affect, and in the Bill itself workshops run by institutions, by Government schools or by Government institutions are exempted and therefore, I think to be at par with all the provisions that have been provided in the Bill itself—the Bill itself provides all these things and mostly this carpet weaving is done in the houses, in the families, in the villages, but it is not under any one roof which is run by the industry. Therefore, I submit the Government may kindly consider it and the



Hon. Minister may go into details and may appoint an expert Committee also to look into these matters in detail and see for himself whether this contention is justified or not.

With these words, I support this Bill.

MR. CHAIRMAN : Shrimati Kishori Sinha. Please take not more than five minutes. Please be very very brief. Unfortunately we have to finish some other business also today.

SHRI NARAYAN CHOUBEY : Why don't you finish it now itself by saying 'Ayes' and 'Noes' ?

MR. CHAIRMAN : Please sit down. You continue, Shrimati Sinha.

SHRI NARAYAN CHOUBEY : \*\*\*

MR. CHAIRMAN : It is an insinuation. So, it will not form part of the record.

SHRIMATI KISHORI SINHA (Vaishali) : Thank God and Thank you, Mr. Chairman, Sir, that I have been given an opportunity to speak on this Bill, after an endless wait. This is my earnest request to you. Please listen to me. Please don't press the bell unless I finish my speech. Otherwise, I will feel frustrated.

Mr. Chairman, Sir, I support the Bill but not without a tinge of disappointment. The Gurupadaswamy Committee as far back as 1979 had recommended a comprehensive legislation—consolidating the provisions relating to Child Labour in about 13 or 14 Acts that are there on the subject, as for example, the Factories Act, the Plantation Labour Act, the Mines Act etc. The predecessor of our Hon. Minister had also assured that a comprehensive Bill will be brought before the House.

I am also disappointed at the lack of resolve to abolish child labour within a specified time span. The international bodies and even our own Constitution have provided for the prohibition of child labour. I agree that in the prevailing conditions when 27 crores of our people are living below the poverty line, it is not a practical proposition to abolish child labour altogether.

\*\*\*Expunged as ordered by the Chair.

Today child is an economic asset to his family and on an average, he contributes about 23 per cent of his family's earnings. This is one reason why child labour continues.

It is, therefore, imperative that provisions should be made for education, health care, nutrition and training so that in course of time, a child could grow into a skilled labour.

Provision should also be made for increased minimum wages and these provisions should be strictly enforced so as to make them real bulwark against exploitation. We must remember that if adults are paid well, they will not be compelled to send their children to work. Unfortunately, laws relating to child labour haven not been strictly enforced. Besides, the penalty was so small that it did not act as a deterrent.

I am glad to note that penalties for infringement of laws have been enhanced in this Bill. Now, any person can make a complaint which will frighten people from exploiting a child. I am sure, these provisions will be more effectively implemented by the authorities.

At the recent SAARC meeting on Child, this issue was brought up and it was pointed out that in many cases, children are employed in place of adults, as child labour is cheaper. I would like to say that hours of work should be reduced from six hours because in the Bill, 6 hours are provided. If a boy works for 6 hours, is it justified? Will the child have the strength and interest to go to school after having worked for 6 hours? Will he have the strength to do so? I, therefore, suggest that working hours for child should be reduced from 6 hours to make him able to go to school and improve his skill. The trend all over the world is to reduce the working hours I suggest that in our country also, the hours of working should be reduced.

The provision to exempt family labour establishment is likely to be misused. Some of the artisans are running family labour establishments. Here children are trained from very young age and are made to work long hours with no provision for schooling. It is almost slave labour accentuated by the poverty of the artisans. There are thousands

[Shrimati Kishori Sinha]

of that establishments particularly among weavers, potters, blacksmiths, tanners etc. This is not being touched by this Bill. This would help perpetuate child labour in these employments and deprive them of the benefits of education. I would, therefore, suggest even in case of family labour, provision for compulsory education and training should be made.

This Bill has to be viewed in the light of this cycle of poverty that child labour perpetuates. Does it help break the cycle? Only in a few employments the Bill has proposed to ban employments of children. In several employments like silica making, glass making, slate making etc. child labour would continue till the technical Advisory Committee to be appointed, recommends their inclusions in the banned list. Why wait for such tedious procedure? Is the Government not aware that in glass factories at Ferozabad, children work before furnaces with 1,200 degrees centigrade heat? Have there been no reports of such working conditions? Slate factories employ children who are permanently disabled after 5 years of work in the midst of Silica fumes. It is quite common to see entire family working at stone quarries, near stone crushers and so on. Therefore, there is no reason why these employments should not be included in the Schedule right now. Such half-hearted efforts as this Bill would not save these children. I wish the Government had obtained the advisor views of the National Children's Welfare Board before introducing the Bill. The Hon. Minister must also tell us when he is going to introduce the promised comprehensive Bill and also the scheme of Rs. 45 crores for weaning children away from work to studies to be implemented at Mirzapur and Sivkasi. What is also going to be done for adolescent labour? These are some of the dark patches on the fabric of our country.

I support all steps to remove these black marks however inadequate they may be. For, even a small step might go a long way in a country which has treated its children unjustly for ages in the wake of poverty and destitution. With these words, I support the Bill.

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, the very title of the Bill is a

misnomer because it does not prohibit child labour. It recognises and accepts and presumes to regulate child labour.

MR. CHAIRMAN : Prohibition and regulation.

SHRI SYED SHAHABUDDIN : It is a misnomer and at least partly misnomer. In my opinion, the Bill is a farce. It is inadequate and ill-conceived. In a moment of what I call self-deceptive illusion, the Hon. Minister has pitted our past against our future, the freshness of morning against the darkness of night, childhood versus age, idealism against materialism, compassion against profiteering and, if I may say so, innocence against experience and child against man.

The Hon. Minister has not done justice to the children of the country.

We are speaking in the shadow of the universal declaration on the rights of the child to which India was a party. We are speaking under the shadow of the Bangalore declaration of the SARC. Summit which recognises the rights of the children and promises to create an environment for development of them all. I have no time to read out to you the paragraph in the text of the declaration of the rights of the children. I am speaking with the knowledge of the Constitution of India, Articles 24 and 39. I admit that there is no technical violation because the Directive Principles of State Policy are not justiciable. That do not convey any rights but they do show us the way and they should guide our path. I consider that the present Bill is a retrograde step. It has been the erosion of the spirit of the Constitution, if it is not violation of the letter of the Constitution. It is an admission of failure on the part of the Indian society which enacted similar law in 1938 and 50 years later again we are repeating word for word, clause by clause, the law that was given to us by our colonial masters.

It is a matter of shame. I know social legislation alone is not enough to change the contours of society. Our entire social landscape is littered with whitened bones of social legislation and Parliamentary enactments which have not been applied at all. In fact

the Minister has himself admitted that a lot of regulations, laws on the subject has not been implemented. If that is, so, I would like to ask as to whose fault is this. Is it not the fault of the administration? Is it not the fault of the Government that these laws remained a dead-letter; that these laws remained buried in the libraries and the tombs of law. They are not implemented. I would like to know from the Hon. Minister that during the last five years, how many prosecutions have been launched throughout the country against the various laws that already exist. Therefore, what guarantee can he give us today even if we pass this law today with added teeth to the penal Clauses? How many cases will be launched? They will not be launched because we are living in 'Inspector-Raj'. This law shall only give an impetus to the 'Inspector-Raj'. This law shall only provide a certain source of income for certain functionaries of the Government, for certain bureaucratic authorities. The heart of the matter is you cannot disentangle employment from education. Essentially, these are the two inter-related things for the children. Unless we are in a position to translate into reality the constitutional guarantees to our children that all children below the age of 14 shall go to school; shall receive equal and uniform education—a guarantee that was reiterated in this House by the Hon. Minister who has just come into the House under the new education policy—and unless we are able to universalise education, the children will be put to drudgery. That is the social reality, I admit. They will be put to work—whatever be the motivation. The parents may want them to work for certain economic benefits. The employers—I am told—want them to work because the children do not go on a strike; they do not go on forming trade unions. I wish they should. I wish to give the right under this law, encourage them to form trade unions. But the fact remains that unless the State today makes a resolve that they shall provide universal education, they shall absorb the cost of education and training for all the children without any exception whatsoever up to the age of 14 and that they shall compensate poor parents from the loss of the income arising from the non-employment of their children, this law will also remain a dead-letter just as all the previous legislations have been remaining.

My answer to this Bill is that it is not a wise enactment. It merely regularises *status quo*. It does not take us forward. It perhaps codifies the existing laws on the subject into a uniform pattern. But it gives us no break-through as far as the social legislation is concerned. Even the so-called teeth that the Minister talked about, the teeth are totally useless. You don't want to use them. I do not think that there is any intention on the part of the Government or the State or the Society to use the teeth with which it is applying itself.

Sir, the proverb says: 'Child is the father of man'. I would go a step further and say that child is the father of civilisation; Child is the father of culture; child is the father of human history. The child, as Tagore said, is a gift from God and a reflection that God has not yet got disappointed in man. I do hope with this Act of illusion that the Hon. Minister is playing before the House, God does not get disappointed in us as citizens of India. Our progress depends upon the care of our children. Our progress depends upon the universalisation of education. At this moment, I am reminded of a very small poem of Gray's *Elegy*—I hope you must have read.

“Full many a gem of purest ray serene  
The dark unfathomed caves of ocean  
bear

Full many a flower is born to blush  
and die unseen

And waste its sweetness in the desert  
air”

Sir, our children, the roses which never flower, the buds which never reach their youth, the children who never have the opportunity to smile, who have to work in tragic and dark circumstances, who have to eke out their livelihood, are crying for a favourable treatment, are crying for our attention. Our future is beckoning us and surely this piece of legislation which is before us is not an adequate response to this call of the future. Therefore, I would say this. Let us reject this Bill, let the Minister, come with a more comprehensive, a more humane, a more compassionate, enactment; then I would support it.

SHRIMATI MEIRA KUMAR (Bijnor) : Sir, we have assembled here for a very serious business. We have assembled here to legislate on the fate of the most helpless citizens of our country—those who do not even know or can comprehend what is being done for them. We are discussing children, not the children of those who are rich and powerful, educated and smart and can fiercely defend their wards' interests, but the children of the weak and the meek, the children of the poor and the exploited, the children of the ignorant and the illiterate, the children of the landless, of the bonded labourers, of the Scheduled Castes and Scheduled Tribes. I call these children helpless, not so much because they come from a background of deprivation but because their own parents who should normally be watching their interests are instrumental in their exploitation compelled by poverty or custom or ignorance. I call them helpless because, they have no one to speak for them. I call them helpless because, unlike our children, they are not encouraged to learn but are forced to earn. I call them helpless because they cannot unionise, they cannot sit across the table and fight for their rights with the management. They are not even aware of their rights. It is not the labour force of small children, I would say it is the forced labour of small children that we are discussing. Either way you say it, it remains as poignant. And we have to keep in our mind this poignance, this tragedy, this horror of it, while deliberating and we have to deliberate with infinite care, sensitivity and responsibility. We also have to keep in our mind that we have a duty by these children and we are answerable to the future generations.

Coming to the Bill, I congratulate the Hon. Minister for the part which pertains to prohibition. He has elaborated article 24, although he has not mentioned it in so many words in the Bill; he has laid down the procedures, he has appointed a Committee, he has enhanced the penalties. But I would say that this is not sufficient. I would say that this prohibition should extend to cover all children below the age of 14 years employed in hazardous occupations or non-hazardous occupations, in the industrial sector or the agricultural sector, in the organized sector or semi-organized or unorganized sector—because more than 90

per cent of our working children are engaged in this sector.

I would also say that, above all, this prohibition must cover—and I repeat 'must cover'—all those unfortunate children who are pushed into caste-based, unclean professions such as scavenging. In fact, I would say that prohibition should cover all children employed anywhere and not just working in those five occupations and 11 processes mentioned in Parts A and B of the Schedule of the Bill. In this respect I would like to draw the Hon. Minister's attention to parts (e) and (f) of article 39 of the Constitution. I do not think I have the time to read it out. He knows it. It emphasizes that we should not abuse the tender age of our children. I would like to draw the Ministers's attention to the fact that over 17.36 million children in our country in the age-group of 4-14 are working the largest contingent of child labour anywhere in the world. What is disturbing most is that this number is increasing every year.

These children are overworked, underpaid. They suffer from malnutrition, from tuberculosis and other ill effects of working in highly unhygienic conditions and with poisonous chemicals. And get beaten up also. They work for longer hours than adults put in. They are an attractive proposition for the ruthless employer. There is grave injury to their physical and mental well-being. It is relevant to point out here that of the total number of deaths in our country every year, one-third is that of children. I can virtually hear Blake's Little Chimney Sweeper crying out :

“They have clothed me in the clothes  
of death  
And taught me to sing the notes of  
woe  
And because I am happy and dance  
and sing  
They think they have done me no  
injury”

We must ensure that the tender age of our children is not abused.

MR. CHAIRMAN: Please try to be brief.

**SHRIMATI MEIRA KUMAR :** I want a few minutes more Sir.

Article 45 goes a step ahead and says that we should ensure that within a decade free and compulsory education is provided to all children below the age of 14. By now we have crossed many decades. The country has taken giant strides towards progress. But what have we done for our children? Millions of children of the country still look to us askance. Agreed, these articles under the Directive Principles are not justiciable. All the same, they are a promise and a dream. We can neither break the promise nor shatter the dream. These Directive Principles are fundamental to the governance of the country. The State is duty-bound in applying them while making laws.

What do we make laws for? We make laws, among other things, to achieve socio-economic justice, to make India truly a great nation. Are we going to make India truly a great nation by the toils of tiny hands or by taking the toll of the simple joys of childhood? Must our children play with fire in the factories of Ferozabad and inhale poison in the factories of Mirzapur, Shivkashi and elsewhere to make India truly a great nation?

Children are our national property. They are not your children, my children or their children. They are our children. They are the most prized possession of the country and must be treated as such. They must be cherished and nurtured, loved and pampered. On their development depends the development of the country. Their growth cannot be stunted. They cannot be allowed to wither before they blossom.

We talk of socialism, we talk of classless, casteless society, we talk of equality of opportunity. What equality of opportunity can there be between the children who go to the best of schools and those who go to the worst of places to work? How can we ever demolish the caste-system if the institution of child labour perpetuates it for ever? We all know that most of our occupations are caste based and the children are forced to be engaged in family's traditional family caste-based occupations. How can we ever demolish the class system

if a chunk of our progeny is entrapped in the most severe economic exploitation? And what we promise them is not escape; but legitimised labour! So, we have to apply ourselves to all these questions. We must realise the inhumanity and irony of it and put a stop to child labour at the earliest. Else the 21st century which we are poised to enter in a few years would turn many a light years away.

Our Hon. Prime Minister is sparing no efforts, leaving no stone unturned to take the country ahead to the 21st century attitudinally and development-wise. We should supplement his efforts to the best of our ability. Every single child must study. This moral and social commitment must occupy the topmost place on our list of national priorities.

Institution of child labour also runs at cross purpose with our family welfare programmes. More children particularly male mean more income for the family. Humanising or regulating the conditions of work as proposed in this Bill would encourage people to have still more children thus creating what is called Malthusian Nightmare. The other undesirable side effect would be further strengthening of the age-old preference for male children and deterioration in the already despicable position of female children.

Speaking in terms of hard economics too there is just no rationale behind small children sweating it out when swarms of adults are loitering idle on the streets and parents turning into parasites. Where children are working, their parents should work, adults should work. They should get minimum wages. Minimum wages should be raised to realistic level in the context of the price index and Minimum Wages Act should be enforced strictly.

Hon. Minister you have created jobs by prohibiting child labour in certain occupations. You would tackle the problem of unemployment in an effective way if you abolish child labour altogether. I have information that ILO convention of 1973 to ban child labour is awaiting our ratification. It should be ratified soon. We have already earned the dubious distinction of having the largest contingent of child labour

[Shrimati Meira Kumar]

force in this country. We must prove to the world that we do not need the sacrifices of our children for our development. In fact, we must make sacrifices for the development of our children. We do not have to say "Om Swaha" and throw millions of our children in the "Maha Yajna" of nation building. We should throw ourselves.

I have heard this argument in many quarters that child labour is rooted in poverty and just as poverty cannot be wished away child labour cannot be abolished. Child labour is a harsh reality which we must accept as it cannot be totally abolished at the present stage of our economic development. Well, I just want to say that we have figures to show that the country has progressed over the years. We have figures to show that our economy has developed over the years. We have figures to show that poverty has declined over the years. We also have figures to show that there has not been corresponding decline in child labour over the years. In fact, it has increased. So this argument does not hold good. We cannot use poverty as an excuse to perpetuate child labour. We must abolish it to curb it. The solution lies in removing the evil and not legalising it.

It is also said that some children who are orphans or who have parents suffering from incurable diseases have to earn to survive. I would like to say that here State must intervene and come to the rescue of these tiny bread winners with supportive measures like pension, subsistence allowance stipends and scholarships. We must rise above our economic compulsions and show the strength of our political will.

It is also said that legal measures are not effective in abolishing child labour. Well I would say if they can be effective in regulating it they can be effective in abolishing it as well.

In the end, I would say, Sir, that we must not lose hope. We must not have this approach that since it cannot be cured, it must be endured. If it hurts, we should have regulatory measures and other such tranquilisers and pain-killers. It is a malady

which we are not going to endure. It must be cured. I would request the Hon'ble Minister to please announce a time-bound treatment for it. And I would also urge upon him to give us an assurance that in the next session, he would bring a Bill for abolition of child labour.

With these words, I support the Bill.

[Translation]

\*SHRI R. JEEVARATHINAM (Arakonam) : Mr. Chairman, Sir, I support and welcome the Child Labour (Prohibition and Regulation) Bill brought forward before this august House by the Hon. Minister of State, Shri P. A. Sangma. In this connection, I would like to place my views before this House.

Sir, the new 20-Point Programme was initiated by the late Prime Minister, Shrimati Indira Gandhi and the same is now being implemented by the Hon'ble Prime Minister, Shri Rajiv Gandhi. The most important feature of this new 20-Point Programme is to remove the abject poverty in the country.

Now, Sir, in this Bill, it has been stated that under Part-A in the Schedule to the Bill that those children under the age of 14 should not be engaged in any of the factories mentioned under Part-B in the Schedule to the Bill. But the beedi factories which have been listed under Part-B in the Schedule to the Bill, do not follow this rule. Most of the factory owners arrange to get beedis manufactured through contract agencies who in turn engage the children under the age of 14. This practice is in vogue in the rural areas and Panchayats and towns. In this process, the contractors are the main beneficiaries. By doing so, the education of the children is completely affected. Now, what is to be done to stop this bad practice of engaging the children in such factories? The only way to stop this bad and anti-social practice is that the Government should take immediate action to remove poverty and under the new 20-Point Programme the families whose children are forced to take up work in beedi factories should be rehabilitated.

\*The speech was originally delivered in Tamil.

Sir, in match industry, soap factory, carpentry and masonry work, young boys are engaged. I would request the Government to take immediate stringent action to put an end to these unlawful practices. Moreover, there are factories which are not included under Part-A in the Schedule to the Bill and Part-B in the Schedule to the Bill. It has been mentioned in the Bill that so many facilities should be made available to the working classes. The Government should also create a monitoring cell to see that these facilities are provided to them. It is also necessary that the Government should create Child Labour Committee to supervise whether the various provisions of the Bill are followed implicitly. I would also request the Government that a District Committee in each District consisting of Members of Parliament and the MLAs of the concerned constituency be appointed to coordinate the work. In case any person is not following the provisions of the Bill strictly, the District Committee should be armed with the powers of examining these cases.

Sir, I may draw the attention of the Hon. Members of this House that free education is given to all the children under the age of 14. In many States mid-day meals are given to the children in the schools. They are also given freely textbooks and school dress. Even after affording all these facilities free of cost, it is most unfortunate that due to prevailing abject poverty, particularly in the rural areas, children are forced to take up work in these factories. Therefore, what I would suggest is that the Government should make earnest effort to remove poverty in the rural areas. In this connection, whatever laws are enacted by the Government, it is not going to help the people unless abject poverty that is gripping the rural and other areas is totally removed. We hope that under the able leadership of our Hon. Prime Minister, Shri Rajiv Gandhi, this problem will be solved to a very great extent, in the days to come. Thank you.

**SHRI UMAKANT MISHRA** (Mirzapur): Sir, I would like to say that no family or parents are interested in sending their children to work in a factory or elsewhere. The parents want their children to pursue studies so that their children could

achieve higher positions. It is sheer poverty which forces them to send their children to work in the factories in the cities, villages and towns. The children also have to do the household work, clean utensils in the hotels. Our Government is engaged in the task of bringing about economic progress of the country. The Prime Minister also wants rapid progress. When there is all-round development, the people will be prosperous and there will be no need for them to send their children to work in the factories.

The Hon. Minister has mentioned in the Schedule the hazardous trades and he has also mentioned carpet weaving in it. He has also prohibited the children to work in the carpet weaving units. I would like to state in this regard that carpet weaving should not be included in this Schedule as it is not done in the factories. Actually this is a cottage industry. The poor village people collect raw material and weave the carpets at homes on their looms. This is not done on the basis of daily wages. The raw-material is given after being weighed and men, women and children, all work in it together. The children learn to work. The children learn for one hour or two hours daily and get money for that. The training centres run by the Government impart training to the children in the age group of 8 to 14 years and also pay 2 to 3 rupees daily. Many children are not given training in these training centres. The people have looms at their houses, the children work there and get some money and thus give a helping hand to their families and also learn an art. The carpet weaving is an art like reading and writing.

Carpet weaving is done on a large scale in my constituency. I agree that the children should not work as bonded labourers and I am, also opposed to it, but one should not have any objection to their learning the work on the looms established in the houses as they also earn some money and with that the children can also attend their schools.

The carpet industry fetches us foreign exchange worth Rs. 150 to 200 crores. This is a handicraft which is learnt by the children. It neither forces them to stay

[Shri Umakant Mishra]

away from school, nor affects their health adversely as they learn the weaving through the readymade yarn. It is not even hazardous.

I would like to request you to delete carpet weaving from the 'B' schedule, otherwise it will not only badly affect the income of lakhs of families, but will also result in a decline in the earning of foreign exchange to the country to the tune of crores of rupees. With these words, I support this Bill.

[English]

**SHRI KADAMBUR JANARTHANAN** (Tirunelveli): Mr. Chairman, Sir, I rise to support this Bill. I come from a State where we are feeding 85 lakh children daily. I, therefore, request you to give me a little more time.

In the book which was given to us, it was indicated that 16.5 million children are engaged in child labour. However, according to the ILO publication, which was referred to by Shri Sangma the child labour in India consists of 17.85 million children.

In India, we celebrate Pandit Nehru birthday as the children day. That shows how much we love our children. We know how Babu Jagjivan Ram Ji loved the children and we have just now heard his beloved daughter speaking here for the children.

In 1881, the Indian Factories Act was passed in our country and at that time, the minimum age mentioned was seven, and today in 1986, the minimum age for that purpose is 14. That is the unfortunate position of the Indian children today. We have now come to a point where we have to abolish the child labour totally or regulate it properly. It appears that to abolish child labour is impossible in this country. We can clearly see this from the present Bill itself. We have brought a legislation in 1980-81 and yet we are to still regulate, leave alone abolish child labour in our factories. Even after 40 years of Independence, we are still thinking of regulating child labour in our industries. Now we have come to a point to decide as to which are

the industries to be regulated and which are the cottage industries to be abolished. Sir, these things should be spelt out clearly.

Many Hon. Members spoke about Sivakasi. Sivakasi is not the only town where the match industry and fireworks industries are located. In five southernmost districts of Tamil Nadu viz. Tirunelveli, Kamaraj, Muthuramalingam, Chidambaranar and Ramnadu Districts, these match factories and firework industries are located. I come from Kadambur which has a population of 2800. Out of 2800, nearly thousand people are entirely dependent on these match factories and fireworks industries for their *khana*. That is the economic position of the rural areas in this part of our country. In those areas from which Shri Jeevaratnam comes, there is no match industry. These are places like North Arcot, Tanjavur and Coimbatore. Only in the five districts of Southernmost Tamilnadu, which I mentioned earlier, these industries are existing. I request the Hon. Minister Sangmaji to see to it that children are not employed in these hazardous fire-work industries. If anyone engages children in such dangerous occupations, he should be hanged.

But in this context, I want to mention one important aspect of these match industries. You have circulated some books on environment and in those books different pictures depicting the different types of work in the match industry are given. I wanted to bring those pictures to show to the Hon. Members in this House, but today being the last day, I was in a great hurry and hence I could not bring them. My point is that this match industry should be regulated in two ways, i.e. the hazardous and non-hazardous portions of the industry should be clearly demarcated. There should be a distinction between the two and children can be employed in non-hazardous work such as arranging the match-sticks etc., which is done even in the houses as well as in the factories.

I would like to request one small thing from the Hon. Minister. Shri Sangma is making a trip to Tamil Nadu. We the Parliamentarians from Tamil Nadu will indeed be very glad if he sees to it that there is 25 per cent increase in the wages of these factory workers. The industry is in a position to afford such wages.



Secondly, firework industries should be distinguished from match factories. He should ensure that there is total abolition of child labour in fire-works industries. The fireworks industries should be prohibited from employing small children in this hazardous occupation. An Hon. Lady Member was mentioning that in the North also, some children have to work in bangle factories exposing them to 1200° C heat which would hamper the physical and mental growth of these children. This sort of things should be completely prohibited, and this is my sincere opinion. In this context, I would like to emphasise this point saying that now it can be asserted on scientific grounds that work as a direct fulfilment of child's natural abilities and creative potentialities is always conducive to his healthy growth. Work with purpose, plan and freedom is enriching. When these are absent, conspicuously it becomes labour. Therefore, a child can be given work but he should not be put to labour. So, a distinction should be made between work and labour.

I would also like to emphasise the point that education should be made not only compulsory, but necessary incentive should be provided to make it a reality. Our Hon. Education Minister, Shri P.V. Narasimha Rao told the other day that Rs. 4000 crores are required if we are to provide free meals upto the primary classes for the entire nation, on those lines as we have been doing in our State, Tamil Nadu. Sir, in my humble opinion Rs. 4000 crores is nothing if it can make our children's lives better. If free meals are given, children will have an incentive and encouragement to attend school and then naturally the entire problem of child labour will diminish automatically without any necessity of our bringing all these laws and Bills.

16.00 hrs.

So Rs. 4,000 crores is not a big amount, when you are spending Rs. 180 lakhs crores in our Budget. I could not spell out the figures correctly because I have acquainted myself with crores only after coming to the Parliament. So, I request the Government, through the Chair, that it is high time for the Government of India to decide and follow free-meals programme as has been done in case of Tamil Nadu.

This scheme should be made applicable to the children upto the age of 11 or the students upto standard 8th. Automatically the education should also be made compulsory.

Further, match industry should be regulated. I want to say that this industry is not concentrated in Sivakasi alone, but it is concentrated throughout the rural areas. In match industry, wherever there is child labour, it should be regulated. That is my humble submission. Let the Parliamentarians come to our area and see for themselves how the work is being done in the cottage industries, particularly in rural areas. There are so many Committees. Let one Committee come directly and study how the work is being done and how the children are exploited in these areas. However big a man may be, even the International Leader like Mr. Gorbachev who was in Delhi some days back unconcerned about the security and he stopped the car and went directly to the children. That shows, how children attracts the national Leaders. Howsoever the problem may be serious, let us work for the children. It is right time to regulate certain industries and prohibit them from using child labour.

With these words, I conclude.

SHRIMATI JAYANTI PATNAIK  
(Cutrack) : Mr. Chairman, Sir, a great deal of concern has been felt by many forums, even by the Ministry regarding the problem of child labour. Hence, this Bill has been brought in this Session. This problem of child labour is very much alarming. There is no doubt about it. But what is needed at this juncture is a comprehensive Bill. This piecemeal approach will not serve our approach. So whatever it is, that way, if we take into consideration the social and economic structures of our country, the child labour in the present context of the society cannot be banned completely. Still we should have a pragmatic approach and tackle the problem. We should march forward.

This piece of legislation is a step further towards that objective. However, we are also glad that the Government is in the final stage of formulating a national policy on child labour and welfare measures. The Constitution aims the protection of child labour, by prohibiting children below 14 years to work

(Shrimati Jayanti Patnaik)

in factory, in mines and hazardous employment. This particular piece of legislation has come forward to ban such employment. But wherever there are child employments, outside the purview of the Article 24 of the Constitution, that is, non-factory, non-mines, non-hazardous occupations, they should be regulated rather than being banned. It is also essential that welfare measures will in turn help in reducing the child labour. We know that the Government is keen in providing welfare measures, that is not sufficient, but it should be in a comprehensive way.

I request that henceforth, the Minister will see in that line. My first point is that there are so many legislations for child labour, but we feel that implementation part is not enough. Otherwise, this legislation will be also an addition of another Act in the list of those now in existence.

Sir, the Bill should ensure protection of children against exploitation, proper implementation, necessities to specify the minimum age. And the Bill should also ensure adequate mechanism to ensure fair minimum wage. If these are not taken into account, child labour cannot be regulated, and banned over a period of time.

I am not happy about the implementation part, because there were no prosecutions. Collection of evidence has become very difficult due to the fact that their employment against the law is denied by the employer, and the parents. It is also believed that if the child is not so employed, he would be in the streets and become a dangerous hazard for the community at large. The environment in which he works is believed to be distinctly better than that in which he lives, and is left to himself at home. We must see to that also.

Of course, Sections 10, 11 and 13 of this piece of legislation say that there must be proper maintenance of registers, and the provision of a proper environment. But when we come to the maintenance of records, we see that many units are registered under fictitious names, and do not maintain proper records. Hence they evade statutory provisions relating to excise, sales tax etc. Very few have registers of children at work. The

salary statements do not reflect the actual payments. Industrial safety regulations are flouted. Minimum wages are not ensured.\* Medical facilities are not available. Children work under these adverse conditions.

At present, we see that there are some welfare measures; and they are short term measures. The benefit of these short term measures do not reach the target group. The other amenities are misused. Funds are siphoned off by corrupt practices, and sometimes disproportionate amounts are spent on administration of the projects.

When I say that they disappropriate amounts spent on project, I can give one example. The National Child Labour Programme which is currently there, is an excellent case in point. We had proposed a budget of Rs. 13.8 crores for the Mid-Day Meals Scheme for the children of Sivakasi. Out of this amount, only Rs. 3.8 crores is actually earmarked for feeding the children. The rest goes to meet the cost of various establishments. One, Therefore, is doubtful of these short term welfare measures, as they might have a self-defeating result.

The Mirzapur example will also show this. What happened when the working children were released from bonded labour? They went back to their places and to families which were situated in the poorer parts of different States. Again they came back. When asked about the reason, they said that they preferred to slog, rather than to starve. So, immediate solutions are a pointless exercise, unless followed by concrete rehabilitation programmes. These should be conducted by voluntary organizations with commitment and dedication.

I must also say that there must be supportive measures like removal of poverty and unemployment, ensuring of minimum wages, a meaningful education policy, having a vocation according to seasonal agricultural requirements, non-formal education to working children, medical and health support, nutrition and housing facilities, library in labour colonies etc. These colonies have a concentration of population which is affected by poverty, drought etc. These supportive measures also should be undertaken. The other supportive measures re : recreation and cultural activities, apprenticeship and vocational facilities.

We now have an Apprentices Act. It has failed to fulfil its objectives. The apprenticeship offers no guarantee of assured employment. Besides these, there are other programmes for poverty amelioration—TRYSEM, ICDS etc. are there. Besides these, we should see that there is no unionization that children do not come under the influence of trade union movement. The Minister should see what kind of a forum should be there, to espouse their cause.

We have provided three hours for working and then an interval and then again to work for three hours. Altogether it comes to six hours. If they spend six hours in working, then how will these welfare measures help them? They will not have any stamina to go to schools and participate in other welfare activities.

About advisory board, I must say that it should be a representative body consisting of voluntary organisations and trade unions. The board should have powers and resources to undertake investigative study and survey to locate this specific area where regulation of child is called for. It should also review periodically the results of the implementation of the existing legislation.

Government cannot do it all alone unless people and other voluntary organisations are involved. An awareness should be created among the people with regard to it. Media can play an important role in tackling this problem. If the people are made education conscious through intensive publicity, they may be motivated to put their children in schools instead of labour market. But there has not yet been any conscious planning so far in this regard. The community has to be made conscious about shocking implications with regard to national development in the long run. At the same time legal provision of safeguarding the interest of the child has to be matched by adequate enforcement machinery along with supporting welfare measures.

[Translation]

SHRI RAMSWAROOP RAM (Gaya) :  
Mr. Chairman, Sir, while supporting the Bill on child labour, I would, like to draw the attention of the Hon. Minister to some

points. Many laws regarding child labour have been enacted in this Hon. House, but due to lack of proper implementation of these statutes, the number of child labour has been increasing in the country. Today, we feel grieved to say that there are two facts of India for her children. One India belongs to those children who are ready to enter into the 21st century and the second India belongs to those children who have not been provided with the facilities of even the 18th century and such children are in large numbers in the country. When the Hon. Minister introduced this Bill, he must have thought of bringing another Bill as the main malady is not being cured. Where do the child labour in majority come from? It is the class of poor and the depressed villagers, which gives birth to child labour and the population of such children in India is 16.5 million. We have resolved under the constitutional powers to provide compulsory education to the children between the age group of 5 years to 14 years, but it has been shelved and we have not been implementing it in the true sense. Our Hon. Prime Minister has resolved that all children of the country will be made literate by 1990 and they will be imparted compulsory education. Due to the lack of education, children do not even know who the Prime Minister of India is. I would like to take you to those areas of Chota Nagpur where mass media has not reached even now and the people there do not know who the Prime Minister of our country is. What a paradox it is in itself. The Government is making great efforts. But I think the economic reasons are behind it. Unless the society gets rid of this economic situation, you may go on introducing such Bills. You will bring another Bill after five years and some other Bills in the other House, but these Bills will not have any effect.

Just now Mr. Mishra told that children engaged in the carpet industry in Mirzapur were learning an art. An Hon. Member from Tamil Nadu said that there the children were trained in vocations and art. Children are forced to work for 12 hours. Is this the way to teach an art? The children engaged in the micamines of Kodarama have to work for 12 to 14 hours. Are they learning an art there? Is this the system of teaching an art? If you continue with such activities, then the passing of this Bill on child labour will be of no use,

[Shri Ramswaroop Ram]

I want to urge that the Government should bring forward a will which may contain a strict provision prohibiting the employment of children between the age group of 5 years to 14 years in any undertaking, whether it is in the public sector or in the private sector. You will plead that it will cause a large population below the poverty line to face starvation. I suggest that the children of that section of the society be imparted compulsory education and the programme of food for education be undertaken for them. You cannot educate those children if the food for education programme is not implemented for the school going children.

I want to tell you that your planning is very good, but it is not effective. This subject is so wide that it cannot be discussed in 5 minutes. I will ask the Labour Minister only to implement food for education programme. Every children studying in primary or middle schools should be given 2 kgs. of wheat every day in the evening after the classes are over. In this way, your compulsory education programme would be implemented and you will also be able to check the problem of hunger. This will enable the poor children also to get education. Otherwise, there is no justification for passing this Bill.

I hope that the Hon. Minister will introduce a very comprehensive Bill in the next session so that something substantive could be achieved in this matter.

[English]

SHRI SHARAD DIGHE (Bombay North Central) : Thank you Mr. Chairman, for giving me this opportunity. I reciprocate the gesture by being very brief.

This Bill is being discussed bit by bit for the last seven days. Now, many of us have referred to the Directive Principles, Article 14 which prohibits the employment of children and Article 45 guaranteeing free and compulsory education to all children.

We have also lamented that these Directive Principles are not justiciable and therefore, we have not been able to solve this problem of child labour.

In the last 15 years the child labour population has increased from 10.7 million to an estimated about 20 millions and according to the United Nations report nearly one-third of this child labour population is in India.

Now, we have been thinking only of regulating child labour and not banning it and our argument is that under the prevailing socio-economic environment it has become a necessary evil and from this point of view we have brought this Bill.

(Interruptions)

In this Bill also I may say that...

(Interruptions)

The old Act of 1938 was replaced by 1951 Act after the Supreme Court judgment. But practically the same occupations and same vocations have been put in the Schedule Part A and Part B. It is high time that we also include glass industry, slate industry in which children are dying because of cancer. Similarly, balloon industry should also be included in this. For this purpose, the set up provided in this Bill is that there will be an advisory committee to advise the Central Government for the purpose of addition of occupations and processes to the Schedule. My submission is that for this purpose such a committee is not necessary at all. This can be done by the Government itself. Even an under Secretary or a Deputy Secretary can prepare the file and the Minister can take a decision on it. Forming the committee to advise the Government means, it will increase the work and it will even delay further improvement in this Bill.

Similarly, section 3 does not apply to any workshop wherein any process is carried on by the occupier with the aid of his family etc. This is also very dangerous. If we decide that a particular occupation is hazardous to the children, then why should we accept this? This is an anomaly in the Bill. This must be looked into.

With these words, I support the Bill.

SHRI NARAYAN CHOUBEY (Midnapore) : Shri Sangma is a good friend of ours

and he has very good intentions. This Bill is one of those evidences that he has got some good intentions. But there is a Sanskrit Sloka which says :

*Kintwa Kriyate Dhenna*

*Ya Na-huta Na Dugdha*

It means, what is the use of a cow which does not give milk nor calf. What is the use of passing a Bill which is full of good sentiments but without provision to implement it?

What are the provisions that we have in this Bill for implementing it? We are for total ban on child labour. I think, it is not possible at the present moment. For that purpose, what is necessary is that environment and economic condition has to be improved so that child labour can be banned fully lock, stock and barrel in this country.

India is the largest democracy. At the same time, this democracy has the largest number of illiterates. It has the largest number of people who do not know how to read or write. It has the largest number of child labour.

Coming to the Bill itself, clause 3 bans child labour from occupations shown in Schedule A and B. It is very good. But then a very curious thing has been brought into it. The entire occupation has not been made hazardous. A section hazardous and another section is not hazardous. If the child labour is working on a site and the Inspector goes there, how can you prove whether the child is working on the hazardous section or non-hazardous section. So, it will be difficult to implement it. I hope, you will kindly see to it.

As regards the concept of family, how is it that a job is hazardous when it is not done in the family and that job becomes non-hazardous when it is done in the family in the name of development of scheme, in the name of development of your precision, etc.? This is not proper. In my opinion, this is not correct.

Then, Sir, since the Hon. Minister also comes from a very backward area, he knows how this family concept is misused. I know in bidi industry how this family concept is misused. The owner will give leaves, the

owner will give tobacco to every house and due to sheer poverty, the workers will be admitting that they are working in the family, although they are working for the owner. So, this misuse of family concept should be looked into by the Hon. Minister otherwise it will create a dangerous situation.

In section 3, there is a provision for the Child Labour Technical Advisory Committee. As my friend has said, it is not at all needed. He should just strike it out from this Bill because he can easily do it, his officers can do it.

In part III of the Bill it is stated that all sections will make detailed provisions regarding hours of work, etc. But then what are the provisions by which he wants to implement them? They have no machinery. This is the biggest weakness in this Bill that they have no machinery to implement, and whatever they have provided, when it goes to the States, you know what will happen to this Bill.

SHRI BALKAVI BAIKAVI (Mandsaur):  
Not even in West Bengal?

SHRI NARAYAN CHOUBEY: Every-  
where. Let me be truthful. I will be very glad if you agree about other States also.

In section 16 they have provided that any person can file a case, any person can file a complaint. Very good! But then in section 16(2) they have brought the question of certificate. They have stated that a certificate given by a prescribed medical authority will be sufficient as to whether the child is of the age of 14 or 12 or 18 or 19. In this country of ours, which is called Bharat Desh, what the employer can do with the doctors, you can pretty well know. So, I will request the Hon. Minister to think over it. This will be very much misused and even a child of 12 years may be given a certificate that he has attained the age of 18 years. So, that should be looked into.

This Bill is only a prohibitive Bill, controlling Bill, regulating Bill. But what about the other child labour? 80 per cent of the child labour comes from the rural areas. Not a word has been said about them. I hope you will bring Bill on them also. After

[Shri Narayan Choubey]

all, they are also children. So, it should be seen that they are also covered by some Bill or by some Act. Most of the Scheduled Castes and Scheduled Tribes people who give birth to the child labour, can never be spared if you do not think of them.

Then, Sir, there is another point which I would like to make. Although it is not under him but still I say that unless the Government implement the land reforms in various States, which Bengal has done but others have not done, you cannot improve the lot of the SC/ST people and you cannot stop the SC/ST children coming in the market in more and more numbers. From the millions, their number has already gone up to seventeen million.

Another point that I would like to make is that being an important member of the Cabinet, the Hon Minister should kindly make education for the children below fourteen years as compulsory and they must be given incentives for getting education in the schools. That is the only way you can put an end to the problem of child labour. I fully agree with my friend Ram but I fully disagree with other friends who said that the carpet weaving, wool cleaning, etc should be taken away from this Bill. I do not agree with them. Carpet weaving is there and must be there and in addition two more things should be added—glass-blowing and stone-cutting, etc.

With these words, I again hope that his good intentions shall be backed by some measures with which he can implement his good intentions.

[Translation]

SHRI KAMLA PRASAD RAWAT (Barabanki): Mr. Chairman, Sir, when the small children should have been in a school, when they should have been singing in a park, when they should have been frolicking at that tender age, they, instead, beg at stations clad in the rags. Not only this, small children work as helpers to the scooter and motor mechanics. Most of our children have the same plight. They are also forced to do illegal works. Their gang leaders also force them to pick pockets at places like

stations, etc. If we give it a serious thought, then only we can check this evil. I support this Bill and want to state that it has become a phenomenon in our countryside that instead of going to school, it is considered better to take the cattle out for grazing. The reason behind this thinking is their poverty. In our country, 40 per cent people are living below the poverty line. That is why they are unable to send their children to the schools and the children who would have been of immense importance to us in future, become a problem for us. The children in the villages are asked to work in the agricultural fields. When a child is born in a household, after some time, when he grows a little bit, he goes at the residence of the village Zamindar and offers his services as a bonded labourer. When he grows a little bit more, he is asked to graze the cattle. How can they make any progress then? So, we should make some legislation in this regard. The children must be sent to schools and such poor children should be given scholarships and mid-day meals should also be arranged for them in the schools. With this, I conclude and support this Bill.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah): Mr. Chairman, Sir, I am thankful to you for providing me an opportunity to speak, but I fail to understand why these legislations are hurried through. When such legislations are being passed in a hurry, we cannot express ourselves fully. This is a wrong method. If there is no time left today, then you can allow some time for it tomorrow. I would like to submit that in future this point should be borne in mind. I belong to a National party. Therefore, I should be allowed time to speak. In connection with the discussion on the Child Labour (Prohibition and Regulation) Bill, I would like to ask as to why this Bill has been brought forward. What is the basic thing? The basic thing is the poverty. You should try to remove it. If poverty is not eradicated from India, what can you do? In order to maintain their parents, the poor children are forced to commit crimes and to work at hotels and elsewhere and even take to rickshaw pulling. You just go outside and see for yourself the age group of the children who are pulling rickshaws. When you cannot eradicate this poverty, then why are you bringing this Bill? What is the use of this

Bill? Will you provide any guarantee for the parents of those children who beg for them? Would you guarantee that parents of such children would not face starvation? On one the side you are bringing this Bill, but on the other you neglect the problem of poverty. What is the economic condition of India today? First you should eradicate poverty, then only you may talk of bringing such a Bill.

Today, we find that we do not give proper attention to the upbringing of the small children. You have said that there should be compulsory education for them, but it is not implemented. You kindly tell us if it is not a fact that you get Bills passed in the House, but to what extent these Bills are implemented? Will the Government tell us the number of cases in which challans have been done under this Act, as also the number of cases of the children which have been enquired into and the number of commissions that have been appointed to ascertain the number of small children engaged in rickshaw pulling, in factories and elsewhere? In my birthplace Ferozabad, where bangles are manufactured on a large scale, there are big furnaces in the factories. Mr. Chairman, Sir, I have seen the small children working there in front of the big furnaces. If you happen to see them, you will start virtually weeping by seeing those innocent children working in front of fire for eight hours a day. Whatever they get as wages, they give it to their parents to maintain the family. Today, the whole of India is facing the problem of poverty. You should eradicate this poverty first, otherwise there is no use of bringing a child Labour Bill. What should the poor do? How should they make their both ends meet? The parents are compelled to send their children to work in the factories to maintain themselves. So you should first eradicate poverty and then only you should bring this Bill. According to the census of 1981, there were 11.17 million child workers in this country and out of them 7.41 million were boys and 3.76 million were girls. Majority of these children are illiterate. These children mostly come from the scheduled castes and backward classes and they do not belong to the affluent class. The children of affluent class study in the public schools, but the poor children even do not have that facility. You should think

about it. There is a pottery in Khurja and the situation of child labour is the same there also. Therefore, I request you that first you should give attention to their education and try to eradicate their poverty, then only this Bill could be meaningful. You may pass a number of Bills and show them to the people and even publish them in the newspapers, but they are not implemented. You should also give your attention towards their implementation. Therefore, I request the Hon. Minister that the Bill which he has brought is very good and you have put restriction against the working of the children of a particular age in some particular jobs, but you should also give attention to its implementation. It will be no use passing this Bill, if you do not implement it properly.

[English]

SHRI BHADRESWAR TANTI (Kaliabor) : Sir, with a heavy heart I am participating in this Bill, as my heart bleeds with sorrows and miseries because by this Bill the Government is going to eliminate the future of the millions of innocent children of our country. By this Child Labour (Prohibition and Regulation) Bill, the Government is going to give a free licence to the unscrupulous employers particularly, to the private sector industrialists, to employ more child labour in contravention of the provisions of Part III and Part IV of the Constitution of India, which are lenient towards the working class. The highest court of the land—the Supreme Court of India—time and again hold that the Fundamental Rights are the basic principles of the Constitution which cannot be ignored and changed. This Bill will jeopardise Article 24 of the Constitution. Article 24 of the Constitution reads :

“No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”

Again Article 45 promises that :

“The State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.”

[Shri Bhadreswar Tanti]

Sir, this Bill is almost a verbatim copy of the 1938 Act. The Employment of Children Act, 1938, has never been implemented. Similarly, Acts relating to adult labour in the informal sector, for example, Bonded Labour Act, Inter-State Migrant Labour Act and the Contract Labour Act have been also frustrated because the Government had failed to implement it. Part III, Section 3 in the Bill makes detailed provisions regarding hours of work of children. The children once appointed will be used for full eight hours as adult labourers and there will be no authority to supervise it.

Mr. Labour Minister, you are aware that there are as many as 775 tea estates in Assam and there are about 15 lakhs of tea garden labourers working in the tea industry and their living conditions (socio-economic conditions) in Assam are worst in comparison to the workers in other parts of the country. They are most ill-paid and they are also living below the poverty line. You have failed to implement the Plantation Labour Act, 1951 and the rules made thereunder. You have also failed to implement the provisions under the Factories Act, 1948, the Workmen Compensation Act, 1923, the Maternity Benefit Act, 1961, the Child Labour Act, 1938, the Equal Remuneration Act, 1976, Minimum Wages Act, 1948 and the Payment of Bonus Act, 1965. Right now, if you go to Assam, you will find that the women labourers are forced to work at night in the tea factories. I have also seen children below the age of 12 years employed in the tea estates, what to speak of 6 hours and thereafter rest for children. They have been engaged for the whole day with very meagre pay. Thus, your law is a silent spectator in Assam. A woman worker is entitled to maternity benefit under the law. But she has been deprived of it because she is not a permanent one.

MR. CHAIRMAN : Hon. Member's time is up.

SHRI BHADRESWAR TANTI : Your corrupt officials know this. But because of selfish and motivated interest, the poor woman worker does not get her maternity benefit. In our illiterate democracy, you can

make thousands of laws only for your political interest. But you cannot implement them unless the people, this working class, are educated.

MR. CHAIRMAN : Please conclude. Next, Shrimati Prabhawati Gupta.

[Translation]

SHRIMATI PRABHAWATI GUPTA (Motihari) : Mr. Chairman, Sir, the child labour (Prohibition and Regulation) Bill that has been moved... (Interruptions)

[English]

SHRI BHADRESWAR TANTI : Sir, I have a few suggestions.

MR. CHAIRMAN : All right. Please conclude.

SHRI BHADRESWAR TANTI : The number of children who are working in India, at a conservative estimate is 17.31 millions. If they are taken out of the workforce, the jobs will be filled by their idle parents. Pockets of child labour are also found to be pockets of high adult unemployment. It is obvious that employers are not going to employ adults as long as cheaper and more subservient child labour is available. The only way to stop child labour is to ban it.

MR. CHAIRMAN : Nothing should go on record. I have told you several times, please stop reading.

SHRI BHADRESWAR TANTI : I am summing up. One minute, Sir.

The employers should be penalised with compulsory imprisonment with a levy of high taxation and cess for employment of child labour. Otherwise, those employers will be more inclined to switch over to child labour than to adult labour.

MR. CHAIRMAN : Nothing should go on record.

(Interruptions)\*\*

\*\*Not recorded.



**SHRI BHADRESWAR TANTI :** Give me more time.

**MR. CHAIRMAN :** No submission. It will not go on record any further. You will not be given any further time.

*(Interruptions)\*\**

**SHRI BHADRESWAR TANTI :** Sir, only one minute.

**MR. CHAIRMAN :** Will you conclude immediately ?

**SHRI BHADRESWAR TANTI :** Yes, Sir, I urge upon the Minister to train the minds of the innocent millions of children for a better tomorrow as today's children are tomorrow's citizens of the country.

With these words, I vehemently oppose the Bill and I demand the Hon. Labour Minister to withdraw the Bill.

*[Translation]*

**SHRIMATI PRABHAWATI GUPTA** (Motihari) : Mr. Chairman, Sir, while supporting this Bill, I would like to commence my speech with a poem which reflects the condition of our country :

*Loonga wahi wahi Loonga Mein, Machal  
 gaya Dina Ka Lal,*

*Wah Balak Pukar Raha Tha Path Mein  
 Barambar.*

*Loonga wahi-wahi loonga Mein, Machal  
 gaga Shishu Rajkumar,*

*Wah Balak Pukar Raha Tha Path Mein  
 Barambar.*

*Wah to Metti Ka hi hoga Khelo tum o  
 Soney Se.*

*Doud Padi Sab Das—Dasiyan Rajputra  
 Ke Roney Se.*

*Rajhatt Ne Fenk Diye Sab Apne Rajat  
 Hem uphaar.*

*Loonga wahi-wahi loonga Mein, Machal  
 Gaya Dina Ka Lal.*

Mr. Chairman, Sir, it is most unfortunate that in a country like ours, which is one of the largest democracies in the world, where

strong protests are being made against apartheid and the racist regime of South Africa, and which has always been antagonist of nuclear weapons and protagonist of world peace, there are about 4.40 crore child workers. According to a Government survey, there are about 10 crore child workers in the country.

Mr. Chairman, Sir, it is ironical that on the one hand our Constitution envisages imparting of compulsory education to the children upto the age of 14 years and on the other, the Hon. Minister has envisaged in this Bill that children will have to work for six hours only and if any one contravenes this clause and forces them to work for longer hours, he will be liable to be punished with 3 months' imprisonment and Rs. 10,000 as fine. Sir, the Constitution says that the children upto the age of 14 years would be imparted compulsory education and the Bill says that no child would be required to work for more than six hours a day. Sir, I would like the Hon. Minister to clarify as to when the child will go for study and when the child will go for study and when he would go to work ? Besides this, how will the distribution of time be done.

Mr. Chairman, Sir, I would like to submit through you, to the Hon. Minister that many child labour legislations have been enacted since Independence. The first one was enacted in 1938 and much work was done for the welfare of child workers. Amendments were made in 1948 in the Factory Act and work during the night in the factories was limited to a few hours. In 1952 more measures were taken for the welfare of child workers. The employment of children below 16 years in the minister was banned.

4.40 crore children are engaged in different sectors of the economy. Out of these, 2.70 crore are working in unorganised sector and 1.70 crore in the organised sector. Is it not a matter of shame for us that even a child of 5 years is forced to work ? I am aware that this is being done in my area. It is not that only children of the scheduled castes and scheduled tribes are forced to work. Children of the poor, irrespective of caste, are generally forced to work. This is the greatest curse of our economic set up.

\*\*Not recorded.

[Shrimati Prabhawati Gupta]

About 10 years back, an International Conference was organised in India on child labour. It had given many suggestions and had those suggestions been implemented, there would have been no need to enact these legislations. One of the recommendations was to act according to the norms laid down by I.L.O. Alternative employment should be given to children and their parents, besides linking labour to employment. There was also a suggestion to provide vocational education to children.

Besides this, I would like to know as to what has been done by the Government in respect of the suggestions given by UNICEF, WHO and I.L.O. for child workers from time to time? Prior to this Bill, Shri Anjiah had brought a Bill on child labour. I would like to know as to why do you not bring a comprehensive Bill in this regard to avoid the process of bringing a Bill every now and then? Neither 20 Point Programme nor NREP is being properly implemented. Had these been properly implemented, the poor in our country would have progressed a lot and much could have been done for the welfare of child labour. I would like to urge the Government to implement the suggestions given in this regard from time to time as it would help in improving the lot of child workers to a great extent.

[English]

SHRI SHANTARAM NAIK (Panaji) : I am on a point of order. Several persons have died in Karnataka. There is no security of life there. The Chief Minister of Karnataka gives lectures and sends booklets on judiciary and other things to the Members of Parliament. What the Chief Minister is doing in Karnataka? Today 27 persons have died and the Chief Minister is not able to control the situation. Home Minister should make a statement in the matter on the floor of the House giving a sense of security to the Karnataka people specifically the minorities.

SHRI P. M. SAYEED (Lakshadweep) : It is not a law and order problem. The minority is feeling totally insecure. 17 people have already been killed yesterday in the whole of Karnataka.

SHRI S. B. SIDNAL (Belgaum) : The Karnataka Government is anti-people, anti-minority and protection should be given to them. Home Minister should interfere and make a statement. The minority has lost confidence in the Government.

MR. CHAIRMAN: A statement is being made at 5 O'Clock. Please wait. At 5 O'Clock, you will get the statement.

SHRI PIYUS TIRAKY (Alipurduars) : Much has been said on this subject. All the points have been covered. I should like to draw the attention of the Hon. Minister to this matter because it is a very serious matter. The Hon. Minister should go through it very nicely. The Hon. Members Shri Ram Kumar Meena and Shri Syed Shahabuddin said that the Hon. Minister should go through the record of at least those Members who have spoken in the House.

I suggest the Hon. Minister should meet the Prime Minister and tell everything whatever the Hon. Members have said and please graciously withdraw this Bill because it is very harmful. It is against the Constitution itself. It is against our socio-economic structure and our religion also. For the past several centuries we have been living with the four *Varnas*. Childhood is the golden age and child must be properly looked after so that he becomes a good citizen of India. Then only India can progress.

Sir, our Hon. Prime Minister has declared eradication of illiteracy; eradication of so many diseases like Malaria etc. Also, he has announced his policy on eradication of poverty; eradication of black-money also. So, there are so many eradication programmes. But it is quite contrary that the Hon. Minister has come forward with a Bill like this to legalise the child-labour. He must graciously withdraw his Bill and he should come forward with a more comprehensive Bill in the next Session. That is all I want.

This Bill is working as a part of Family Planning—I must say. Because, in India even a beggar can marry and have children. The family planning programme tries to prevent child birth beyond a limit. I think the Labour Minister wants to push them to early death. It is like family planning and forcing small children of India for an early

death. In a literal sense, no body can support this Bill because every parent love their child them. In India, three per cent of families can afford their children for higher education. So, it will create disparity. The ruling classes have a very limited family which is 3 per cent of the population of India. It should be stopped. Our Constitution says that everybody must have the right to education; everydody must have the right to be equally treated in respect of education. I think this Bill will disparity and it will set a bad precedent for India. We should be ashamed of the fact that the smaller countries have allowed their children to have better education and better life. We are taking the leadership of many movements in the world. I would request that our Prime Minister and the Labour Minister also should show that India is very much concerned about children; they are doing their best. So, I again request that this Bill be withdrawn and let the Minister come with a comprehensive Bill with the consent of the Prime Minister keeping in view all these things, that we need in India for our children.

[*Translation*]

SHRI HAFIZ MOHD. SIDDIQ (Moradabad) : Mr. Chairman, Sir, I am obliged to you for giving me an opportunity to speak on the Child Labour Bill. There are thousands of such poor families in our country which are not able to afford even two square meals a day and enough clothing to cover their bodies. Keeping these circumstances in view, our Labour Minister has brought such a Bill as would enable maximum number of children to work in safer employments. I feel that this Bill is appropriate keeping in view the families and economic circumstances of the child workers. This is also appropriate, because there are numerous families in our country which do not even get two square meals a day. If their children do not work, they will not be able to feed them. Keeping in view all these things this Bill is a step in the right direction. The Bill envisages that children will be permitted to work for six hours and if anybody forces them to work for longer hours, he could be fined and punished with imprisonment. I am of the view that till there is poverty and small scale industries in this country, children will be forced to take up these employments, because even today we do not have such

machines which can be used, for example, to manufacture carpets or in similar small scale industries. I would like that necessary provision should be made to provide education to the children who are employed there. I feel that keeping in view the prevailing circumstances in the country, the Hon. Labour Minister has brought a commendable Bill and I, therefore, support it. Besides this, I would like to submit that it will be possible to solve the problems of these children only when poverty is removed from this country.

SHRI KALI PRASAD PANDEY (Gopalganj) : Mr. Chairman, Sir, I rise to support the Child Labour (Prohibition and Regulation) Bill brought forward in this House. But, at the same time, I would like to draw the attention of the Government to the fact that the condition of the Independent Members in this House has been reduced to that of child labourers in the country. Earlier, Shri Sangma had brought forward a similar Bill in this House, which I too had welcomed, but such innocent children in the country are not having two square meals a day. The situation today is that the open sky is their roof and mother earth is their bed. The Government do talk of providing facilities to the child labour by getting such legislations passed in this House, but as long as the Government do not implement these laws, they will continue to toil the whole day and still their parents will have to crave for two square meals. The Government will pass this legislation, but simply enacting these legislations will not help. (*Interruptions*) Mr. Chairman, Sir, I was saying these words, as introduction. I was saying that merely enacting legislations for the child labour in Parliament will not solve their problems. If Government enacts legislations, their prime objective should be to ensure effective implementation of these legislations.

A number of Hon. Members have expressed their views on the subject, but what does this word 'child labour' mean after all? Pandit Jawaharlal Nehru used to say that children were the future of this country. Many other leaders have also said that the children are incarnation of God, but the condition of these children today is that they even do not know as to who is the Prime Minister of our country. They

[Shri Kali Prasad Pandey]

do not even know about the provisions of the legislation enacted by Parliament for them... *(Interruptions)* I would like to submit that as long as these innocent children do not have an easy access to education, as long as poverty is not eradicated from the country, the Child Labour Laws will remain confined to this House and child labourers will not get any benefit from them.

With these words, I thank you for giving me an opportunity to speak.

*(English)*

SHRIMATI CHANDRESH KUMARI (Kangra): Sir, I would like to say a few words on this Bill. This Bill has plus points as well as minus points. As a citizen of India I would like to see that there is a total ban on child labour. But we should see to the reality and the conditions that we are living in.

17.00 hrs.

The reality is that over 17 million children of this nation are working. There are no proper rules or regulations. They are working in hazardous conditions there are no working hours, there are no holidays, there are no proper wages health treatment and anything of this sort.

That is why I think that this Bill has been in the right direction and I would congratulate the Hon. Minister for this. We should first see why children work. They don't enjoy working. They like to play. But whenever they see their family starving and is on the verge of death, because of starvation they have to work.

Therefore, I would like to make a few suggestions. This Bill has some loopholes. Firstly, there is no age-limit. Secondly the list which has been drawn up of the banned employment is not comprehensive. It must be looked into again and a proper detailed report of all the banned employments should be made and then implemented.

One thing we have to ensure is that children are paid the same amount as an adult labourer. If an adult labourer is paid

Rs. 15/- a day, then the child labourer also should be paid Rs. 15/- a day because they are giving their precious time. I would also like to suggest that children from the age of 4-12 should be in schools from 8 O'clock to 1 O'clock. If they have to work, they should be allowed to work only from 2 O'clock to 6 O'clock—for four hours a day and not more than that. There should be one day holiday.

*(Interruptions)*

The minimum age for the working child should be ten years. No child under the age ten should be allowed to work.

These are a few suggestions that I want to make. I have some more suggestions but you have put a ban on my time and restricted me.

MR. CHAIRMAN: Rather, I obliged you by giving some more time. Please conclude.

SHRIMATI CHANDRESH KUMARI: There are two more points that I want to make.

The establishment which will be created to implement this legislation should consist of women employees in it. A woman, being a mother knows the difficulties of a child. Even to implement this law, it should not be left to the State Governments. It should be done through the Central Government and the Central Government should have its own establishments.

Every working child should be registered and should have an identity card. Without an identity card, no child should be allowed to work. For this, the responsibility of registering the child and giving them an identity card should be that of the employer.

The employer should be forced to see that all the children who are working with him are sent to schools and given vocational education.

A few aspects which I think were left out in the Bill have been suggested by me and I hope the Hon. Minister will look into them. With these words I congratulate the Hon. Minister once again and support the Bill.

**STATEMENT RE: SITUATION IN  
KARNATAKA ARISING OUT OF PRO-  
TEST AGAINST PUBLICATION OF  
A SHORT STORY IN AN  
ENGLISH PAPER DECCAN  
HERALD**

17.04 hrs.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): The House is aware of the recent violence in Bangalore and some parts of Karnataka as a result of protest against publication of a short story in the Deccan Herald Weekly supplement of December 7. In the consequent rioting, police had to open fire in Bangalore as well as in Mysore. According to information, 11 persons were killed in Bangalore and 4 in Mysore as a result of police firing. The Central Government is in contact with the State Government and has asked for fuller and complete details in the matter. The State Government has already initiated some administrative action. A judicial inquiry into the incidents has also been ordered. It is learnt that the editor and the publisher of the newspaper have been arrested U/S 153A of IPC and cases registered against them. Measures for relief are also reported to be in hand. Details from the State Government in this regard are awaited.

2. It is a matter of deep regret that a careless and provocative story should have been published in a newspaper without regard to the feelings of our Muslim brethren. Several precious lives have been lost in the process. The H.M. has spoken to the Chief Minister of Karnataka and also to the Governor. Both of them have assured him that all steps are being taken to restore law and order and bring about normalcy. I have been in constant touch with the State authorities. The Central Government has offered all assistance that the State Government may require.

3. We have requested the Chief Minister to ensure that such provocative publications

do not recur and he has assured us that steps will be taken in this behalf. We have impressed upon the State Government to maintain law and order and to see that the situation is not exploited by anti-social elements.

4. We have also been in touch with the leaders of the Muslim community in Bangalore and have assured them fullest protection and action against elements who are out to vitiate the atmosphere of communal harmony. While we share the sense of hurt of our Muslim brethren, I would appeal to them to accept the unconditional apology of the Editor of the newspaper which has been prominently published. I convey my deepest sympathies to the families of those who lost their lives and those who have been injured in the last two days.

5. Peace and communal harmony are the need of the hour and I appeal through this House to all sections of the people in Karnataka to restore peace and communal amity.

17.05 hrs.

**CHILD LABOUR (PROHIBITION AND  
REGULATION) BILL 1986—Contd.**

[English]

SHRI P. PENCHALLIAH (Nellore): Mr. Chairman, Sir, I support the Child Labour (Prohibition and Regulation) Bill. The founding fathers had taken enough care of children but their dreams even to this day remain as mere dreams.

During the past 40 years we had been worried about making legislation but we were not concerned about the implementation of those legislations. Today we are adding one more legislation. Acts concerning the children are pulling up and gathering dust in the concerned Ministries. Only the other day there were heated arguments about the language of the Anti-Terrorists Act Government was only worried about its interpretation rather than utilising it for curbing terrorist activities in the country. I am also very much doubtful about the implementation of this legislation. I hope at least now the Government would try to implement this legislation.

[Shri P. Panchallab]

Government intends to prohibit engagement of children in certain employments and regulate the conditions of work of children in other employments through this Bill. The object is laudable only if it is implemented sincerely. There is no small scale or cottage industry in the country where children are not being employed. Take, for example, the glass factory, match factory and fire works factory. It is the children who manage the show. Thousands of innocent children literally play with their death everyday in order to earn their livelihood. In many cases they go blind or get physically handicapped or die. Even by carrying out these hazardous jobs they are not getting enough to eat. Employers are interested in earning huge profits at the cost of these helpless children.

We often claim ourselves to be one of the ten industrially advanced nations in the world. Our industries in the country are dependant on small scale industries which in turn are dependant on children for running them. We pay adequate salaries to the workers in the public sector but, at the same time, do not care what a child gets after a day-long labour. The Government should, therefore, take keen interest in the welfare of the children.

Sir, we are a developing country. Most of the people are living below the poverty line. These are the people who send their children to earn some money for supporting the family. If we want to improve the conditions of the children, adequate attention should be paid to these aspects.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, I am grateful to the Hon'ble Members who have participated in this debate and ventilated their concern, feelings and anguish over the problem of child labour in our country. All of us in this august House very much know the problem of child labour. I think some of us not only know this but understand it because some of us have experienced it also. At least, I have experienced,

Mr. Choubey said that I had come to this House with a good intention. Sir, I

have come with this Bill not only with a good intention, but I have come with a conviction. We cannot take this problem lightly. The fact that there are 17 million children working in our country means that it is something very grave. Therefore, we must try to understand why they are working. (...Interruptions)

More or less, the House has come to a conclusion that in most of the cases among these children, it is an economic necessity. I do not think everybody understands what is an economic necessity. I do not think everybody understands what is meant by poverty. Those who are talking against this Bill, would not have talked so, had they undergone poverty. We know what is poverty in this country. We know what starvation means in this world. These millions of children are forced to work for their livelihood.

An Hon'ble Member has said that he supports this Bill with disappointment. Do you think that I am not disappointed? It would have been my wish if child labour could have been abolished with a stroke of pen. If I come to this House and say that the child labour is hereby abolished and the whole House welcomes it and claps, do you mean that the child labour would be over in this country? It will not be. Therefore, we have given a lot of thought to this. There were three ways open to us. One let it remain as it is; two let us abolish it, ban it, but as I said: Is it possible? When, it is not possible, when we cannot abolish it, and at the same time, we cannot just let the things happen as now, we thought, something must be done. Keeping the whole situation in view, we thought, wherever possible, we should ban it and wherever it is not possible, we should regulate it.

Some Hon. Members have raised the question of constitutionality of the Bill. Article 24 of the Constitution prohibits employment of children below the age of 14 in mines, in factories and in other hazardous occupations. It does not ban everywhere, otherwise the framers of the Constitution would not have mentioned specifically these three things. Therefore, according to the provisions of Article 24 of the Constitution, we have come here to ban the employment

of children below the age of 14 in those areas which are contemplated under Article 24 of the Constitution. But in the other areas, non-mining, non-industry and non-hazardous areas, we thought that under the present circumstances, the best way for us is to regulate it, and then we should also come forward with some welfare measures. All the Hon. Members were very right in expressing their disappointment, that this Bill does not contain anything about the welfare measures. I must take the House into confidence that we really thought over this and we decided to deal with the problem of child labour in three ways. First, we should ban it, where it can be banned, and where it cannot be banned, we should regulate it, and then rehabilitate them and draw up a welfare programme for their education, health and nutrition. Everything should be provided for them.

When we discussed this, there was a suggestion that we should go, as some Hon. Members suggested, for imposition for a cess and create a welfare fund in order to undertake the welfare measures. Somehow, after a lot of deliberations, we came to the conclusion that we should not impose any more cess for the creation of welfare activities and we must go with a budgetary support and since we did not opt for cess, it did not find a place in the Bill. But I want to make the intention of the Government very clear that we want to deal with the problem of child labour in three ways. First, ban it or prohibit it in mines, factories and hazardous areas; two, regulate it in non-mining, non-industry and non-hazardous areas and three, which is the most important, come out with welfare measures which will include the education of children, health of the children, nutrition programme for the children etc. We are working on these welfare programmes.

I have had a occasions of taking a couple of meetings at the highest level in the Government of India and hopefully, not hopefully but definitely, in the next session of Parliament, I will come back to you and I will announce the National Child Labour Policy which will contain a concrete action plan for the welfare of the working children. I shall be announcing it in the next session of Parliament.

These are the few remarks that I thought I will make it.

I do agree that this Act will become meaningless unless it is strictly implemented. Implementation is the most important thing. This problem, I must say, is a national problem and this has got to be tackled by the whole nation. This is what I would like to submit. Therefore in the Act itself, we have contemplated one aspect. In Section 16 of the Act, in order to prosecute, in order to launch either a prosecution or a complaint, power has been given to every citizen of this country.

I must also mention about welfare measures too. We will also involve voluntary organisations in doing the welfare work in this regard and in the next Session, I will be coming with an announcement about this aspect. Therefore, the whole nation has to address itself to this problem and we must all put in a concerted effort to solve this problem.

The other day, a delegation comprising a number of women came and met me. They are from all over India, almost from every part of the country. They came to my office and abused me saying that I was inhuman and what not, because I was going to legalise child labour. They abused me like anything. Fortunately for me, I knew only lady member in that group because I know her husband who happens to be a big exporter and I was in touch with him when I was in the Ministry of Commerce. I told her, "Madam you do not know that I know your husband very well. Now you are a very rich woman. Your husband is a very rich man. You have two children but you have the capacity to look after more than 100 children. You have got that much of wealth. If you are so concerned about children's welfare and child labour, will you please adopt one more child at least? If you do not do it, this is the last time you are meeting me in your life. You have no right to see me again until and unless you adopt one more child. I am telling you all this because unfortunately we do not practise what we preach. People come with delegations because they want to see their names in the newspapers or they want to see themselves on the television.

Therefore my appeal to the nation is this. So far as children's welfare is concerned, those who preach about their welfare in this country, should also do it in actual practice. If that is done, I am sure that the problem of child labour in this country can be solved to a great extent.

With these words, I once again thank the Hon. Members for having supported this Bill and I earnestly appeal to Shri Piyus Tiraky that instead of graciously opposing this Bill, he can graciously agree to it.

MR. CHAIRMAN : The question is :

"That the Bill to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments, as passed by Rajya Sabha, be taken into consideration",

*The motion was adopted.*

MR. CHAIRMAN : The House will now take up Clause by Clause consideration of the Bill.

Clause 2 (Definition)

SHRI K. RAMACHANDRA REDDY (Hindustan) : I beg to move :

'Page 2, line 1,—

for "Fourteenth" substitute "Sixteenth". (1)

Mr. Chairman, Sir, this is with regard to the definition of the age of a child. The age of a child has been defined here as one who has not completed the age of 14. I want this to be changed to 16 years. The reason is very obvious. In this very Session, itself you have passed the Juvenile Justice Act, where the age of a child is defined as 16 years. In 1948, the Minimum Wages Act was passed. There the age of the child has been defined as 15 years. In the Plantations Labour Act of 1951, the age of a child was defined as 15 years. In the Merchant Shipping Act, 1958, the age of a child was defined as 15 years. In the Motor Transport Workers Act, 1961, the age of a child was defined as 15 years. So when you come forward with a Bill of this type, how do you get the right to reduce the age of a child from 15 years or 16 years to 14 years. If at all you want to

change the status of a child, it must to his advantage and not to his disadvantage. So I request the Minister to accept this Amendment and have the age of a child as 16 years not 14 years.

SHRI P. A. SANGMA : Sir, we had gone strictly, according to the Constitution of India, under Article 24, wherein it has been defined as 14 years. So I cannot accept this Amendment.

MR. CHAIRMAN : Are you withdrawing your Amendment ?

SHRI K. RAMACHANDRA REDDY : No, I am not withdrawing it.

MR. CHAIRMAN : Now I will put the Amendment moved by Shri K. Ramachandra Reddy to the vote of the House.

*Amendment No. 1 was put and negatived.*

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

Clause 2 was added to the Bill.

MR. CHAIRMAN : There are amendments to Clause 3 by Shri Shantaram Naik, Shri Syed Shahabuddin and Shri Mool Chand Daga. The Hon. Members are not moving their Amendments.

The question is :

"That Clause 3 stand part of the Bill"

*The motion was adopted.*

Clause 3 was added to the Bill.

MR. CHAIRMAN : Dr. Datta Samant is not here to move his Amendment. Now we will go to Clause 4. Shri D. B. Patil is not here to move his Amendment to Clause 4. The question is :

"That Clause 4 stand part of the Bill."

*The motion was adopted.*

Clause 4 was added to the Bill.

Clause 5—(Child Labour Technical Advisory Committee)

MR. CHAIRMAN : Shri Shantaram Naik is not here to move his Amendment.



Shri Mool Chand Daga is not moving his Amendment. Shri D. B. Patil also is not here. Shri K. Ramachandra Reddy.

SHRI K. RAMACHANDRA REDDY (Hindupur) : I beg to move :

"Page, 2, line 48,—

*add at the end—*

"and the Chairman should either possess a degree in law or should be a retired judge and the rest of the members should have experience in matters concerning the children," (2)

"Page 3,—

*after line 12, insert—*

"(6) The period of membership of the Committee shall not exceed two years" (3)

The Act contemplates that there will be a Child Labour Technical Advisory Committee. There is likely to be a Chairman and also 10 Members in the Committee. The qualifications of the Chairman and the Members have not been defined. That is why I have given this Amendment and the Chairman should either possess a Degree in Law or should be a retired judge and the rest of the Members should have experience in the matters concerning children. Here, the purpose of the Amendment is that the Chairman should have at least some legal background so that he may understand the problems and then deal with them effectively and the other thing is that they should have at least some social background. They should have worked in some social organisation which should be dealing with children so that they may understand the psychology of the children and their problems. So, I think the Minister may accept this Amendment.

SHRI P. A. SANGMA : No.

(*Interruptions*)

SHRI K. RAMACHANDRA REDDY :  
My second Amendment...

(*Interruptions*)

MR. CHAIRMAN : No. That is all. Are you going to withdraw them.

SHRI K. RAMACHANDRA REDDY :  
No, I am not withdrawing them.

MR. CHAIRMAN : I now put amendments No. 2 and 3 moved by Shri K. Ramachandra Reddy to the vote of the House.

*Amendment Nos. 2 and 3 were put and n-gatted.*

MR. CHAIRMAN : The question is :

"That Clause 5 stand part of the Bill."

*The motion was adopted.*

Clause 5 was added to the Bill.

MR. CHAIRMAN : Clause 6. The question is :

"That Clause 6 stand part of the Bill."

*The motion was adopted*

Clause 6 was added to the Bill.

Clause 7—(Hours and Period of Work)

MR. CHAIRMAN : Mr. Ramachandra Reddy, are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY :  
Yes. I beg to move :

Page 3, line 23,—

*after "one hour" insert—*

"at a place of his choice" (4)

A weekly holiday is to be given. The employer is expected to maintain a register. In the register, he has to give so many other particulars, viz the age of the child, the actual work he is doing etc.; but the register does not contain information as to when the weekly holiday is given to the child.

I want this amendment to be accepted, because even if the child is given a weekly holiday, there is no way by which the Inspector would come to know of it. So, the register should indicate when the holiday was given.

MR. CHAIRMAN : It can be provided for in the rules.

SHRI P. A. SANGMA : It is a matter of rules. So, I do not accept the amendment.

MR. CHAIRMAN : Mr. Reddy are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : Yes.

MR. CHAIRMAN : Has Mr. Reddy the leave of the House of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 4 was by leave, withdrawn.*

MR. CHAIRMAN : The question is :

“That Clause 7 stand part of the Bill.”

*The motion was adopted.*

Clause 7 was added to the Bill.

MR. CHAIRMAN : Clause 8. Shri Shantaram Naik is not here. The question is :

“That Clause 8 stand part of the Bill.”

*The motion was adopted.*

Clause 8 was added to the Bill.

MR. CHAIRMAN : Clause 9. Mr. Datta Samant is not there. Mr. Daga is not here; Mr. D.B. Patil is also not here. The question is :

“That Clause 9 stand part of the Bill.”

*The motion was adopted.*

Clause 9 was added to the Bill.

MR. CHAIRMAN : Clause 10. Mr. Shantaram Naik is not here. The question is :

“That Clause 10 stand part of the Bill.”

*The motion was adopted.*

Clause 10 was added to the Bill.

MR. CHAIRMAN : Clause 11. Mr. Reddy are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : I have already spoken on it. I am not moving.

MR. CHAIRMAN : The question is :

That Clause 11 stand part of the Bill.”

*The motion was adopted.*

Clause 11 was added to the Bill.

MR. CHAIRMAN : In his amendment, Shri Datta Samant has given notice of a new Clause, viz. 11A. But he is not here.

MR. CHAIRMAN : Clause 12. Shri Shantaram Naik is not here. The question is :

“That Clause 12 stand part of the Bill.”

*The motion was adopted.*

Clause 12 was added to the Bill.

MR. CHAIRMAN : Clause 13. The question is :

“That Clause 13 stand part of the Bill.”

*The motion was adopted.*

Clause 13 was added to the Bill.

MR. CHAIRMAN : In his amendment, Shri Datta Samant has given notice of a new Clause, viz. 13A. But he is not here.

#### Clause 14—(Penalties)

MR. CHAIRMAN : Mr. Daga, and Mr. D. B. Patil are not here. Mr. Ramachandra Reddy, are you moving ?

SHRI K. RAMACHANDRA REDDY : Yes. I beg to move :

Page 5, line 30,—

*for “ten” substitute “one” (6)*

Page 5, line 30,—

*for “twenty” substitute “two” (7)*

Page 6, line 2,—

*for “ten” substitute “one” (8)*

I have given the amendments, so that the punishment and fine may be reduced. The

purpose is that even if you make the Act more vigorous, it will certainly not act as a deterrent. It will act only as a breeding ground for corruption among petty officers in charge of the enforcement of the Act. When you make the Act more vigorous and specify punishments like imprisonment and fine, the people concerned will be able to purchase the petty officers. These employers want to escape the punishment. That is why this excess penalty should be reduced from Rs. 10,000 to Rs. 1000 or Rs. 2000.

MR. CHAIRMAN : What about three amendments ?

SHRI P. A. SANGMA : We do not agree with this view. In fact, we want that stringent punishment should be provided for those who are violating the law.

MR. CHAIRMAN : Are you withdrawing them ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put all the amendments moved by Mr. K. Ramachandra Reddy to the vote of the House.

*Amendment Nos. 6, 7 and 8 were put and negatived.*

MR. CHAIRMAN : There is no amendment to Clause 15.

The question is :

“That Clause 14 and 15 stand part of the Bill.”

*The motion was adopted.*

Clauses 14 and 15 were added to the Bill.

Clause 16—(Procedure relating to offences)

SHRI K. RAMACHANDRA REDDY : I beg to move :

Page 6, lines 16 and 17—

for “any court of competent jurisdiction” substitute—

“a Court of Magistrate of the first class and the offence shall be

cognizable for which the procedure shall be the same as followed in the cases of summary trials provided for in Cr. P. C.”  
(9)

This is with regard to the procedure, Clause 16 says about procedure relating to offences. Actually in this clause the procedure is not enumerated, what is the procedure to be followed; whether it is cognizable offence, who is to investigate. That is why I have given an amendment that it must be” a Court of Magistrate of the first class and the offence shall be cognizable for which the procedure shall be the same as followed in the cases of summary trials provided for in Cr. P. C.” Cr. P. C. provides for three sets of procedure : (1) warrant procedure; (2) summary procedure and (3) summary trials. Instead of relying upon rules the government must come forward and accept this amendment so that it cannot leave this doubt. Then Clause 16 (A) reads as follows :

“Any person, police officer or an Inspector may file a Complaint of the commission of an offence under this Act in any court of competent jurisdiction.”

My point is that this competent authority instead of leaving it for future rules, why don't you say,

“a court of Magistrate of First Class” ?

SHRI P. A. SANGMA : I am sorry, I cannot accept it.

MR. CHAIRMAN : Are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put amendment moved by Mr. Reddy to the vote of the House.

*Amendment No. 9 was put and negatived.*

MR. CHAIRMAN : There is no amendment to clause 17. The question is :

“That clauses 16 and 17 stand part of the Bill.”

*The motion was adopted.*

Clauses 16 and 17 were added to the Bill.

MR. CHAIRMAN : Clause 18. Shri Syed Shahabuddin is not there. The question is :

"That Clauses 18 to 22 stand part of the Bill.

*The motion was adopted.*

Clauses 18 to 22 were added to the Bill.

Clause 23—(Amendment of Act 11 of 1948).

SHRI K. RAMACHANDRA REDDY : I beg to move :

Page 7, line 4,—

for "fourteenth" substitute "sixteenth"  
(10)

The definition is given above 14 and below 16. A child has been defined as one who is below 14. Instead of having all these things, you can just have the age of 16, then all these amendments may not be necessary. I request the Minister to consider it.

SHRI P. A. SANGMA : I have already answered that we have gone by the Constitution of India.

MR. CHAIRMAN : Are you withdrawing it ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : Now I shall put the amendment moved by Mr. Reddy to the vote of the House.

*Amendment No. 10 was put and negatived.*

MR CHAIRMAN : The question is :

"That Clause 23 stand part of the Bill."

*The motion was adopted.*

Clause 23 was added to the Bill.

MR. CHAIRMAN : Clause 24. Are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : The question is :

"That Clause 24 stand part of the Bill."

*The motion was adopted.*

Clause 24 was added to the Bill.

MR. CHAIRMAN : Now we come to Clause 25. Mr. Ramachandra Reddy are you moving your amendment ?

SHRI K. RAMACHANDRA REDDY : No.

MR. CHAIRMAN : The question is :

"That Clauses 25 and 26 stand part of the Bill."

*The motion was adopted.*

Clauses 25 and 26 were added to the Bill.

MR. CHAIRMAN : Now we come to the Schedule. Shri Datta Samant is absent. Shri Mool Chand Daga.

SHRI MOOL CHAND DAGA : I am not moving my amendment.

MR. CHAIRMAN : Shri Shyam Lal Yadav. Not present. The question is :

"That the Schedule, Clause 1, Enacting Formula, and the Long Title stand part of the Bill."

*The motion was adopted.*

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

MR. CHAIRMAN : The Minister may now move that the Bill be passed.

SHRI NARAYAN CHOUBEY : Just a minute, Sir. He did not reply to my query how the Minister is going to implement it. He gave a good sermon that the entire nation has to implement it. I want to know how he will implement the provisions of this Bill, which though inadequate, we do support.

AN. HON. MEMBER : You adopt one child.

SHRI P. A. SANGMA : I do not have anything to say.

SHRI PIYUS TIRAKY (Alipurduars) : There are a number of instances of child labour in plantation areas. So, I want to know whether the Minister considers it as hazardous or not. Those who are working

in the tea gardens they are also exploited. What is the mind of the Minister? Does he consider it hazardous?

*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Every Honourable Member had a chance to speak, already.

*(Interruptions)*

SHRI P. A. SANGMA : I beg to move :

"That the Bill, as passed by Rajya Sabha, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as passed by Rajya Sabha, be passed."

*The motion was adopted.*

17.42 hrs.

INDECENT REPRESENTATION OF WOMEN (PROHIBITION) BILL, 1986

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA) : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The Indecent Representation of Women (Prohibition) Bill, 1986 has been brought forward with the intention to prohibit indecent representation of women through advertisements or in any other manner. The term "Indecent representation of women"

has been defined to mean the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to, or denigrating woman or is likely to deprave, corrupt or injure public morality or morals.

The main intention behind this Bill is to prohibit the indecent representation of women through media, books publications, etc. The thrust given is not purely on obscenity but on the perverse representation of the anatomy of a woman through advertisement or through any other media. The provisions of the section will take effect if it is proved that the indecent representation contained in any advertisement/publication, etc. is likely to deprave, corrupt or injure public morality or morals. The question whether a particular matter is absence has necessarily to be left to the judicial wisdom of the courts.

As the House is aware, we do have provisions covering obscenity in Sections 292, 293 and 294 of the Indian Penal Code. Although these provisions do exist, it was felt that there is need for a separate Act as the representation of women in publications, particularly in advertisements, which are considered obscene, are on the increase. There have been strong and persistent protests against such depiction of women. The existing provisions of the IPC do cover obscenity but they do not have adequate safeguards against denigration of women and the adverse effect of such references on the status of women. There may be instances, when there is no specific intention to denigrate women but the effect may be created. Mensrea is not necessary in this Bill. It is therefore, considered necessary to have a separate Act to prohibit indecent representation of women.

17.45 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

I would like to clarify here that we have no intention of curbing the freedom of expression. We have, in fact, in the proposed Bill, made certain specific exemptions like any written or visual material, the publication of which is in the interest of science, art or literature; written or visual

material which is for bonafide religious purposes; and films requiring certification under the Indian Cinematograph Act; figures, etc. or any ancient monuments covered under the Ancient Monuments and Archaeological Sites and Remains Act. Apart from these exemptions, any prosecution launched under the provisions of this Bill must be decided by a court for the purpose of which necessary evidence will have to be led to prove the guilt of a person.

With these words, I commend the Bill to the House.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

SHRI MOOL CHAND DAGA : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 20 members namely :

- (1) Shri Basudeb Acharia
- (2) Smt. Margaret Alva.
- (3) Shri Bhattam Sriramamurty
- (4) Shrimati Chandresh Kumari
- (5) Shri Sombath Chatterjee
- (6) Smt. Usha Choudhary
- (7) Shri Saifuddin Chowdhary
- (8) Prof. Madhu Dandavate
- (9) Shri Indrajit Gupta
- (10) Shri Abdul Rashid Kabuli
- (11) Shri P. Kotandavelu
- (12) Shri Dharam Pal Singh Malik
- (13) Shri Shantaram Naik
- (14) Shri K. S. Rao

- (15) Shri C. Madhav Reddy
- (16) Shri K. Ramachandra Reddy
- (17) Shri Saleem I. Shervani
- (18) Shri K. P. Unnikrishnan
- (19) Shri Girdhari Lal Vyas; and
- (20) Shri Mool Chand Daga

with instructions to report by the last day of the next session." (27)

SHRI NARAYAN CHOUBEY : I beg to move :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 11 members, namely :

- (1) Smt. Margaret Alva
- (2) Smt. Vidyavati Chaturvedi
- (3) Smt. Usha Choudhary
- (4) Smt. Bibha Ghosh Goswami
- (5) Shri Dinesh Goswami
- (6) Dr. (Smt.) Phulrenu Guba
- (7) Dr. (Mrs.) T. Kalpana Devi
- (8) Shri S. Jaipal Reddy
- (9) Shri Amar Roypradhan
- (10) Prof. Nirmala Kumari Shaktawat; and
- (11) Shri Piyus Tiraky

with instructions to report by the 30th April, 1987." (29)

DR. T. KALPANA DEVI (Warangal) : I welcome this Bill which intends to prohibit indecent representation of women through advertisements or in publications, writings, paintings or in any other manner. It reflects the professed recognition by the Government that it should not allow any activities leading to denigration of women as sex objects. We women are thankful to the Government as it has realised even though late, and felt the need to prevent denigrating and derogatory treatment of women as sex symbols.

But I would like to say that indecent exposure of men is equally degrading and repulsive. So, I would suggest that the limitation of the Bill to women be replaced by a general reference to the exposure of the human body, both male and female as such.

Secondly, and more important, as the Statement of Objects and Reasons admits, there are already on the statute book laws relating to obscenity, codified in the Indian Penal Code. There is also the law against objectionable publications. But despite such laws the menace is continuing. Why? Because Government is not enforcing these laws efficiently. I feel that the Government alone cannot implement the legislation effectively unless non-governmental organisations give a helping hand by creating public opinion against commercial indulgence in the representation particularly of the female body as a sex object. Take for instance the advertisements in Doordarshan. Whether the article advertised is a soap or tooth paste or a towel, the female figure is used in trying to sell the product.

Obscene films should be banned and also not to be shown on television. The Censor Board should be made more effective.

To decide about obscenity, there should be some guidelines, because for some it may be obscene and for some others it may not be obscene. So, we must have some guidelines. But that is not mentioned in the Bill. I suggest to the Hon. Minister to include some guidelines in the Bill in order to decide obscenity.

At the same time, the Government media and private media should play a pivotal role in encouraging women and increasing awareness that they are in no way inferior to men in any field, by showing their participation in developmental activities and their role in the progress of the country, thereby creating self-confidence in them. Instead, our Doordarshan always shows women on TV either as cleaning utensils or cooking noodles or washing clothes as if they are born for that. So, I will request our Hon. dynamic Minister, Mrs. Margaret Alva... (*Interruptions*).

**MR. DEPUTY SPEAKER :** To make men do all the work.

**SHRI NARAYAN CHOUBEY :** What is the harm, Sir, if you do ?

**MR. DEPUTY SPEAKER :** Nothing. I am telling you. You can change it. Then Members will bring another Bill and the Minister will have to protect.

**SHRI NARAYAN CHOUBEY :** You have to do some day, Sir.

**MR. DEPUTY SPEAKER :** Your experience is asking me to do.

**SHRI NARAYAN CHOUBEY :** I will help you, Sir. Don't worry.

**DR. T. KALPANA DEVI :** By showing them in those ways, self-confidence will be created among women. So, it is a must.

Let me refer to the Hudson Commission's recommendations in the United States. The Commission was set up by the Attorney-General, Edward Meese with a respected Justice Henny Hudson as the Chairman. It recommended for changes in Federal and State laws to combat the establishment of 'vigilant groups' to curb the menace. We also need such a commission to change the laws according to the time and need of the day.

The indecent and obscene advertisements and movies greatly affect the psychology of our younger generation. It is necessary to use the mass media for stressing the ill-effects of indecent advertisements.

Government should not only ban such advertisements which expose the parts of the women in an obscene manner but should also declare these as a punishable offence. The voluntary women organisations also should oppose such obscene advertisements and should help in implementing the law.

A few words about the provisions of the Bill. In clause 2(c), the definition of "indecent representation of women" is very vague and broad-covering. Even legitimate activities involving the female levels of administration may be used as loopholes through which legal advisers may let the prosecution fall. The net result will be the harassment of the innocent and escape of the guilty.

[Dr. T. Kalpana Devi]

The powers proposed to be vested in the authorised officials under clause 5 are too sweeping and apt to be misused.

So, I strongly recommend this Bill to be referred to a Select Committee for wider discussions and for making it foolproof before passing the Bill. With these words, I conclude and I wholeheartedly support this Bill. Thank you.

**SHRI K. R. NATARAJAN (Dindigul) :**  
Mr. Deputy Speaker, Sir, on behalf of AIADMK, I welcome this Bill which has been brought with laudable object. This Bill seeks to prohibit indecent representation of women through publication, advertisement, exhibition in any form. It also prohibits the distribution, circulation of writing, drawing painting, photograph containing indecent representation of women in any form. This Bill should take effect as quickly as possible. However, I request the Hon. Minister to delete some portion of the proviso to clause 4(1). I may be permitted to read out proviso to clause 4(1). It says :

“Provided that nothing in this section shall apply to :

- (a) any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure :
- (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure is in the interest of science...”

The word ‘science’ alone should be there; The words “literature, art, or learning or other objects of general concern” should be deleted, otherwise the present proviso containing these words will militate against the intentment of this Bill.

With these words, I support this Bill.

**SHRI GADADHAR SAHA (Birbhum) :**  
Mr. Deputy Speaker, Sir, this measure is

for prohibiting denegration of women through films, photographs and advertisements and for improving the women's status and dignity. So, the object and intention of the Bill is no doubt good. The Bill is not being opposed but the concern of the people, the women community in India is being totally ignored, neglected and disregarded. The Government is not serious in implementing the legislation in the important area.

**SHRI NARAYAN CHOUBEY (Midnapore) :** Neglected and disregarded.

**SHRI GADADHAR SAHA :** I would say that the Government's record of performance in this area is not good at all. The advertisement in print media, in film and T. V. very often and frequently rely on feminine sex appeal to attract attention towards products. The things are worse in films. Some of the films invite emulation resulting in molestation of women in public places and the result is the re-enforcement of the image of women that suggests that suitable safe place of women is home and that they are not equal to men. This is against the idea of Directive Principles of the Constitution which guarantees equal status for women. It is admitted that the codified provisions under Sections 292, 293 and 294 of IPC which were to prohibit indecent representation totally failed to do it and the Government cannot claim the responsibility that those who ought to abide by and comply with the conditions of film certification procedures and existing guide lines for film certification and principle of healthy films making have been abiding by and complying with this. And the penalty provision that is there is not being imposed on those who are responsible for non-compliance or violation of the provisions. This is the position of women in Society and the proposed legislation will remain weak and ineffective like other Acts in the area.

I want to mention about their position in employment and in educational field. Our constitution guarantees equal status for women and there had been a National Plan of Action for Womens status based on the Status Committee Report of 1974. This document remarked :

“The Constitution guarantees equal opportunities for all citizens in matters



relating to employment and direct the States to secure rights to (1) an adequate means of livelihood and

(2) equal pay for equal work and just humane conditions of work."

The equality clause of the Constitution must mean something to everyone. To the vast majority of people, it would mean nothing if they are unconcerned with the work they do and the pay they get.

The difference in pay was held to be violative of the Constitutional provisions.

The impact of transition to modern economy has resulted in exclusion of increasing number of women from their participation in productive process and only a limited contribution of women and capacity to contribute,

18.00 hrs.

Sir, in 20 years, from 1961 to 1981, while women population increased by 112 million, the female work force increased in absolute number by less than 9 million resulting in a solid decrease of a full quarter in the participation ratio from 28 per cent in 1961 to less than 21 per cent in 1981.

Women constitute only 14 per cent of the total work force and they are mostly provided with low paid jobs.

Sir, in the total public sector the employment of women was 9.34 per cent and in the Central sector it was 3.43 per cent and in mines, in 1951, 1961 and 1971 their employment was 20 per cent, 15.8 per cent and 11.9 per cent respectively, and BCCL has taken the lead in discriminating against women. So, this is the position of our women in employment.

In education also their position is no better. All over India the literacy rate for women was 18.69 per cent in 1971 and it was 24.82 per cent in 1981. So their welfare is being neglected in every field, in every important area. The Bill is totally silent on these issues. With these words, I conclude.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): Mr. Deputy Speaker, Sir, I would like to request the Members here to agree that the time of this House may be extended up to 6.30 p.m.

18.02 hrs.

PAPERS LAID ON THE TABLE—Contd.

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) : Sir, I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944 :

- (1) Notification No. 462/86-Central Excise published in Gazette of India dated the 9th December, 1986, together with an explanatory memorandum seeking to reduce excise duty on fuel efficient light commercial motor vehicles of pay load not exceeding 4000 kilograms from 20 per cent *ad valorem* to 10 per cent *ad valorem*.

[Placed in Library. See No. LT-3649/86.]

- (2) Notification No. 463/86-Central Excise published in Gazette of India dated the 9th December, 1986, together with an explanatory memorandum seeking to reduce the excise duty on light commercial motor vehicles of pay load not exceeding 4000 kilograms and employing indirect injection type diesel engines manufactured under a programme approved by the Ministry of Industry and Directorate General of Technical Development from 20 per cent *ad valorem* to 10 per cent *ad valorem*.

Placed in Library. See No. LT-3650/86.]

18.04 hrs.

INDECENT REPRESENTATION OF  
WOMEN (PROHIBITION)  
BILL, 1986—*Contd.*

[*English*]

DR. PHULRENU GUHA (Contai): Mr. Deputy Speaker, Sir, I welcome the Bill to prohibit indecent representation of women. It is a very laudable Bill which is to protect the value of culture. It has made provisions to prohibit indecent representation of women through advertisement, newspaper, paintings and other means. It also propose to prohibit distribution or circulation of books or pamphlets containing any indecent representation of women. Nowadays, Sir, in the name of culture we find that fashion, freedom of expression, obscenity, nudism and sex have become rampant. Unless firm steps are taken to curb the indecent manifestation, the value of our society and the dignity of women would be ruined further. Sir, I like to remind the House that it is for this type of Bill, the women and the women organisations are fighting for a long time. I am glad that this Bill has come today.

Women are taken as second class citizens. That is one of the troubles in our country. So, women cannot be considered as equal to men though what the Constitution says is quite different. Women are not honourable citizens to most of the people. Women are used in the media as sex symbols, I am sorry to say. Some obscene advertisements appear in various media. Naked women are shown to attract the attention of sex appeal. If your mothers, sisters, wives and daughters are insulted, what will be the image of women? The image of woman is the image of the society.

18.06 hrs.

[MR. DEPUTY SPEAKER : *In the Chair*]

So, it is not concerning the women only but the society as a whole. But usually it is the women who protest against this type of advertisements. But we should not forget that it concerns the society as a whole.

I would like to say that it is stated by F.A.O. that two thirds of world's work is

done by women. More than 50 per cent of world's food is produced by women. Usually in our TV, we find male is the main person in the agricultural field. The media does not really reflect the social reality but the media develops and creates its own reality. It is known that media slowly for as our mind and attitude. So, the media should project the actual reality and educate the masses.

At the end, I take this opportunity to point out that many women offer themselves to commercial concerns for monetary purpose. This is also most derogatory thing for the whole society. In this connection, I would like to say that proper arrangement for women education, girls' education and their employment should be made. Otherwise, many women have to go to this type of work.

Voluntary organisations, social reformers and women organisations have a great role to play. There should be proper implementation of this law. Mere social legislation by itself could not remove the attitude of the society. So, all of us should come together to implement the law.

I congratulate the Hon. Minister and the Government on bringing forward this Bill today.

SHRI NARAYAN CHOUBEY (Midnapore): Mr. Speaker, Sir, I rise not to oppose this Bill. But definitely, I will suggest to the Hon. Minister, through you, that as we have suggested, it should go to a Select Committee because there are many lacunae which she herself has accepted and which could be removed.

SHRIMATI MARGARET ALVA : I never accepted.

SHRI NARAYAN CHOUBEY : We are passing through a critical time. Decaying feudal system has been replaced by decaying capital system. Today in cinema, Raja Ram Mohan Roy, Vidya Sagar, Sarat Chandra and Tippu Sultan are not heroes. Gabber Singhs and Kalu Rams are heroes now. Naturally, we have been passing through a very critical time and we do not regard women as equals.

Even today in a society like Bengal, when a bridegroom goes to marry the bride, the relatives of the bridegroom ask the groom, where are we going to. He says, I am going to bring a slave for you mother.

So, even today that is being followed. I beg to submit that you kindly accept our proposal. We are not opposed to this. You have started with a good Bill. It is quite good. But then, what is the harm if the Bill goes to the Select Committee and all lacunae are removed,

Regarding the definition of indecent representation of women, I suggest that you should accept this :

“Indecent representation of women means the depiction or description in any manner, visual or written or oral, of the figure or form or body or any part thereof of a woman, or of the situation or context in which a woman is placed, either by herself or in conjunction with others, such as to have the effect of being violent in character, or derogatory to her dignity as a human being or to her status as an equal to man.”

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA)

Mr. Speaker, I thank all the Hon. Members who have participated. I realise that my time is also very limited. I just want to say that the Bill was introduced in the other House in the last Session of Parliament and we have given enough time hoping that there would be opportunity for Members, Organisations and others to discuss the Bill and send their suggestions. It was done. It was introduced in the last Session.

*(Interruptions)*

*[Translation]*

This Bill was introduced in the last Session. So, there was enough time during the inter-Session period for the Organisations as well as for all of you.

SHRI BASUDEB ACHARIA : When did we get the time to speak in the House ?

*(Interruptions)*

*[English]*

SHRIMATI MARGARET ALVA : A number of organisations, women groups and others have discussed it during the inter-Session period. They sent many suggestions which have been considered by us.

*(Interruptions)*

I can only say this that as far as the suggestions that have been made, everybody has supported the Bill and welcomed it. The only point that has been made is that implementation must be given and that the loopholes should be plugged. I can assure the House that if this has been brought ... *(Interruptions)* There are certain provisions already in the IPC but we felt that those did not cover the denigration of women and certain other aspects. It only touched obscenity. We wanted to extend it and so the points which have been made about the status of women, proper representation of women, advertising and so on also should be covered and, that is why the Bill has been brought. I can assure the Hon. Members that we do mean business for its implementation.

SHRI BASUDEB ACHARIA : What about video and cinema ?

SHRIMATI MARGARET ALVA : This Bill does not cover films because that comes under a different Act altogether which is protected but we do hope that the Code of Conduct which would emerge from this would have its impact also on the Cinematograph Act. The Censor Board comes from the Ministry of Human Resource Development and it has been moved from the Ministry of Information and Broadcasting to the Department of Culture. This is bound to have some impact also on the Censor Boards. The Minister for both is the same ultimately who is here in the House and is giving the assurance.

We have provided for certain exemptions which we thought are very necessary to protect art, medicine and the religious

[Shrimati Margaret Alva]

and other such ancient monuments as well. Besides this, I do not have anything more to add. I can only say that I look for your support and I would say to the Members that a perfect Bill in any case is yet to be born anywhere in the world. It is with experience, with judicial decisions, that whatever loopholes you may have will be filled up as we go along. This is the first effort of such a Bill and I welcome support which the House has given.

MR. SPEAKER : Mr. Mool Chand Daga; Are you moving it ?

SHRI MOOL CHAND DAGA : Kindly allow me to speak for a couple of minutes.

[Translation]

MR. SPEAKER : Dagaji, would you withdraw your amendment ?

SHRI MOOL CHAND DAGA : Kindly allow me to speak for two minutes. I would withdraw my amendment, if you so desire.

MR. SPEAKER : There is no time left now. Either you withdraw it or I will put it to vote.

SHRI MOOL CHAND DAGA : It would not be justified. Kindly allow me to speak during the third reading.

MR. SPEAKER : It would not be possible.

[English]

There is no other option for me. This is against the rules. I cannot allow you to speak after the Hon. Minister.

SHRI MOOL CHAND DAGA : I have already moved it.

MR. SPEAKER : Mr. Daga, are you withdrawing your amendment ?

SHRI MOOL CHAND DAGA : Yes.

MR. SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment. No. 27.

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 27 was, by leave,  
withdrawn.*

MR. SPEAKER : Mr. Narain Choubey, are you withdrawing your amendment ?

SHRI NARAIN CHOUBEY : Yes.

MR. SPEAKER : Has Mr. Narain Choubey, leave of the House to withdraw his amendment No. 29.

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 29 was, by leave,  
withdrawn.*

MR. SPEAKER : The question is :

"That the Bill to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration".

*The motion was adopted.*

MR. SPEAKER : The House will now take up Clause-by-Clause consideration of the Bill.

Clause 2—(Definition)

SHRI K. RAMACHANDRA REDDY : I beg to move :

Page 2, line 5,—

*add at the end—*

"but does not include any picture or photograph of any art, architecture or sculpture".(1)

SHRI MOOL CHAND DAGA : I beg to move :

Page 2, line 2,—

*Omit "form or" (12)*

Page 2, line 7,—

*for "package" substitute "substance" (13)*

**SHRI K. RAMACHANDRA REDDY :**  
As far as this Bill is, concerned, the definition of indecent representation of women is all-pervasive, very vague and indefinite. The over-zealous officer can make use of this definition to harass anybody. That is why I want to add the words : "but does not include any picture or photograph of any art, architecture or sculpture". I think the Hon. Minister will please accept my amendment, so that those who are dealing with this picture of art and architecture are not penalised.

[*Translation*]

**SHRI MOOL CHAND DAGA (Pali) :**  
The definition which you have given—'Satym Shivam Sundaram'—is the culture of our country. The Hon. Minister has admitted in the Bill that Konark and Khajuraho are the symbols of our culture, literature and art. The Government are preserving them. Their photographs are sold. We have a cinematograph Act for the films. The Department of Archaeology is equipped with all these Acts. They are equipped with the Indian Penal Code and Archaeological Act. As regards the definition of indecent which they have given, I would like to know the number of persons who were prosecuted and convicted under Sections 292, 293 and 294. I have a copy of Archaeological Act with me and I can read it out if he so desires. What the Government are doing? On the one hand, they want to ruin the culture hidden in our art by describing it as indecent and on the other hand they say that they will preserve it. He is giving a contradictory statement. One section says one thing and the other contradicts it. That is why, I have moved an amendment.

**SHRI VIRDHI CHANDER JAIN :** Let it be referred to the Select Committee.

**SHRI MOOL CHAND DAGA :** Yes. What is the hurry? It depends on the Speaker.

[*English*]

**SHRIMATI MARGARET ALVA :** We have only provided for certain exceptions under the law. It would not be covered by the definition and it is not that we are

justifying anything. We have provided for exceptions which are part of the Bill. I do not think that the amendments are necessary.

**MR. SPEAKER :** Shri Ramachandra Reddy, are you withdrawing your amendment?

**SHRI K. RAMACHANDRA REDDY :** Yes.

**MR. SPEAKER :** Has Mr. Ramachandra Reddy leave of the House to withdraw his amendment No. 1.

**SEVERAL HON. MEMBERS :** Yes.

*Amendment No. 1 was, by leave, withdrawn.*

**MR. SPEAKER :** Mr. Daga, are you withdrawing your amendments?

**SHRI MOOL CHAND DAGA :** Yes.

**MR. SPEAKER :** Has Mr. Daga leave of the House to withdraw his amendments No. 12 and 13.

**SEVERAL HON. MEMBERS :** Yes.

*Amendment No. 12 and 13 were, by leave, withdrawn.*

**MR. SPEAKER :** The question is :

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

**Clause 2 was added to the Bill.**

**MR. SPEAKER :** Clause 3. Mr. Mohanty, are you moving your Amendment?

**SHRI BRAJAMOHAN MOHANTY (Puri) :** I am not moving. But I have to explain why I have given notice...

**MR. SPEAKER :** No. The question is :

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

**Clause 3 was added to the Bill.**

Clause 4—(Prohibition of publication or sending by post of books, pamphlets, etc. containing indecent representations of women)

SHRI MOOL CHAND DAGA : Sir, I beg to move :

Page 2, line 30,—

*add at the end—*

“or in religious processions” (14)

Page 2, line 36,—

*after “temple” insert, religious procession,*

Clause 4 (a) (i) reads :

“the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure is in the interest of science, literature, art, or learning or other objects of general concern,” (15)

[*Translation*]

SHRI MOOL CHAND DAGA : He has himself admitted it. Who will decide it, the court will decide it. Then he is saying that he has barred them. He is describing it indecent. Why this amendment has been brought forward, when the court is to decide? There is a provision of Censor Board under the Cinematograph Act. Once a film is passed by the Censor Board, the Supreme Court or the High Court cannot intervene. The Department of Archaeology of the Government has also admitted that it is an archaeological monument. The Supreme Court and the High Court say that once it is passed by the Censor Board, it is accepted as such. The Government should not have contradiction in its legislation. I want to buy the film and they are selling.....

MR. SPEAKER : This has already been done, there is no time now. Will the Hon. Minister like to say something...

SHRIMATI MARGARET ALVA : No Sir.

SHRI MOOL CHAND DAGA : You understand the entire thing. You are in a hurry, because you have to attend the dinner...

MR. SPEAKER : This is for you.

SHRI MOOL CHAND DAGA : I submit that these two things are against the law ..

MR. SPEAKER : You have said it and she has listened to it. Now, what do you say, should I press it?

SHRI MOOL CHAND DAGA : As you think.

[*English*]

MR. SPEAKER : Are you withdrawing your Amendments?

SHRI MOOL CHAND DAGA : Yes.

MR. SPEAKER : Has the Hon. Member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS : Yes.

*Amendments Nos. 14 and 15  
were, by leave, withdrawn.*

MR. SPEAKER : The question is :

“That Clause 4 stand part of the Bill.”

*The motion was adopted.*

Clause 4 was added to the Bill.

Clause 5—(Powers to enter and Search)

SHRI K. RAMACHANDRA REDDY :  
Sir, I beg to move :

Page 3, line 10,—

*add at the end—*

“from a competent court having jurisdiction over the area.” (3)

Page 3, line 23,—

*for “inform” substitute “produce the object before” (4)*

SHRI MOOL CHAND DAGA : Sir, I beg to move :

Page 3, —

*omit* lines 22 to 24. (16)

SHRI K. RAMACHANDRA REDDY : With regard to searches, a provision has been made in the Bill that no one can go and search without a warrant. From whom is that warrant to be obtained? The Bill is silent on that. So, I have given an amendment to say that the warrant must be from a competent court having jurisdiction over that area. There is a lacuna in the Bill, that is why I have given it. I think the Minister will accept this amendment.

As far as my second amendment is concerned, whenever an officer goes and searches, he seizes some objects. He is expected to inform the court about the seizure. I want that the word 'inform' be removed and that object should be produced before the Court, so that the Court may view the object and will judge. These two amendments are very important and I think the Minister will accept them.

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) : Mr. Speaker, Sir, on the one hand, the Government are making publicity of the Indian Culture in countries like U.S.A and France, they carried all those photographs and exhibited them there; on the other hand an illiterate boy is selling those photographs. After this Bill is passed, the Government will catch hold of that boy, produce him before the magistrate, charge him for selling indecent photographs and he will be convicted for two years in addition to a fine of Rs. 5000/-. I understand the spirit of the Bill, but what Government is doing by bringing forward such an amendment. For instance, at one place I see such photographs being sold by a person in the area of Archaeological Department ..

MR. SPEAKER : The submission of the Hon. Minister is that he has made distinction in such cases by adding another provision and as such, such photographs will not be challaned.

SHRI MOOL CHAND DAGA : I agree with whatever you are saying, but what is the indecency which he has described. Nowadays, some girls like modelling. I do not blame girls for that. Today, some girls like dancing, I do not say anything about them, but when the Government exhibits photographs depicting Indian culture in foreign countries, they are bound to be published and exhibited. But on the other hand, the Government say the one who makes publicity of indecent photographs or sells them, will be prosecuted. What I want to know is whether Government will prosecute the person so caught and convict him or not?

[*English*]

SHRIMATI MARGARET ALVA : This has come under the exemption for Archeological and other monuments.

(*Interruptions*)

SHRI SHANTARAM NAIK : I would like to know whether any advertisement will be allowed to be published.

SHRI BRAJAMOHAN MOHANTY : I want to speak one line Sir.

SHRI PIYUS TIRAKY : I also want to ask a question Sir.

[*Translation*]

MR. SPEAKER : You cannot do that, Shri Mohanty. It is not permissible under the Rules.

[*English*]

Rules do not allow you to ask question. I cannot help you if the rules are not allowing. Not allowed.

(*Interruptions*)

Mr. Reddy, are you withdrawing?

SHRI K. RAMACHANDRA REDDY ; No Sir, I am pressing.

MR. SPEAKER : I now put the amendment moved by Shri Reddy to the vote of the House.

*Amendment Nos. 3 and 4 were put and negatived.*

MR. SPEAKER : Mr. Daga, are you withdrawing it ?

SHRI MOOL CHAND DAGA : Yes Sir.

MR. SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No 16 was, by leave,  
withdrawn.*

MR. SPEAKER : The question is :

"That clause 5 stand part of the Bill".

*The motion was adopted.*

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7—(Offences by Companies)

SHRI K. RAMACHANDRA REDDY :  
I beg to move :

Page 3 line 37,—

*add at the end—*

"but a sleeping or a dormant partner shall not be held guilty of any offence under this Act." (5)

With regard to the partners and directors of this firm or company, everybody is made liable. There may be some partners who actually do not take active interest in the affairs of the company or the firm. Under this Act even those people can be punished. I have given an amendment that a sleeping or a dormant partner shall not be held guilty of any offence under this Act because he does not know what is happening.

SHRIMATI MARGARET ALVA : Sir, these are the normal clauses which are normally used. The definition of the partner is the same.

SHRI K. RAMACHANDRA REDDY :  
Sir, I seek leave of the House to withdraw my amendment No. 7.

*Amendment No 5 was, by leave,  
withdrawn.*

MR. SPEAKER : The question is :

"That Clause 7 stand part of the Bill."

*The motion was adopted.*

Clause 7 was added to the Bill.

Clause 8—(Offences to be cognizable and bailable)

SHRI K. RAMACHANDRA REDDY :  
Sir, I beg to move :

"Page 4,—

*after line 7, insert—*

"(3) All offences under this Act shall be triable by a Magistrate not below the rank of a first class Magistrate."  
(8)

Sir, this Clause 8 lays down procedure to try the offences. You have said two things. You have said it is not bailable and that it is cognizable. My amendment is that it shall be triable by a Magistrate not below the rank of a first class Magistrate. So I request the Minister to see that it is made triable only by a Magistrate not below the rank of a first class Magistrate. It is a consequential amendment which the Minister has forgotten.

SHRIMATI MARGARET ALVA : No, Sir. I cannot accept it.

SHRI K. RAMACHANDRA REDDY :  
I seek leave of the House to withdraw my amendment No. 8.

*Amendment No. 8 was, by leave,  
withdrawn.*

MR. SPEAKER : The question is :

"That Clause 8 stand part of the Bill."

*The motion was adopted.*

Clause 8 was added to the Bill.

Clause 9 and 10 were added to the Bill.

MR. SPEAKER : The question is :

"That clause 1, Enacting Formula and the long title stand part of the Bill."

*The motion was adopted.*

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



SHRIMATI MARGARET ALVA : Sir, I beg to move :

"That the Bill be passed."

MR. SPEAKER : Shri Shahabuddin you may speak for two-three minutes.

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Speaker, Sir, I consider that this Bill is well-timed but half-baked. There have been a spate of advertisements which are bordering on pornography in posters and journals which needs to be corrected and regulated. But I would like to ask a fundamental question to the Hon. Minister. Why does she consider that only the indecent representation of the female form should be prohibited ? These advertisements could also be indecent representations of the male form. Therefore, the proper title should have been 'Indecent Representation of Human Form Prohibition Bill' which she has not done.

Secondly, Sir, I think the word indecent representation has been very poorly defined. It does not prohibit the depiction of dynamic situations which are of violence or of sexual aggression or cruelty which also need to be prohibited in very clear terms.

Thirdly it talks about public morality. Who has to define what public morality is ? Are the bureaucrats to define what public morality is ? Therefore, to that extent the Bill gives very draconian powers to the executive particularly if it is read with Section 5 which has implications of dangerous misuse on the part of bureaucracy because it is left totally to the direction and judgement of some gazetted officers and no guidelines are provided. Therefore, this Bill should have had the provision of a proper advisory board consisting of educated persons of the intelligentsia and of the jurists at every level which should first go into that case whether it merits action under that and then only the executive should taken action. Therefore, Sir, I feel that the Bill should have been circulated for public advice before it was brought before the House.

SHRI PIYUS TIRAKY (Alipurduars) : Sir, this Bill does not provide for the decency of dress. We have got topless, bottomless, mini, maxi dresses also. So this does not provide what is decency and what is a decent

dress. The foreigners are coming without a decent dress. Whether we can check it or not, it is not provided. Decent people cannot go to see. Most of them are nude. Whether this Bill provides for these foreigners to move like that is not clarified. So, it seems to me that it is quite unless in the cities and towns also, cabarets and nude dances spoil the young people. This is my question which the Minister should answer.

SHRIMATI MARGARET ALVA : Sir, the Member seems to have misunderstood the scope of the Bill. This Bill is not here to set standards of dress for the women or anybody else. This is the depiction of women in the media, in advertisements, in various ways which denigrates the women. Let me say that we are not only talking here of indecent representation. That is why we have extended the scope to speak about the denigration of women also, the way she is presented. Again Shri Shahabuddin spoke about certain things being left out. Let me come to that later. We have spoken about the effect which the depiction has. It can be in any form. The question is what effect it would have once it is depicted in that particular way. (*Interruptions*) We are only talking about the obscenity. We are going beyond obscenity in this Act. (*...Interruptions*)

SHRI MOOL CHAND DAGA (Pali) : Kindly go through the Section and you will not only see obscenity but advertisements. Photos and everything is there.

SHRIMATI MARGARET ALVA : Secondly, Sir, in the Indian Penal Code *Mens Rea* is necessary. Here it is not necessary. It is the question of the effect it has, whether you intended it or not. About leaving men out of it, I think, it is a question of opinion. If the men feel that they are being discriminated against ladies, maybe we can later on think of including them also. But I can assure them that there will be less status for the nude men than...

(*Interruptions*).

MR. SPEAKER : The question is :

"That the Bill be passed"

*The motion was adopted.*

— — —

**SHRIMATI SHEILA DIKSHIT :** What about the next subject ?

**MR. SPEAKER :** We Will take it up in the next session. There is no time.

### CONCLUDING REMARKS

[*English*]

**PROF. N. G. RANGA :** Sir, before we adjourn, I wish you and all the other Members a very Happy New Year.

**MR. SPEAKER :** Thank you.

**SHRI K. RAMACHANDRA REDDY :** On behalf of my party and myself, I thank you for the way you conducted the proceedings of this House with all the decorum and decency.

**MR. SPEAKER :** Thank you.

**SHRI BASUDEB ACHARIA .** I also thank you for conducting the business of this House in such a nice manner.

**SHRI PIYUS TIRAKY :** It was a very lively session.

**MR. SPEAKER :** Yes, we have a very nice time, absolutely.

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT):** Sir, on behalf of my very large party here, I thank you for all the cooperation and above all, the indulgence you have shown to many of us. Thank you very much.

**MR. SPEAKER :** Thank you,

Hon. Members, the 7th Session of this Hon. House concludes today. Before I adjourn the House sine die, I deem it my duty to thank the Members from all sections of the House for the unstinted cooperation, courtesy and affection that they have shown to me and my colleagues I really take it as enjoyable. because from tomorrow onwards, I will be feeling lethargic I do enjoy when the House is in session. Really, this is so lovely to work. It is so nice to have these discussions all the time. I do not mind the rumpus for ten or fifteen minutes that you do, but we have all the discussions,

I have had the good fortune of having a young and energetic Deputy Speaker. A great event during the session was his wedding I think we have created a first in the history of Indian Parliament, any Speaker or Deputy Speaker getting married. He has spent long hours in the Chair in my absence and has conducted the proceedings with great ability. Not only that, he did it at certain times when I take your leave; I beg your cooperation at certain times because you have entrusted some tasks to me as Speaker, as Chairman of the Commonwealth Parliamentary Association, as a Member of the Executive Committee of the IPU, and I absent myself from the proceedings of the House for seven or eight days together. That is because of your magnanimity; you say: "Now, you have assumed that responsibility, you carry that out". And during my absence in those long stints, you have very ably and nicely cooperated with the Deputy Speaker and I have had no complaint or grudge about that.

I thank the Deputy Speaker heartily for the assistance that he has ungrudgingly extended to me. My thanks are also due to the members of the Panel of Chairmen who have shared with both of us the onerous task of conducting the proceedings of the House. I think, it was the first time that we left it to the Chairmen alone.

**SHRI SOMNATH RATH :** Many many thanks.

**MR. SPEAKER :** Thank you.

**SHRI BASUDEB ACHARIA .** You should also thank Mr. Daga, who chaired for one day.

**MR. SPEAKER :** I think, rather you should thank him, because he has got the knack to score; he does not mind which goal it is.

During this short Session, we have had 26 sittings lasting over 175 hours.

The Session began with the discussion on the adjournment motion moved by Prof. Madhu Dandavate regarding the failure of the Government to ensure strict security arrangements at the Rajghat on the 2nd October, 1986 leading to the unsuccessful attempt to assassinate the President, the Prime

Minister and others. The discussion on the motion lasted over three and a half hours with as many as 17 Members participating in the debate.

During the session, 12 Calling Attention Motions, 8 Short Duration Discussions and 2 other Motions came up before the House. Besides, 10 Half-an-Hour discussions were held. The Supplementary Demands for Grants in respect of the Budget (General) for 1986-87 and the Supplementary Demands for Grants in respect of the Budget (Railways) for 1986-87 evoked keen debate in the House.

The discussion on the terrorist activities in Punjab and in certain other parts of the country afforded an opportunity to the House to express its deep anguish over the unfortunate incidents that have taken place in recent days. The House has expressed its total determination to root out the forces of disintegration from our sacred soil. The message that has gone out of this House is loud and clear and I am sure the enemies of our country will take serious note of it.

The House has had a heavy agenda of legislative business. As many as 30 Bills have been passed. We were to take up the 31st Bill also. But we have left it, so that our Parliamentary wing shall have some work in the very beginning of the next Session. Most noteworthy of these were the Constitution (55th Amendment) Bill and the State of Arunachal Pradesh Bill, which got wide support. The House has welcomed the transition of the beautiful land of Arunachal Pradesh from a Union Territory to a full-fledged State of the Indian Union.

Bhagatji, would you like to say something, so that I can conclude later?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): Mr. Speaker Sir, I am very grateful for giving me this kind opportunity to say a few words on this occasion.

Sir, this Session has been, to my mind, a very purposeful session. In this Session, this House has discussed major and important issues of great concern to our nation in a spirit of cooperation and

understanding. Sir, very important and meaningful legislations which are of great import for the people of India have been passed in this Session. And in this, the Hon. Members of the House whether they belong to the Ruling Party or the Opposition Groups, all of them have very positively and very greatly made their contribution. I have said it outside and I have no hesitation in saying it here too that the Opposition, though their strength is not very big numerically, yet they are quite an effective opposition in the sense that they know how to make their contribution and their contribution has been quite good. They are cooperative, positive and helpful and that has been our attitude too.

I wish to thank all the members of this House. Above all, I must thank you for the great guidance that you give to us with tolerance and patience. The patience that you show is really tremendous. Sometimes zero hour does not remain one zero hour. It turns out into many zero hours. Well, I am not calling anybody a zero. Sometimes so many people speak at the same time and in that process in the din and sound, I do not even really understand what is the point that is being made. Yet, you keep your cool and you guide the House patiently and calmly. The members also respond to you. Sometimes they may persist and sometimes they even take recourse to angry expressions about issues on which they feel strongly. Yet they abide by your rulings. They go by your instructions and guidance and they respect your ruling. We are very grateful to you for giving us very wise, mature and practical guidance in this House.

I would be failing in my duty if I do not thank the members of the Lok Sabha staff, all the officials, the Secretary General and others for the hard work that they have to do. I thank the entire staff, right from the doormen at the gates, for the hard work they do, particularly during the session period.

I will be failing in my duty if I do not mention how lucky I am—and I believe the House agrees with me—in having such a good Minister of State for Parliamentary Affairs...

MR. SPEAKER: Why don't you say 'beautiful' too?

**SHRI H. K. L. BHAGAT :** Sometimes I am amazed at her efficient functioning. I was working as a Chief Whip in a legislature and I was Parliamentary Secretary as long back as 1952. She has no experience of this nature. I am surprised to see that she is running the House so well and I feel that she really does not need my guidance or support. She can run the House by herself and I must thank her for the excellent way in which she is doing her work.

I will be failing in my duty if I do not thank the members of the Press for covering the proceedings of the House. Sometimes, they have also some difficulties in reporting the proceedings of the House.

I must not forget the Marshal, who is ever vigilant, ever-active and ever-helpful, and I thank him.

So, with these words I conclude my thanks. This Winter Session has been a very purposeful, very positive session with cooperation, understanding and with your guidance. I believe that this has been a good and successful Session.

**MR. SPEAKER :** I can congratulate you on one thing. You have a knack to select handsome and beautiful Ministers.

**SHRI H. K. L. BHAGAT :** Sir I am always lucky. I always get a good Parliamentary Affairs Minister. Ghulam's and my stars are the same and we are together somehow or the other.

Then Sir, I must appreciate the hard work put in by the Secretary, Ministry of Parliamentary Affairs and other staff of the Ministry of Parliamentary Affairs who have been doing good work and who have been putting in very hard work.

[*Translation*]

**MR. SPEAKER :** Buta Singh Ji has come in the House and he would like to say something.

**THE MINISTER OF HOME AFFAIRS (S. BŪTA SINGH) :** Mr. Speaker, Sir, I am reminded of an Urdu story which I read in the second standard. Somebody asked

scorpion as to why he did not go out during winter, to which he replied that whatever befell him in summer was in no measure less than what befell him in winter. Thank you very much.

[*English*]

**SHRI H. K. L. BHAGAT :** I want to thank the Home Minister for making a statement almost on every occasion.

**MR. SPEAKER :** Now, every good thing has to come to an end. This is a very enjoyable evening and as you have said I can say about my Members, my staff, all over you see, standing all round me and up there, I feel happy about them. I am proud of them. As you said the Marshal cannot speak, but I have to speak on behalf of the Marshal. All my people are very nice and I thank the staff side who have done their job splendidly. The same about the Press. Certain times, something slips here or there but man is man and to err is human. It does not matter. I think we can well accommodate each other, get each other's point of view and thrash it out in the national interest which is based on facts and truths and that will help all of us because democracy means expression of ideas and they should never be curbed. They should never be gagged. That is what real democracy is. But that expression of ideas should be for the universal good and for the national good. That should be uppermost in our minds. That is all I would like to say. Thanks to all the Members, to all the staff, to all the Press, to all my friends, and to the Ministerial Wings. I will not forget anybody. They are all in my mind. Now for two months, I think ..

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) :** Two and a half months.

**MR. SPEAKER :** But I like it more. We meet again in February. Thank you very much. Have a good Christmas and have a good Happy New Year. The House stands adjourned *sine die*.

18.53 hrs.

*The Lok Sabha then adjourned sine die.*

**PLS. 40. XXIII. 26.86**

**750**

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