

Fourteenth Loksabha

Session : 8

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Participants : [Khanna Shri Avinash Rai](#), [Mahtab Shri Bhartruhari](#), [Singh Shri Dushyant](#), [Radhakrishnan Shri Varkala](#), [Veerendra Kumar Shri M. P.](#), [Yadav Shri Ram Kripal](#), [Das Shri Khagen](#), [Panda Shri Prabodh](#), [Singh Kunwar Manvendra](#), [Athawale Shri Ramdas](#), [Deo Shri V. Kishore Chandra S.](#), [Kumar Shri Shailendra](#), [Rao Shri K. Chandra Shekhar](#), [Singh Shri Dushyant](#), [Sahay Shri Subodh Kant](#), [Athawale Shri Ramdas](#), [Sahay Shri Subodh Kant](#), [Mahajan Smt. Sumitra](#), [Kumar Shri Shailendra](#), [Chowdhury Shri Adhir Ranjan](#), [Singh Shri Chandrabhan Bhaiya](#), [Bhargav Shri Girdhari Lal](#), [Deo Shri Bikram Keshari](#), [Mehta Shri Alok Kumar](#), [Ramadass Prof. M.](#), [Sahay Shri Subodh Kant](#), [Mahtab Shri Bhartruhari](#), [Chowdhury Shri Adhir Ranjan](#), [Basu Shri Anil](#)

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Title : Further discussion on the motion for consideration of the Food Safety and Standards Bill, 2005 moved by Shri Subodh Kant Sahay on 22 May, 2006 (Motion adopted and Bill passed).

MADAM CHAIRMAN: Now, the House will take up for further consideration the following motion moved by Shri Subodh Kant Sahai on the 22nd May, 2006, namely:-

“That the Bill to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto, be taken into consideration .”

Now, the hon. Minister.

खाद्य प्रसंस्करण उद्योग मंत्रालय के राज्य मंत्री (श्री सुबोध कांत सहाय) : सभापति महोदया, यह बिल अपने आप में ऐतिहासिक बिल बनने जा रहा है। विगत तीन-चार वर्षों से इस पर काफी बहस हुई तथा इससे जितने भी लोग जुड़े हुए थे, उनके साथ इंटरएक्शन किया गया है। यह बिल पूरी तरह खेत और खलिहान से जुड़ने जा रहा है।

सभापति महोदया, आपको जानकारी होगी कि हम दुनिया में फ्रूट्स और वेजीटेबल्स में दूसरे नम्बर पर हैं लेकिन हम केवल दो परसेंट ही प्रोसेस करते हैं। दूध में हम दुनिया में एक नम्बर पर हैं लेकिन मुश्किल से हम 15 से 20 परसेंट ही प्रोसेस करते हैं। विभिन्न चीजों में पूरी तरह से मिलाकर देखा जाये, तो छः परसेंट से ज्यादा इस देश में वेल्यू एडिग ऑफ प्रोसेसिंग का पार्ट पूरा नहीं हो पा रहा है जबकि यह कृषि प्रधान देश है। जब तक किसानों की उपज में वेल्यू एड नहीं किया जायेगा तब तक उनको अपनी लागत का सही मूल्य नहीं मिल पायेगा। यह बिल पूरे दृष्टिकोण से फूड प्रोसेसिंग सैक्टर का बिल है। आज दुनिया के दूसरे देशों—यू.एस., यू.के. एवं थाइलैंड में 78 से 80 परसेंट फूड प्रोसेस होता है। मैं आपसे कह सकता हूँ कि हम 50 हजार करोड़ रुपये की कीमत के फ्रूट्स एंड वेजीटेबल्स बर्बाद कर रहे हैं क्योंकि उनको प्रोसेस करने के लिए इंडस्ट्रीज का अभाव है। वह अभाव यह है कि अभी तक 16 कानून के तहत इंस्पेक्टर राज था और इसके तहत ही यह सैक्टर गवर्न होता था। आज से 16 साल पहले स्वर्गीय श्री राजीव गांधी ने इसी दृष्टिकोण से फूड प्रोसेसिंग मिनिस्ट्री का निर्माण किया था कि कैसे हमारा एग्रीकल्चर सैक्टर वेल्यू एड, प्रोसेस होकर उसकी ग्रोथ बढ़े और दुनिया के बाजार में हम अपनी पहचान बनायें [p20]।

मैं कह सकता हूँ कि यह सैक्टर हमारे कॉमन मिनिमम प्रोग्राम का पार्ट बनने के बाद फोकस में आया है। दुर्भाग्य से इतने लम्बे समय तक यह सैक्टर फोकस में नहीं था जिसके चलते इसका उत्थान नहीं हो पाया। इस बिल में जहां एक तरफ हम एक कानून और एक रेगुलेटरी

अथारिटी बनाने जा रहे हैं जो फूड स्टैंडर्ड और क्वालिटी को, राष्ट्रीय स्तर से लेकर पंचायत स्तर तक, गवर्न करेगी, जबकि आज इसमें 16 इन्सपेक्टरों का राज है। इसलिए यह बिल इन्सपेक्टर राज को खत्म करने की दिशा में भी एक बहुत बड़ी पहल होगी। यही नहीं, दुनिया के क्वालिटी और स्टैंडर्ड लेवल पर, आए दिन हमारी चीजें यूरोपियन यूनियन या अन्य देशों द्वारा टेक्नीकल कारणों से रिजेक्ट कर दी जाती हैं। दुनिया का जो क्वालिटी स्टैंडर्ड है, कोडेक्स उससे मैच करेगा और साथ ही आज हमारे देश के जो कन्ज्युमर अवेयरनेस आई है जिसकी वजह से वह कन्ज्युमर भी क्वालिटी और स्टैंडर्ड की चीज चाहता है, उसकी भी मंशा को यह बिल पूरा करेगा। मैं यह कह सकता हूँ कि यह बिल कन्ज्युमर्स के हित में काम करेगा। इसके माध्यम से एक सिंगल विण्डो रेफरेंस प्वाइंट बनने जा रहा है। एशोर्ड, सेफ एण्ड क्वालिटी फूड के लिए यह बिल उपयोगी होगा। इसे बनाने में कन्ज्युमर्स आर्गनाइजेशन, इण्डस्ट्रीज, फार्मर्स आदि सभी लोगों को बड़े पैमाने पर भागीदारी दी जा रही है। यही नहीं, यह व्यवस्था पूरी तरह से पारदर्शी होगी और कन्ज्युमर राइट्स में पहली बार हम उस कन्ज्युमर को कम्पेनशेसन देने की बात कह रहे हैं जो किसी फूड को खाने से इन्जर्ड होता है या उसको हेल्थ हेजर्ड होती है। ऐसे स्थिति में उसको बाकायदा कम्पेनशेसन देने की व्यवस्था इस बिल में की जा रही है। इस बिल के तहत राइट टू रिकॉल का भी प्रावधान किया गया है कि अगर कोई चीज गलत है तो उसे रिकॉल किया जा सकता है। यही नहीं, आज तक लोग कहते थे कि ब्युरोक्रेट्स और इन्सपेक्टर राज है। अब इस बिल में यह व्यवस्था की गयी है कि अगर किसी इन्सपेक्टर के द्वारा किसी को ह्रास किया जा रहा तो उस इन्सपेक्टर पर भी फाइन इम्पोज किया जाएगा। इसके साथ ही अब तक यह कानून 12 मंत्रालयों में बिखरा हुआ था। इन 12 मंत्रालयों के पूरे इंफ्रास्ट्रक्चर को एक साथ जोड़कर हम रिसोर्स बनाएंगे तो क्वालिटी लैब और दूसरे जो इंफ्रास्ट्रक्चर इस कानून को लागू कराने के लिए जो डाउन टू लाइन इंफ्रास्ट्रक्चर जरूरी हैं, हम समझते हैं कि उनका एक बड़ा सेट-अप हम देश में बनाने में सफल होंगे।

यही नहीं, इसमें पेनाल्टी और ग्रेविटी ऑफ ऑफेंस के लिए ग्रेडेड व्यवस्था हमने रखी है। इस समय आए दिन यह शिकायत होती रहती है कि अगर किसी ब्रान्ड के ऊपर चिपका हुआ लेबल मामूली सा फट जाता है तो उसके लिए छः महीने की सजा होगी। हकीकत यह है कि इस तरह के लाखों केसेज सुप्रीम कोर्ट के लेवल पर चल रहे हैं, मैं नहीं जानता हूँ कि उनमें से कितने मामलों में सजा हुई है। लेकिन इससे क्वालिटी और कन्ज्युमर दोनों के राइट्स कहीं न कहीं मारे जा रहे हैं। इस बिल में हमने दो कैटेगरीज का प्रावधान किया है कि एडजुडिकेशन के तौर पर वे मामले जो बहुत हेल्थ हेजर्ड नहीं हों और दूसरे वे मामले जो हेल्थ हेजर्ड होंगे उनको हम हाईकोर्ट्स और लोअर कोर्ट्स तक भेजने का काम करेंगे। इसलिए मेरा मानना है कि जब तक किसानों का रिश्ता उद्योग से नहीं जुड़ेगा, तब तक किसानों की बारगेनिंग कैपेसिटी नहीं बढ़ेगी। आज किसान जो पैदा करता है वह रॉ-मैटेरियल नहीं बन पा रहा है। फूड प्रॉशेसिंग सेक्टर के बारे में यह बिल आने के बाद हमारा यह टारगेट है कि इस सेक्टर में भविय में कम से कम एक लाख करोड़ रूपए का इन्वेस्टमेंट करवाएं और यह सेक्टर प्रॉशेसिंग के मामले में 6 प्रतिशत पर आकर इतने दिनों से रूका हुआ है क्योंकि इसमें कहीं सिनर्जी नहीं हो पा रही है [R21]।

यही नहीं, महोदया, आपको जानकारी है कि हॉर्टिकल्चर मिशन से हम दोगुना उत्पादन करने जा रहे हैं। इसी तरह कृषि का उत्पादन भी दोगुना करने जा रहे हैं। प्रधान मंत्री जी ने दूसरी हरित क्रांति की बात कही है। अगर फारमिंग, इंडस्ट्री और प्रोसेसिंग की सिनर्जी नहीं बनेगी, तो यह मिसमैच कर जाएगी। आज हमें सुनने को मिलता है कि किसान को उसके उत्पाद का लागत मूल्य नहीं मिलने पर वह आत्महत्या कर रहा है। इस चीज को भावी दृष्टिकोण से न होने दिया जाए इसलिए खेत का रिश्ता उद्योग से जोड़ने की बात हम कर रहे हैं। उद्योग चलाने वालों के लिए ऐसा कानून हो, जो क्वालिटी और स्टैंडर्ड ओरिएंटेड हो, जो कन्ज्युमर्स फ्रेंडली हो।

हमने इस बिल के जरिए किसान और फिशरमैन को बाहर रखा है। हमारे देश में जो उद्योग के लाइसेंस होल्डर्स हैं, उन्हें इस कानून की परिधि में रखा गया है। जो लाइसेंस होल्डर्स नहीं हैं, जैसे ठेला चलाने वाला, वेंडर्स, गांवों में छोटी मिठाई की दुकान वाले और छोटा धंधा करने वाले हैं, उन्हें स्थानीय तौर पर कहीं पंजीयन कराना होगा और लाइसेंस की जरूरत नहीं होगी। इसलिए जानकर उन्हें इस परिधि से बाहर रखा है, जिससे उन्हें हैरासमेंट न हो। इस दृष्टि से मैं समझता हूँ कि यह बिल एक ऐतिहासिक स्वरूप लेकर आया है। 1954 के बाद फूड सेक्टर में कोई कानून नहीं बना था। इसलिए सारे कानूनों का इसमें समावेश करके एक रेग्युलेटरी अथोरिटी और एक कानून के तौर पर इस बिल को यहां लाया गया है। मैं सदन से अनुरोध करता हूँ कि वह इस बिल पर विचार करे और इसे पास करे।

MADAM CHAIRMAN : Motion moved:

“That the Bill to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto, be taken into consideration. ”

श्री अविनाश राय खन्ना (होशियारपुर) : माननीय सभापति महोदया, मंत्री जी ने अभी बताया कि 1954 के बाद फूड सेक्टर में कोई कानून नहीं बना। इसलिए, जो अलग-अलग कानून हैं या अलग-अलग समय पर आर्डर्स इस विषय पर पास किए गए हैं, उनका समावेश करके एक कानून सरकार बनाने जा रही है। मैं समझता हूँ कि सभी का समावेश करके, ऐसा लग रहा है कि शायद कोई हॉच-पॉच हो गई है।

जब भी कोई कानून बनाया जाता है तो उसके तीन-चार ऑस्पेक्ट्स होते हैं। कानून बनने से पहले सोशल ऑस्पेक्ट, लीगल ऑस्पेक्ट, टेक्नीकल ऑस्पेक्ट और फाइनेंशियल ऑस्पेक्ट होते हैं। इन चारों ऑस्पेक्ट्स को देखा जाए तो लगता है कि इस बिल में कहीं न कहीं कमियां हैं। इसलिए मैं अपनी पार्टी की ओर से इस विधेयक का विरोध करने के लिए खड़ा हुआ हूँ।

हम सभी उपभोक्ता हैं, आप भी हैं, मैं भी हूँ, मंत्री जी भी हैं और जनता भी है। उपभोक्ता का अधिकार हमें प्रोटेक्ट करना है। उसे सही चीज मिले, यह हमें देखना है। लेकिन साथ-साथ जो छोटे-छोटे व्यापारी हैं, जैसा अभी मंत्री जी ने कहा कि जैसे ठेले वाले हैं या वेंडर्स हैं, जो एक गांव से दूसरे गांव में जाकर अपना सामान बेचते हैं। उनके लिए इस कानून के बनने से बड़ी समस्या पैदा हो जाएगी। आपने कहा कि रजिस्ट्रेशन कराना जरूरी होगा। एक वेंडर जो 15 गांवों में अपना सामान बेचता है, वह अगर एक गांव में पंजीयन करा ले और दूसरे गांव में चला जाए, वहां इनका अधिकारी उसे मिल जाए और कहे कि तुम्हारा पंजीयन तो फलां गांव का है, यहां कैसे आए हो, तो फिर क्या होगा? इसी तरह से ठेले वालों पर यह बात लागू होती है। इसलि एक बहुत बड़ा पैनिक वेंडर्स और छोटे-छोटे व्यापारियों के साथ पैदा होगा। इसका बिल में कहीं स्पटीकरण नहीं है। पंजीयन कराना होगा, तो कौन करेगा, कैसे करेगा और फीस होगी या नहीं होगी, क्या फार्म होगा, इसका भी जिक्र नहीं है। सिर्फ एक सिम्पल वर्ड लिखकर छोड़ दिया गया है कि कंसर्न्ड म्यूनिसिपैलिटी और पंचायत में पंजीयन कराना जरूरी है। कई ऐसी खामियां इस बिल में हैं। मैंने शुरू में सोशल ऑस्पेक्ट की बात कही थी। इन्होंने शब्द यूज किया है कि अधिकारी कहीं भी जाकर सर्च कर सकता है। उसके लिए सेक्शन 41 को मैं पढ़ना चाहूंगा।

Section 41(1) says:

“The Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food[R22]...”

इसमें फूड सेफ्टी ऑफिसर को अधिकार दे दिया है लेकिन यह नहीं कहा गया है कि उसका अधिकार कहां के लिए है, वह किस जगह सर्च कर सकता है। मान लो कि दिल्ली का एक अधिकारी पानीपत जाता है और एक ढाबे पर खाना खाते हुए उसका झगड़ा हो जाता है। वह कहेगा कि मैं फूड सेफ्टी ऑफिसर हूँ और यह खाना अडल्ट्रेटिड है और मैं इसे सीज करता हूँ तो उसको प्रोसीक्यूट कर दिया जाएगा। इसलिए इसमें यह डिफाइन करना होगा कि फूड सेफ्टी ऑफिसर कहां जाकर इंस्पैक्ट कर सकता है और चीजों को सीज कर सकता है। 42(1) में एक बात कही गयी है कि “The Food Safety Officer shall be responsible for inspection of food business, drawing samples and sending them to Food Analyst for analysis.” पीएफए एक्ट को खत्म करके यह एक्ट बनाया है। पीएफए एक्ट में यह बहुत डिटेल् से दिया गया है कि सैम्पल कैसे लेना है क्योंकि पीएफए एक्ट में बहुत ही अनुभव से और टेक्नीकल ढंग से सैम्पल लिया जाता है। सैम्पल जो हो वह पूरे प्रॉडक्ट का रिप्रेजेंटेटिव सैम्पल होना चाहिए। मान लो कि दूध का सैम्पल लेना है तो पीएफए एक्ट में बताया गया है कि सैम्पल कैसे लेना है। दूध का सैम्पल लेने के लिए दूध को दोनों तरफ घुमाना होगा और जब रिप्रेजेंटेटिव दूध बन जाए तो उसके बाद उसका एक क्वान्टिटी सैम्पल लिया जाए। लेकिन इसमें कहीं मॅशन नहीं है कि कितनी क्वान्टिटी में सैम्पल लेना है, कैसे सैम्पल लेना है। सैम्पल लेने के बाद उसकी पैकिंग,

उसकी सीलिंग का प्रॉविजन भी मिसिंग है। पीएफए में प्रॉविजन है कि तीन सैम्पल लिये जाएंगे। एक सैम्पल लैबोरेट्री को भेजा जाएगा, दूसका जिला हेल्थ अथॉरिटी को और तीसरा दुकानदार के पास होता है। उसका कारण यह है कि जो डीएचओ ने सैम्पल लिया और अगर वह फेल हो जाता है तो प्रोसीक्यूशन लोस्ट हो जाता है तो प्रतिवादी के पास राइट है कि वह अपना सैकिंड सैम्पल सेंट्रल फूड लैबोरेट्री से रिअसेस कराए। कोर्ट उसे यह पर्मिशन देता है। लेकिन इसमें ऐसी कोई बात नहीं है। वह वैंडर जिसका सैम्पल गलत ढंग से लिया गया और उसे लैबोरेट्री ने फेल कर दिया तो आपने फाइन इतना रखा है कि वह करप्शन को बढ़ावा देने वाली बात है। मैं पढ़कर बताता हूँ। माननीय मंत्री जी खुद हैरान होंगे। इसमें सैक्शन 69(1) में एक एडीओ या मजिस्ट्रेट जिसको इस फील्ड का अनुभव नहीं होता है वह टैक्नीकल आदमी नहीं होता है जो आईएस या पीसीएस ऑफिसर होता है, उसको मालूम नहीं होता है कि यह सैम्पल गलत है या सही है उसको एक लाख रुपये जुर्माना करने का अधिकार होता है। आपने मिनिमम कहीं प्रोसीक्यूट नहीं किया है। वह एक रुपये से लेकर एक लाख रुपये तक फाइन कर सकता है। इससे करप्शन और बढ़ेगा। वह वैंडर से कहेगा कि मैं एक लाख रुपये फाइन में कमी कर देता हूँ आप मुझे पैसा दीजिए। यह भी इसमें एक कानूनी लैकूना है। दूसरा आपने लिख दिया कि ऑफिसर के पास सिविल पावर हैं लेकिन जब क्लैरिफाई किया तो पता चला कि आपने जितनी भी पावर्स दी हैं वह सभी क्रिमिनल लॉ की पावर्स हैं। सिविल और क्रिमिनल प्रोसीजर में बहुत अंतर होता है। क्रिमिनल प्रोसीजर में जब एक व्यक्ति पेश होता है तो उसे बेल करवानी होती है तो उसकी बेल डिसाइड होती है लेकिन सिविल केसेज में केवल एक एडवोकेट के द्वारा पेश हो जाएगा। इसलिए सिविल और क्रिमिनल पावर्स में अंतर है। प्रोसीजर आपने क्रिमिनल दे दिया तो कौनसा प्रोसीजर ऑफिसर फौलो करेगा। अगर ऐसा कंफ्यूजन बना रहा तो इस एक्ट को इम्प्लीमेंट करना मुश्किल हो जाएगा। एक बात और आपने रखी है कि जो भी पानी है उसे इस एक्ट में लाया गया है[r23]।

महोदय , लेकिन जो पानी म्यूनिसिपैलिटी सप्लाई करती है, वह इससे बाहर रखा गया है। ज्यादातर लोग म्यूनिसिपैलिटी का पानी पीते हैं। म्यूनिसिपैलिटी का पानी आम लोगों को अच्छा न मिले, तो उसके लिए इसमें कुछ नहीं कहा गया है। मैं समझता हूँ कि आम आदमी को यह कानून बनने से कोई फायदा पहुंचने वाला नहीं है। सैक्शन-77 में अजीब सी, कानून से ऊपर, आपने अपने आथोरिटी के अधिकारी को शक्ति दी है कि प्रोसीक्यूशन लांच करने के लिए एक साल का समय है। जब वह सैम्पल लिया गया या ओफेंस हुआ, उसके एक साल के अंदर प्रोसीक्यूशन लांच होगा। आपने कहा है कि

“Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of upto three years.”

इसमें एक लकूना है। एक बार अगर कोर्ट ने इसे रिजेक्ट कर दिया कि आपका चालान या केस विद्विन टाइम नहीं है, तो क्या कमिश्नर आफ फूड सेफ्टी कोर्ट के आर्डर को कंटेम कर सकेगा? अगर ऐसी कंटिजेसी राइज होती है, तो उसका प्रोसीजर क्या होगा? मान लीजिए, आपका जो प्रोसीक्यूटर है, उसके साथ किसी उद्योगपति ने, जिसका सैम्पल फेल हो गया है, बात की कि आप एक साल के बाद चालान दीजिए। तब वह अधिकारी एक साल के बाद चालान देगा। कोर्ट उसे रिजेक्ट करेगी। जो आपका कमिश्नर आफ फूड सेफ्टी है, उसके हाथ बंधे हैं, क्योंकि कोर्ट का आर्डर आ गया कि चालान विद्विन टाइम नहीं है। इसे भी स्पट करने की जरूरत है कि कब कमिश्नर आफ फूड सेफ्टी इसे एक्सटेंड कर सकेगा।

इसके अलावा जो फाइनेंशियल आस्पेक्ट्स हैं, उनके लिए मैं आपको बताना चाहता हूँ कि जो आपने इस आथोरिटी का स्ट्रक्चर बनाया है, उसमें 10 करोड़ रुपया रखा है, लेकिन 7 करोड़ रुपया इंफ्रास्ट्रक्चर पर खर्च हो जाएगा, तो क्या हम तीन करोड़ रुपए में लैबोरेटरीज प्रोवाइड कर पाएंगे? अगर फाइनेंशियल आस्पेक्ट्स देखें तो भी आपका बिल एक वेग बिल है। अगर हम सोशली, लीगली, टेक्नीकली और फाइनेंशियली आस्पेक्ट्स देखें, तो यह बिल बिलकुल पास होने लायक नहीं है। मैं अपनी पार्टी की तरफ से कहना चाहता हूँ कि इस बिल को रिजेक्ट किया जाए और पास न होने दिया जाए।

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Madam Chairperson, I must appreciate this Government and the hon. Minister for bringing in such a momentous legislation as it is relevant. It is most contemporary in view of the global trade environment because over the years the rich countries have been putting various kinds of non-tariff barriers on the pretext of food safety and quality aspect[[krr24](#)].

Madam Chairman, the Minister has already stated in his introduction that this Ministry was established 18 years ago, and it was regarded as a sunrise industry. But still we have been lagging behind in processing the food potentialities available in our country. Only two per cent of food is being processed here, and more than Rs. 60,000 crore are going waste due to lack of food processing management in our country.

It is known to all that the food sector is worth a business of Rs. 2,50,000 crore, and it contributes 26 per cent to our GDP. It is a vast sector where we can generate huge employment opportunities provided we have the requisite legislation. The need and demand of food has been ever increasing with the growth in our population. We are able to produce food in abundance by dint of our technology, genetic engineering and other noble innovations. But we are observing that our diet has been exposed to the global market in the wake of globalised food scenario. Our family meal has been replaced by fast food. What are we consuming here? We may find ingredients like pathogens that are native to a remote area of this world. We are also consuming food that is originating in other parts of the world. Therefore, we should have an integrated food law because it is incumbent upon the Government to ensure safe, hygienic, wholesome and nutritious food to its countrymen.

In the year 1954 the PFA Act was established, but our experience demonstrates that due to multiplicity of laws involving diverse authorities, the food-processing sector has been facing severe impediments. Therefore, this kind of mismatch, which has been prevailing, must be removed with the introduction of this Bill. The Food Safety and Standards Bill will be baptized as an integrated food law, which would be the first ever in our country.

Madam Chairman, food is our culture so much so that over the ages our culture, our tradition, our religion, our customs have been inextricably linked to the various prescriptions and proscriptions of the food habits[[ak25](#)].

Food is our biological necessity and also commerce. In order to meet the needs of the people in the world, we have to produce best quality of food so that we can face the cut-throat competition in the world trade scenario.

We are a Member of the WTO. We are a signatory of Sanitary and Phyto-Sanitary Measures where various recommendations made by the Hygiene Committee have been adopted. The Codex Alimentarius Commission's prescriptions are there which advocate hazard analysis and central critical point at every stage of production and processing so as to prevent any kind of contamination and adulteration. Contamination is a growing concern throughout the world.

As we have observed, Avian Flu H5n1, which was a less pathogenic virus, has now been detected in a more dangerous dimension, which already affected hundreds of people all over the world. However, we do not

have the instruments to protect our people from this kind of invasion. Earlier, we had witnessed dropsy caused by Algemore. In this legislation, there may be some *lacuna*, but the endeavour made by this Government deserves to be praised lavishly.

As we are moving to that world where food safety and standard is the imperative need, scientific development of food processing is *sin qua non* for the development of this industry. The key features of this legislative document is that the Second Schedule under Section 97 stands repealed, as the Bill seeks to consolidate eight laws governing the food sector, and it also establishes a Food Safety Authority to regulate this sector. Naturally, it is a transparent and accountable regulatory regime which will regulate the entire food sector, after the passing of this Bill. Already, the Ministry has adopted 45 amendments before the passing of this Bill. As such, it is a voluminous Bill consisting of 101 clauses whereby it has encompassed all the necessary aspects in compliance with the potentially contradictory concept of sovereign discretion, trade liberalisation and scientific objectivity.

Food Supply and Safety Authority will include 22 members. I must appreciate the fact that this Government, in all its measures, tried to empower the women folk of our country. Here also, out of 22 members, women participation has been made mandatory. However, I would request the hon. Minister to include one member from a hawkers association in India. That is because a large number of our people are eking out their livelihood from hawking.

Central Advisory Committee has been proposed to be established in order to assist the Food Safety and Standards Authority to lay down various rules and regulations in terms of pesticide residue, biological, chemical, physical hazards and other contaminants. The law will be enforced through the State Commissioners of Food Safety at the State level and through the designated officers and Food Supply Officers at the local level.

The salient feature of this Bill is that the Panchayati Raj institution, which is called the grassroots democracy of our country, has been given due importance and is entrusted with the task of issuing registration to local vendors, hawkers, etc. Everyone in the food sector is now required to get a licence or registration. Every distributor is required to be able to identify food articles to the manufacturer and every seller to the distributor. So, there is a wide network of checks and balances that has been provided in this Bill.

Further more, entitlement to recall has been provided for in this Bill. Anyone in this sector would be able to initiate recall procedure, if he finds that the food sold had violated specific standards. It is a single statute relating to food providing for scientific development of food processing industry.

The UPA Government has proposed to increase the global share of our trade from 0.9 per cent to 1.5 per cent amounting to 150 billion dollars by the year 2009. Food processing industry would play a very significant and pivotal role in enhancing the global trade share of our country in commensurate with the UPA Government's commitments. It incorporates salient features of the PFA Act, 1954, other international laws including Codex Alimentarius Commission. It has shifted from mere regulatory regime to a self-compliant regime through safety management systems.

However, plants prior to harvesting and animal feed are excluded from the purview of the Bill. I would like to draw the attention of the hon. Minister to this. Various kinds of food are found to be infected by various

pesticides in vegetables or antibiotics in animal feed. That would have a deleterious effect on human health, especially on consumer. But this aspect has not been covered effectively in this Bill.

Secondly, the whole chain from farm to consumer needs to be traced out, which is absent here. If a food product contains grain or vegetable with pesticide above the permissible limit, it is hard to trace back the contaminant beyond the *mandi*.

15.00 hrs.

(Mr. Deputy-Speaker *in the Chair*)

Therefore, it needs to be covered effectively. I would like to draw the attention of the hon. Minister that over the years various laws concerning the food sector are available with us. Due to lack of laboratory instrumentation, due to lack of proper training to the testing personnel, and due to lack of observance of rules, this sector has been suffering a lot. It is suffering because lab instrumentations are relatively expensive. For chemical analysis of food, we need instruments which are to be imported from foreign countries. We have resource constraints. Here, scientific research is sporadic. Training facilities are poor and less rigorous. On the one hand, training testing personnel and on the other hand, modern scientific equipment for testing the food, both are imperative. ... (*Interruptions*)

MR. DEPUTY-SPEAKER: You have taken more than 17 minutes.

SHRI ADHIR CHOWDHURY : Most of our universities are reluctant to offer course in food testing. The Bill is rightly emphasizing to penalise the offender. But, however, the Bill should emphasise on other aspects also in terms of promoting this system and business.

Inspector Raj may be done away with through legislation but we have to act to see in reality as to whether Inspector Raj has been abolished or not. I am also sharing the concern of my colleague that the onus of the quality of water should not be put on the user because it is supplied by various municipalities, Jal Boards, etc.

In the amendment No.44, it is stated:

“(iii) send the remaining part for analysis to an accredited laboratory, if so requested by the food business operator, under intimation to the Designated Officer:

Provided that if the test reports received under sub-clauses (i) and (iii) are found to be at variance, then the Designated Officer shall send one part of the sample kept in his custody, to referral laboratory for analysis.....”

There is a referral laboratory and the accredited laboratory. There is existence of two kinds of laboratories, where, the Bill says that the decision of referral laboratory shall be final. I think, here, the decision should be left to the adjudicating officer.

We know that under the Telecom Ministry, there is a regulatory regime – Telecom Regulatory Authority of India. Food Processing Industries has a dedicated Ministry. Hence, I would request the Government to

empower the dedicated Food Processing Industries Ministry to administer the Act.

Last but not the least, I would say that India is a land of milk and honey; India is a land where Muslim brethren pray to the Lord for bread; and India is a land where food and salvation are revered in the Last Supper. Therefore, we are all concerned with the quality of food but that quality of food is provided to the millions who are left with no alternative but to consume the food provided by the traders, who are not concerned with the quality of food.

SHRI KHAGEN DAS (TRIPURA-WEST): Thank you, Sir. This is an important Bill as far as generation of employment, production of fruits and vegetables, food processing industries, etc. are concerned.

At the outset, I would like to say that at present there are a plethora of laws on food and its operations which lead to a lot of confusion in the minds of consumers, traders, investors and manufacturers. A number of Ministries like the Health and Family Welfare, Food Processing Industries, Agriculture, Commerce, Food and Consumer Affairs, etc. administer the laws.

A need was, therefore, felt for integration of all such laws for giving a boost to the food processing industries and regulating the quality of food. But the Bill, as originally introduced, was tilted in favour of the big food operators and contained several loopholes. The Standing Committee on Agriculture, to which the Bill was referred to, had made several recommendations in its Report presented to the House on 21st February, 2006. A majority of the recommendations made by the Committee has been accepted by the Government and some of the shortcomings have now been addressed to by the proposed amendments.

I would like to highlight some of the major shortcomings as observed in the original Bill. Firstly, pesticides and other contaminants were not included in the definition of 'unsafe food', that is under clause 3(i) (zz). The Government has since included this in the definition. Secondly, adequate representation was not given to food technologists, farmers, retailer organizations and particularly women on the proposed Food Safety and Standards Authority, that is under clause 5. The Government has also rectified it by giving representation to these categories and also agreed to give one-third representation to women on the Authority by bringing in an amendment. The third important one is that the poor uneducated farmers who were also proposed to be brought under the provisions of the Bill, would not have been able to comprehend the complicated provisions of the Bill nor be able to meet the stringent standards prescribed under the Act. The Committee had, therefore, recommended that the farmers and fishermen should be exempted from the provisions of the Bill, that is under clause 18. The Government has realized the implications and has now brought an amendment to exempt farmers and fishermen from the stringent provisions of the Bill.

The next and the most important provision is that the petty manufacturer, retailer, hawker, vendor, etc. were also equated at par with the big food operators and required to obtain licence and follow the provisions of the Bill, that is under clause 18. How could the petty hawkers and vendors be equated with the big operators?

However, the Government has now exempted the petty manufacturers, hawkers, vendors, etc. from obtaining licence. They are however required to take only registration. My proposal is that in the case of registration, a provision should be made that they will only register their names to the respective panchayat and other similar elected local bodies. If they have to go for registration to any other organisation, then they may find difficulties and they may also be harassed.

There are some important issues which have not been addressed and for which I have given amendments. The first one is with regard to Clause 6; Selection Committee for selection of Chairperson and Members of the Food Authority.

The Selection Committee is highly bureaucratic in nature. There is no representation of the elected representatives in the Committee. The Standing Committee on Agriculture had recommended that two Members of Parliament should be represented on the Selection Committee and the Chairman of the Selection Committee should not be a bureaucrat but should be the Minister of Food Processing Industry. The Secretary of the Ministry of Agriculture has been excluded. My proposal is, the Secretary in charge of the Ministry of Agriculture should also be one of the members of the Selection Committee.

I strongly feel that in addition to the existing members, as proposed, the above recommendations of the Standing Committee should be accepted. They are:

1. The Chairman of the Selection Committee should be the Minister of the Food Processing Industry.
2. The Members of Parliament; one each from the House of People and the Council of States, should also be included in the Selection Committee.
3. The Secretary in charge of the Ministry of Agriculture should also be included in that Committee.

My second amendment is with regard to Clause 43 regarding Laboratories for testing food samples. There are not enough laboratories under the Ministry of Food Processing Industries for testing food samples. There should be at least one fully equipped food laboratory in each district for proper analysis of the food samples.

The Government has not indicated as to which Ministry would be administering the Act; whether it will be the Ministry of Food Processing Industry or the Ministry of Health. This has to be indicated.

My third amendment is with regard to Clause 66 regarding offences by companies. In the case of offences by Companies, the CEO of the company should be held responsible for any offence under the Act. Why have the CEOs been exempted? In fact, they should be primarily be held responsible for any offence under the Act. The Standing Committee on Food had recommended that the second proviso to Clause 66(1) should be deleted as this will enable them to go scot-free. However, the Government has not undertaken any action on this

which virtually means protection of the CEOs, that is the operators of the big companies. I would request the Government that the second proviso to Clause 66 should be dropped.

My fourth amendment is with regard to Clause 3(1)(zr). I would like to point out that a lot of sale is also done through vending machines in big cities[R26].

I strongly feel that [bru27]vending machinery should also be included in the definition of 'sale'. I hope the Government will consider my proposals and amendments.

With these words, I support the Bill.

श्री शैलेन्द्र कुमार (चायल) : उपाध्यक्ष महोदय, खाद्य प्रसंस्करण मंत्रालय से संबंधित खाद्य सुरक्षा और मानक विधेयक, 2005 पर हम चर्चा कर रहे हैं। अभी पक्ष और विपक्ष दोनों तरफ से इस बारे में बड़े अच्छे सुझाव आए हैं। इस बारे में मैं यही कहना चाहूंगा कि आज पूरे हिन्दुस्तान में रोज़मर्रा की जिंदगी की जो आवश्यक वस्तुएं प्रयोग में लायी जाती हैं, उनकी क्वालिटी और क्वांटिटी अच्छी मिल जाए तो बहुत बड़ी बात होती है। इसको बढ़ावा देने के लिए मुनाफाखोरी और व्यापारिक प्रतिस्पर्द्धा के कारण मिलावटी व नकली माल की बिक्री जोरों पर बढ़ती जा रही है। इसी कारण से इसमें तमाम कानून का प्रावधान किया गया है।

महोदय, मैं तो मानता हूं कि मिलावट एक सामाजिक अपराध है। हम लोग मिलावटी चीज खाने के आदी हो गए हैं। हमें यही मालूम नहीं हो पाता है कि असली और नकली में क्या फर्क है? हम उसकी पहचान नहीं कर पाते हैं। यह सब आजकल हो रहा है।

दूसरी बात, अभी माननीय मंत्री जी ने कहा कि खाद्य पदार्थों की गुणवत्ता नियंत्रित करने के लिए 16 कानून इसमें बनाए गए हैं। जब हम लोग अपने क्षेत्र में जाते हैं, बड़ी बस्तियों, कस्बों, शहरों और खास तौर से ग्रामीण इलाकों में लोग हमारे सम्मान के लिए कोल्ड ड्रिंक पिलाने के लिए लाते हैं। वह कोल्ड ड्रिंक चाहे आईएसआई मार्क हो, हमें लगता ही नहीं है कि हम कोल्ड ड्रिंक पी रहे हैं। ऐसा लगता है कि कोई शरबत पी रहे हैं। इसके अलावा जब बिसलैरी की बोतल देते हैं तो उसकी एक्सपायरी डेट निकल चुकी होती है। अभी जैसा कि कहा गया है कि मिलावट के कारण मौत होने पर आजीवन कारावास और दस लाख रुपये तक के जुर्माने का प्रावधान किया गया है। इसलिए मैं इस बिल का पुरजोर समर्थन करता हूं।

इसके अलावा जब सैम्पलिंग ली जाती है, तो उसकी केवल खानापूर्ति होती है। मुझे मालूम है कि बहुत सी मिठाइयों की दुकानों पर जो इन्स्पेक्टर आते हैं, उनके महीने के पैसे बंधे होते हैं। वे दुकानों से पैसे ले जाते हैं।

महोदय, विवादित वस्तुओं की तो जांच करवायी जाती है लेकिन आवश्यक वस्तुओं की जांच बहुत कम हो पाती है। इस बात को भी हमें ध्यान में रखना होगा। आज देखा जाए तो कम से कम 75 प्रतिशत वस्तुओं में आपको मिलावट मिलेगी। आप दिल्ली में गलियों, नुक्कड़ों और बस्तियों में चले जाएं तो वहां लस्सी बनायी जाती है, जो पांच से लेकर दस रुपये तक में बिकती है, जो कि जानलेवा है। उससे बहुत तरह की बीमारियां होती हैं। अभी दिल्ली पुलिस ने कुछ दिनों पहले नकली दवाइयों और गुटखों का बहुत बड़ा जखीरा पकड़ा है। इस प्रकार की यदि बड़ी-बड़ी छापेमारी होगी तो मेरे ख्याल से बहुत सी मिलावटी और नकली वस्तुएं इस तरह की मिल जाएंगी। इस तरह की कार्यवाहियों से हम इस पर अंकुश भी लगा सकते हैं।

दूध की बात अभी हमारे मित्र कह रहे थे कि दूध में यूरिया की मिलावट होती है, ऑक्सीटोसिन की मिलावट होती है, जिससे गर्भपात और नपुंसकता का बेहद जबरदस्त खतरा है। अभी मैं देख रहा था, सवा करोड़ रुपये का नकली बिस्कुल पटियाला, पंजाब में पकड़ा गया, जिसमें ग्लूकोज़ और क्या-क्या ब्राण्ड के नाम से दिया गया है। इसी प्रकार से मैं मंत्री जी को याद दिलाना चाहूंगा कि 1988 में सरसों के तेल में जो मिलावट हुई, उससे ज़ाप्सी नामक बीमारी फैली थी, जिससे हजारों लोग प्रभावित हुए और बहुत जगह पर कम से कम सैंकड़ों लोगों की मृत्यु हुई।

दाल, चाय और काफी में कोलतार डाई की मिलावट से कैंसर को बढ़ावा मिलता है। यह धड़ल्ले से हो रही है। हल्दी में लैंड क्रोमेट मिलाया जाता है, जिससे लकवा, एनीमिया और गर्भपात की भयंकर बीमारी होती है। अचार में कॉपर साल्ट मिलाया जाता है, जिससे किडनी इफ़ेक्टिव होती है। नमकों में तो रंगोली मिलाई जाती है, जिससे पेट की बीमारी होती है। हम जो मिठाई खाते हैं, उन मिठाइयों में जो चांदी का वर्क होता है, वह भी नकली आ रहा है। उसकी गुणवत्ता पर भी... (व्यवधान) हां, बिल्कुल खाते हैं। आप भी खाते हैं, हम भी खाते हैं। जो वर्क होता है, अगर वह नकली है तो उससे कैंसर की बीमारी आपको होगी। आप सब्जियों में देख लीजिए, बहुत सी सब्जियां ऐसी हैं, जिनमें इंजैक्शन लगाया जाता है, जिससे उसकी बहुत जल्दी ग्रोथ होती है। जैसे कभी-कभी हम लोग गाय भैंस का दूध दुहने के लिए इंजैक्शन का इस्तेमाल करते हैं कि ज्यादा दूध देगी, वह भी खतरनाक है। वह भी एक तरह से मिलावट है, क्योंकि हमें उससे शुद्धता नहीं मिलती। इसी प्रकार से मिठाई में मेटाबिल येलोवा रोड मिल की मिलावट रहती है, जिससे कैंसर होने का खतरा बना रहता है।

भारतीय मानक ब्यूरो ने अभी मध्य प्रदेश सहित देश के तमाम इलाकों में जो वैध लाइसेंस आई.एस.आई. मार्क की मुहर लगे 30 ठिकानों पर छापा मारा, जिसमें दिल्ली में पांच, महाराष्ट्र में सात और चण्डीगढ़, जम्मू-कश्मीर, पंजाब और हरियाणा में 1-1 जगह छापा मारा गया और काफी मात्रा में वहां पर नकील चीजें मिली हैं। मैं सुझाव के तौर पर माननीय मंत्री जी को कहना चाहूंगा कि चाहे वह कृषि और खाद्य स्ट्रक्चर में हमें सुधार लाना है तो हमको ग्रामीण स्तर पर हर जिले में कम से कम एक सैण्टर खोलना पड़ेगा। वहां पर लैबोरेट्री की व्यवस्था होनी चाहिए, हमारे टैक्नीशियन होने चाहिए, तभी जाकर हम नकली और असली की पहचान कर सकते हैं। आप हर जगह से नमूना लेते हैं और उसकी रिपोर्ट में महीनों लग जाते हैं, महीनों बाद उसकी रिपोर्ट आ पाती है, इसलिए हर जिले पर वहां पर सैण्टर खोलिये, जहां पर लैबोरेट्री और टैक्नीशियन की व्यवस्था हो। कोई भी वस्तु अगर पकड़ी जाये तो कम से कम उसके एक हफ्ते में जांच हो जानी चाहिए।

मैं ज्यादा कुछ न कहकर इन्हीं शब्दों के साथ इस बिल का पुरजोर समर्थन करता हूं। मुझे विश्वास है कि जो हमारे चन्द सुझाव माननीय उपाध्यक्ष जी के माध्यम से माननीय मंत्री जी नोट कर रहे थे, उस पर अमल करेंगे। इस मामले पर सदन भी चिन्तित है। इस कानून के बनने से हमें मिलावट से निजात मिलेगी, यह हमें विश्वास है।

श्री आलोक कुमार मेहता (समस्तीपुर) : उपाध्यक्ष महोदय, मैं आज इस महत्वपूर्ण विधेयक पर बोलने के लिए खड़ा हुआ हूं।... (व्यवधान)

उपाध्यक्ष महोदय : पहले कागज ढूँढ लीजिए।

श्री आलोक कुमार मेहता : इस बिल का ताल्लुक आम अवाम की जिंदगी से है। हर दिन रूटीन में मनुय भोजन को शामिल करता है, उस पर उसकी जिंदगी निर्भर करती है। तथापि ऐसी महत्वपूर्ण चीजों को रेग्युलेट करने के लिए, उनकी गुणवत्ता को गवर्न करने के लिए अभी तक कोई मजबूत कानून नहीं बन पाया था। इस बात की बहुत कमी खल रही थी। व्यावहारिक जिन्दगी में भी अगर पहले किसी ऐसी चीज को कोई कंज्यूमर पकड़ता था, जिसमें एडल्ट्रेशन हो, या किसी तरह की गड़बड़ी हो, तो कंज्यूमर कोर्ट के रास्ते उसे दिखाए जाते थे। इतने अलग-अलग तरह के कानून थे कि आदमी कन्फ्यूज हो जाता था कि कैसे उसे कोर्ट में प्रमाणित करे, इसके भी कोई उपाय नजर नहीं आते थे। एक छोटी सी मिलावट की घटना को, जिसके बहुत खतरनाक परिणाम हो सकते थे, इसे सिद्ध करने के बजाए, ऊबकर लोग उस केस को छोड़ देते थे और जैसे चल रहा है, वैसे चलने देते थे। इसलिए मैं अपनी सरकार को धन्यवाद देना चाहता हूं जिसने इस विधेयक पर गंभीरता से विचार करने के लिए सदन में इसे लाने का काम किया। इसमें महत्वपूर्ण व्यूज सामने आए हैं।

फूड सेफ्टी एंड स्टैंडर्ड बिल 2005 में, इसके जो भी आब्जेक्टिव्स हैं, यदि हम उन पर नजर डालते हैं, तो हमें ऐसा महसूस होता है कि इसमें कुछ डिस्क्रिपेंसीज भी हैं, जिन पर विचार किए जाने की आवश्यकता है। हमारे पूर्व के वक्ता साथियों ने इस पर अपने विचार प्रकट किए। अधिकांश वक्ता साथियों से मैं सहमत हूं। इसके अलावा मैं कहना चाहता हूं कि अनआर्गनाइज्ड सैक्टर में, जैसे ठेले वाला या खोमचे वाला, इस तरह के जो लोग हैं, जो खाने की चीजों को बेचते हैं, उनके लिए भी इसमें कानून होना चाहिए, लेकिन उनकी रोजी और रोजगार पर भी सरकार का ध्यान होना चाहिए कि इसके जो टेस्टिंग्स हैं, इसकी जो जांच की व्यवस्था हो, वह सरल हो और इस तरह की हो, जैसे छोटे रोजगार वाले लोग, उसमें जी सकें, इस बात का भी ख्याल रखा जाना चाहिए। मैं बताना चाहता हूं कि उस सैक्टर में जांच की बहुत आवश्यकता

है और कंट्रोल किए जाने की बहुत आवश्यकता है, लेकिन साथ-साथ इससे उनके रोजगार पर असर पड़ेगा - इस बात पर सरकार और माननीय मंत्री जी का ध्यान आपके माध्यम से हम आकृष्ट करना चाहते हैं कि उनके रोजगार की तरफ भी सरकार का ध्यान होना चाहिए। उत्पादन में इस्तेमाल किए जाने वाले पानी के संबंध में, जैसा पूर्व वक्ता ने कहा, वह बिल्कुल सही है, क्योंकि उसमें इस्तेमाल किए जाने वाले पदार्थों पर यदि कंट्रोल नहीं रहेगा, तो जो सामान वे बनाएंगे, उसकी गुणवत्ता पर भी नियंत्रण नहीं हो पाएगा। इसलिए इस कमी को पूरा किया जाना चाहिए।

प्रायर टू हार्वेस्टिंग स्टेज में किसी खाद्य पदार्थ पर यदि कानून की नजर नहीं है, तो जो एक्ट आ रहा है, उसमें उसको कंट्रोल करने का प्रावधान नहीं है। जितने भी पेस्टीसाइड हैं, जिनका ओवर डोज दिया गया और फिर कैमिकल फर्टिलाइजर के भी दुपरिणाम आने लगे हैं या फिर जो उत्पादन आते हैं, पानी से अच्छी तरह धोने के बाद भी उसमें उसका रेसीडुएल्स लगे रह जाते हैं, जिसकी वजह से अनजाने में आम आ वाम के स्वास्थ्य पर उसका बुरा असर पड़ता है और उसकी लाइफ घटती जा रही है, ऐसा कहा जा रहा है। यह एक चैन है। इस पर भी सरकार की नजर होनी चाहिए कि कैसे उसे भी कंट्रोल किया जाए?

आज आर्गेनिक फूड की बात की जाती है, विदेशों में आर्गेनिक प्रोडक्ट, जैविक खाद्यों से बने हुए या बहुत ही नेचुरल तरह से बनाए गए प्रोडक्ट की दोगुनी तिगुनी कीमत मिलती है। इसको और भी कैसे सरल बनाया जाए कि आम आवाम को भी वह उपलब्ध हो और सिर्फ पेस्टीसाइड खाकर अपने स्वास्थ्य को लोग खराब न करें या इस तरह के जो कैमिकल फर्टिलाइजर हैं, जिनका कृषि की उत्पादकता को बढ़ाने में इस्तेमाल किया जाता है, इसकी वजह से लोग अपने स्वास्थ्य को खराब न कर लें, इसलिए इस पर भी नियंत्रण करने की आवश्यकता है। इसलिए उसपर भी नियंत्रण करने की आवश्यकता है। बुरे खाद्य का कनटैमीनेटेड या किसी तरह से विवाकत खाद्य को खाने से उसका सीधा असर नहीं पड़ता, वह स्तो प्याज़न की तरह काम करता है। जिन वजह से से खाद्य पदार्थ काम कर रहे हैं, उस क्षेत्र में रिसर्च की आवश्यकता है। यह बहुत ही सैन्सिटिव बिल है। इस विभाग में व्यापक कार्य करने की आवश्यकता है। इसलिए फूड प्रोसैसिंग डिपार्टमेंट को और इम्पावर किए जाने की जरूरत है। इसे दूसरे विभागों से कोआर्डिनेट भी करना पड़ सकता है, लेकिन मेन लाइन ऑफ अथॉरिटी इस विभाग की ही होनी चाहिए जहां से वह पूरे कानून को रैगुलेट कर सके और इस फील्ड में अपनी जिम्मेदारी महसूस करे। यदि इस विभाग को अथॉरिटी दी जाएगी, तो रिस्पॉन्सिबिलिटी भी उसी मंत्रालय पर होगी। इस विभाग को निश्चित रूप से जिम्मेदारी से लैस किया जाना चाहिए ताकि वह इस कानून को अच्छी तरह लागू कर सके।

फूड चेन इको सिस्टम पर भी असर पड़ रहा है। केमिकल, फर्टीलाइज़र और पेस्टीसाइड्स जो बहुत बड़ी मात्रा में यूज़ हो रहे हैं, इन्हें हम बिल्कुल अलग करके नहीं देख सकते। यह मात्र केमिकल, फर्टीलाइज़र डिपार्टमेंट से कन्सर्न नहीं हैं, इसमें कोआर्डिनेशन की जरूरत है। केमिकल, फर्टीलाइज़र और पेस्टीसाइड्स यूज़ करने की बजाए आर्गेनिक फर्टीलाइज़र यूज़ किया जाए और उसे एनकरेज किया जाए, उसके लिए कम्पेल किया जाए, यह भी इसका एक हिस्सा होना चाहिए। आज नेचुरल चीज देखी जा रही है कि केंचुआ और मेंढक हमारे बीच से गायब हो रहे हैं। ये मनुष्य के मित्र जीव माने जाते हैं और इनकी वजह से घातक कीटाणुओं को कम किया जाता है तथा जमीन की नेचुरल फर्टिलिटी को बढ़ाया जा सकता है। ये कम होते जा रहे हैं, लेकिन चाहे पर्यावरण विभाग हो या कोई दूसरा विभाग हो, हम नहीं समझते वह इसपर पैनी नजर रख रहा है। हमें इनपर नजर रखनी चाहिए कि आने वाले दिनों में यदि यह समाप्त हो गया तो इको सिस्टम पर उसका क्या असर होगा। जिन कीटाणुओं को मेंढक खाकर समाप्त करते थे और विवाकत होने से बचाते थे, उन्हें कौन खाएगा। इस तरह चेन इम्बैलेंस हो जाता है। हमारा कहना है कि जिस तरह इको सिस्टम इम्बैलेंस हो रहा है, उसी तरह उसकी वजह से फूड सिस्टम भी इम्बैलेंस हो सकता है।

हम माननीय मंत्री जी से आपके माध्यम से कहना चाहेंगे कि इन सारे क्षेत्रों में गहन विश्लेषण की जरूरत है, गहन रिसर्च की जरूरत है और इस विभाग को हाइली इम्पावर किए जाने की जरूरत है। यह होम मिनिस्ट्री से भी ज्यादा महत्वपूर्ण विभाग है क्योंकि इसका मानवता पर खराब असर होने वाला है।

इन्हीं शब्दों के साथ हम इस बिल का भरपूर समर्थन करते हैं और माननीय सदन के माध्यम से कहना चाहते हैं कि खाद्य की कनटैमीनेशन से संबंधित जो बिल लाया गया है, इसकी महत्ता और सदन की भावना को ध्यान में रखते हुए सरकार इसपर ठोस निर्णय ले, मजबूत

कानून बनाए जिससे समाज में आर्थिक इम्बैलेंस पैदा न हो, गरीब लोगों पर भी इसका असर न पड़े और आम अवाम में अच्छे भोजन को परोसा जा सके।

SHRI B. MAHTAB (CUTTACK): Mr. Deputy-Speaker, Sir, I thank you very much for giving me this opportunity to speak on this Bill.

We are discussing a very important Bill today. It deals with food, safety and standards. This Bill is of 63 pages and the hon. Minister, after getting the Report from the Standing Committee on Agriculture, has come out with at least 45 numbers of amendments. This clearly demonstrates how much effort has been put in and how much effort needs to be put in [\[R28\]](#).

Today we have heard Shri Avinash Rai Khanna and other Members also, but it clearly demonstrates that there is no clear unanimity relating to this Bill.

I hold a view which is not in support of this Bill because at the outset I would like to mention that the Bill, as was put forth by the hon. Minister today and also when it was initially introduced, looks very innocent, yet it is pregnant with serious repercussions. I will deal with those repercussions for the information of this House.

Sir, though the intention of the Bill is to have a single statute relating to food and to provide for scientific development of the food processing industry about which the Minister said, and to establish a single reference point for all matters relating to food safety and standards by constituting a full regulatory body, still it will have serious repercussions. The Minister has suggested moving from multi-departmental control to a single authority, but some terms in the Bill have not been defined. This will create confusion and require interpretation by the courts in case of disputes.

I will give you the first such instance where there is no definition of a term. In the Preamble as well as in Clause 16 (1) of the Bill, there is a reference which says: “safe and wholesome food for human consumption”. This has not been defined. Is the water which we drink from the municipal water taps considered to be safe? Then, what is meant by the term “wholesome food” is also not defined. Should we wait for the judgement of the court and then only implement this? So, this term “wholesome food” has not been defined. It should have been defined.

Then, the Bill also mentions a term like “food safety management system”. The definition of this food safety management system calls for adoption of “good manufacturing practices” which has not been defined again. Then it says “good hygienic practices”. This also has not been defined. There is another term called “hazard analysis and critical control point”. This is again not defined.

So, if you do not define these terms, the Bill will lead to a number of litigations. A Bill should be clear in definitions. The Government has drafted a 64-pages Bill and it has brought forward another 45 amendments to

it, but still the Bill has been drafted in such a manner that one does not understand these terms which are mentioned here. If you go into the detail, you will not understand what it intends to do. That is why I have said that this Bill is pregnant with serious repercussions.

There is another word “contaminant” and it has been defined as “any substance whether or not added to food, but which is present in such food as a result of production, manufacture, processing and preparation[k29]”.

These are the four stages. Here, I would like to draw the attention of the hon. Minister that there is a Codex guideline. The Codex guideline on the other hand defines contaminant as and I quote:

“Any substance not intentionally added to food, which is present in such food as a result of the production.”

To make my point very clear, I will just give a very simple example. I will come to that. The omission of the phrase ‘not intentionally’ from the definition in the Bill could result in such cases. The example, which I wanted to give is that if yeast is added to make bread, it will be termed by some inspectors somewhere as a contaminant and he can be prosecuted. Is the hon. Minister going to correct it? I will request the hon. Minister to look into this aspect. This is a very simple thing. As we know for the last 50 years, how this law has created a number of cases in different courts and everybody is doing according to his sweet will.

No doubt, the Food Safety and Standards Bill consolidates eight laws governing the food sector and establishes the Food Safety and Standards Authority. That is the main purpose of this Bill that was mentioned. To regulate the sector the law will be enforced. By whom? By the State Commissioners of Food Safety and local level officers. Who is going to implement it? It is the local level officials as the food inspectors were doing. They will be empowered to do it because there is no other mechanism in place. But the key issue, to which I would like to draw the attention of the hon. Minister, is the organised as well as unorganised sector. About organised sector many hon. Members have mentioned. For organised sector this is all right. But there is a large section in the society who are in the unorganised sector and unorganised food sections are required to follow this food law.

The unorganised sector such as a street vendor will have difficulty in adhering to this law. For example, with regard to specification of ingredients, which is mentioned that one has to specify. Specifications of ingredients, traceability and recall procedures. Will a street vendor do that? How do you expect the street vendors, not only in Delhi but in small towns, who go to the streets and sell some cooked food and earn his living to do this? He will be hounded everyday in the evening and morning because of this Bill.

The Bill does not require any specific standards for potable water. This is usually provided by local authorities, as I have said earlier. Now, it is the responsibility of the person. The onus lies with the person preparing or manufacturing food to ensure that he uses water of adequate quality even when the tap water does not meet the required safety standards even in cities like Delhi.

The Bill excludes plants prior to harvesting and animal feed from its purview. Thus, it does not control the entry of pesticides and anti-biotics into the food at its source, milk for instance. I am giving one instance. You are knowledgeable, you can understand the problem that this Bill is pregnant with. The power to suspend the licence of any food operator is given to a local level officer. This offers scope for harassment and corruption.

It appears that the State Governments will have to bear the cost of implementing the new law. However, the financial memorandum does not estimate the costs. Incidentally, I would like to know from the hon. Minister whether this Bill keeps the IMS Act out of the purview of the Integrated Food Law. I would like to know whether this new piece of legislation is a threat to the existing law that guarantees all measures to encourage breast-feeding, which is important in checking infant mortality.

This is a very important issue. I would like to draw the attention of the Minister and I expect the Minister to respond to this. Does this Bill involve repealing of the Infant Milk Food Substitutes, Feeding Bottles and Infant Feeds (Regulation of Production, Supply and Distribution) Amendment Act, 2003, that is IMS Act 2003? I would like to know whether this has resulted in a lot of anxiety in this country. I would also like to know whether HRD Ministry had raised objections; whether the HRD Minister had written to the Ministry of Food Processing Industries. Have you interacted with the HRD Ministry? What is the result thereto? The Malaysia based International Code Documentation Centre, which is known as ICDC, which keeps track of global efforts to implement the international code of marketing of breast milk substitutes, has now raised objection to it. The same organisation had commended this country when IMS Act was amended in 2003. What is their reaction now? This Food Safety and Standards Bill is a general one dealing with all sorts of foods – processed or unprocessed. Only one of the nine operative sections in the IMS Act deals with food standards and this section makes it clear that these standards shall continue to be governed by the Prevention of Food Adulteration (PFA) Act, 1954. An amendment to provide that this will be governed by Food Act stands to be repealed under the new legislation. We would like to know from you about this.

Now I come to the last aspect and the most serious aspect of the Bill which, if not delved into, posterity will not excuse us. The matter deals with Chapter V and its provisions relating to imports, that is, all imports of articles of food. Here in the Chapter it is mentioned that all imports of articles are to be subjected to this Act. In Page 17, Chapter V, Sub-clause (2) of Clause 5 says:

“The Central Government while prohibiting, restricting or otherwise regulating import of article of food under the Foreign Trade (Development and Regulation) Act 1992, follow the standards laid down by the Food Authority under the provisions of this Act and the Rules and regulations made thereunder.”

What do the Acts, rules and regulations mean? As far as I understand, I expect the Minister would explain what does this mean and what repercussions it will have on the food sector of this country. When the standard should be enforced by the Commissioners of Food Safety of each State, who will guarantee that there will be uniformity of approach?

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI B. MAHTAB : Will it not lead to a number of litigations? A simple thing is that a law is termed as a good law when it does not lead to a number of litigations. My impression from reading through the fine prints of the Bill is that it will create a large number of litigations throughout the country in a number of courts. I would just like to give you an example. I am comparing it because we are thinking of going in that line. What has happened in England?

Sir, I am told that in England where local economies have been destroyed, pseudo safety laws prevent little old ladies from selling their homemade cakes in Churches for charity. We are going to implement this law. In India, such laws would criminalise 'annadana', the langars in Gurdwaras, the zakat at Mosques and Darghas and Bhandaras which feed millions of poor people and destitutes.

Sir, I come from a State where lakhs of people are fed everyday in Sri Jagannath Temple. A food inspector is going to determine how that food is going to be cooked, what are the ingredients, the portions and how it has to be manned.

The modern food law should recognize that our country's decentralized food economy enhances nutrition, safety, culture and livelihood. We need laws to protect our diverse local food cultures from the disease causing homogenous, centralized industrial food culture of the West. Do we need food police through pseudo safety standards which serve global business? We need society-led, participatory, democratic systems to enrich our food systems, promote health and nutrition, and guarantee food safety. Let the Government regulate agri business. There is a need for food sovereignty, food freedom.

I oppose this Bill.

SHRI PRABODH PANDA (MIDNAPORE): Sir, I stand here generally and largely to support this Bill. While I am supporting this Bill, I would like to know from the Minister and seek some clarifications as a lot of doubts and apprehensions are there. Already several Members in this august House have expressed their doubts and apprehensions during the discussion.

15.53 hrs.

(Dr. Laxminarayan Pandey *in the Chair*)

Sir, the organised as well as the unorganised food sectors are required to follow the same food law. It is required. The unorganised sector such as street vendors might have difficulty in adhering to the law. I think, the Minister has agreed to that. Take for example, specification on ingredients and maintaining the procedures. So, how would you address the problems?

In many countries like the U.S., Japan and Malaysia, food safety is governed by the Ministry of Health. In our country, the Prevention of Food Adulteration Act was also being implemented by the Health Ministry.

However, the Food Safety and Standards Bill, 2005 was drafted by the Ministry of Food Processing Industry, whose main objective is to promote and monitor the food processing industry.

Is there a risk that the Bill might be drafted to favour the processed food sector at the cost of negatively impacting the largely unorganised food vendors in the country? From the point of view of consumers, it is better to define stringent standards for all sectors of food vendors even if a vast majority will not be able to adhere to the law? Is there a middle ground between consumer food safety and food standards for various categories of food processors[[lh30](#)]?

Sir, the Statement of Objects and Reasons of the Bill states that ‘the main objective of the Bill is to provide for a systematic and scientific development of the food processing industry’. It is all right. It further says that ‘however, the duties of the Food Safety and Standards Authority (FSSA) appear to mainly ensure compliance of safety standards.’

In this context, my question is this. Should there be a greater thrust towards development of the food processing industry? For instance, if a manufacturer or distributor falls short of specified standards, should the FSSA attempt to improve his systems to achieve the requisite level before initiating penal action? It is a very important question. I hope, the Minister would respond to it.

I have some other questions. Is there a need to make registration or licences a compulsory requirement for everyone in the food sector including the unorganised sector? Is it compulsory? If yes, does the Bill adequately and realistically address the problems of monitoring such operators? If not, what would be the mechanism to ensure that the consumer gets safe food?

Sir, the Food Safety and Standard Bill mentions, and I quote:

“It is hereby declared that it is expedient in the public interest that the Union should take, under its control, the food industry. ”

Is there a particular reason for using the word ‘control’? What does the ‘control’ mean here?

The purpose of the Bill is to bring out a single Statute relating to food. To this end, the Bill has repealed eight food related laws. It has proposed to set up the Food Safety and Standards Authority of India, which would fix the standards and regulate the manufacturing, import, processing, distribution and sale of food in the country.

So, more questions arise here. Should all members be whole-time members, and not ex-officio members, so that they have sufficient time available for the Authority? Should the members be required to have a scientific/technical background and experience? Given the wide scope of food processing industries covered by the Bill, should there be a higher representation of industry drawn from a cross-section of these sub-areas? What

is the fair balance between the civil servants and other stakeholders in the Authority? How would you apportion the membership of 18 across the various stakeholders?

Sir, it is already mentioned by the hon. Member, Shri Mahtab that it does not include potable water. Why does it not include potable water?

The Bill defines primary food as “an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer.”

Are there any other laws which monitor and regulate inputs at the farm level[\[KD31\]](#)?

16.00 hrs.

Would it be feasible for the concerned authorities to check contamination in primary food without having the power to monitor the farmers as the product can only be traced at the *mandi* level at best? Would a retailer, a vegetable vendor be held accountable if the vegetable contains pesticides above the specified norms?

Then, the Bill prescribes a set of graded penalties for offences like mis-branding, sub-standard food or misleading advertisements. The penalty is a fine. What would be the impact of change in the penalty levels? The designated officer has the power to accept from petty manufacturers, hawkers and vendors a fine of up to Rs.1 lakh in case of violations. He also has the power to issue licences to businesses. But the designated officers are of the rank of at least Sub Divisional Officers, the SDO.

MR. CHAIRMAN : Please conclude.

SHRI PRABODH PANDA : I am coming to the end. Would an SDO have the requisite technical knowledge? Do all the SDOs have the requisite knowledge to establish whether the business is following all the regulations that are prescribed in the Act?

This Bill provides safeguards for consumers with a provision for Food Recall Procedure. It is good. Should the Bill also provide for consumers who have already bought the product to be informed in case of food has been recalled? So, apparently, it is a good Bill. It is a very good legislation. But all these doubts are there. All these apprehensions are there. They are very important. It is known to us that the small businessmen and the street hawkers are all there. So, how would you cover all of them?

My last point is that the State is also there. I would like to know that before this Bill is brought in this august House, whether the State Governments have been consulted or not. So, this is a very important thing but nothing has been stated here. So, this has to be replied here. I have raised all these points. I think the Minister will be kind enough to respond to all these points. Though I have raised all these apprehensions, I am supporting this Bill. I think the Minister will satisfy us.

SHRI DUSHYANT SINGH (JHALAWAR): Mr. Chairman, Sir, today we are discussing a very important Bill concerning food safety and standards. I stand here to oppose the Bill as this Bill supports the multinational companies. It does not assist the unorganised sector, the *aam aadmi* with which the UPA Government came to power. When they fought the general elections, they said they are for the *aam aadmi*. This Bill supports the multinational companies. It does not help the petty individuals and the hawkers.

But at this moment I must also mention that we need good food products. There should not be any adulteration in food. Food should be hygienic. It should be pesticide free and the food product should have gone through a hazard analysis process.

Our farmers work very hard day in and day out along with our fishermen and along with persons who are having dairy. Everyone works hard to produce the raw materials and then going for processed food products[m32].

But, Sir, I must mention at this stage that the Bill defines primary food as “an article of food being a produce of agriculture or horticulture or animal husbandry and dairying or agriculture in natural form”. The food produced is produced by the farmer and taken to the processor, the industrialist. At this stage I must say that we must also look at the contamination of the food product. Nothing is mentioned regarding what does the person who produces a food item in a local village do if the food item is already contaminated at production level. What is the traceability aspect of it? When you go to big food fairs like ANUGA, the general section of people from around the world are talking about traceability. Traceability is the new *funda* in food products and we must use all methods to remove any pesticide within the food product. How do we do that? Where do we do the tests? Let me go further. A very good suggestion has been made by an hon. Member here of vermiculture, of using vermiculture food. But what is the Government doing regarding vermiculture production?

Now, let me speak on two aspects. Who is enforcing the Bill for us? Who is the authority for the Bill? The person who is enforcing the Bill is the Sub-Divisional Officer. Is the SDO that way competent enough? Does he know the food law? Is he acquainted with the structure of food processing? Have you given him training? Where are the training centres? Are you having any backup with the Ministry of Human Resource Development for training of the Sub-Divisional Office members and Panchayat members? Have you thought about that? Have you made plans and funding for that? If so, when?

We go forward from that. As mentioned by my previous speaker, countries like the US, Japan and Malaysia have food processing under the Ministry of Health. In India also the Prevention of Food Adulteration Act is under the Ministry of Health and Family Welfare. Are we discussing with the Ministry of Health and Family Welfare? Are we working with the Ministry of Health and Family Welfare?

Now, you have created a Food Authority under this Act. It is a central hegemony. आपका राज, आपकी अदालत। आप चाहते हैं कि आपके राज में आप ही बोलें, जो आप करेंगे, वही होगा। सरकार की नीति. जो आपने बनाई है, उसमें आपने 22 मैम्बर्स की अथॉरिटी बनाई है, जो-जो आप बोलेंगे, वही-वही होगा। इसमें आपने एग्रीकल्चर मिनिस्ट्री, कॉमर्स मिनिस्ट्री, कंज्यूमर अफेयर्स, फूड प्रोसेसिंग और हैल्थ मिनिस्ट्री को शामिल किया है। Like this you have included 22 members from various Ministries. I must

say that you repeal eight laws to get into this system. In this august House, in the Budget speech of this year you have said the food-processing sector is a priority sector. I must get your information back to 1988 when the food processing sector was a priority sector then also. I go back to the recommendation made in the Twelfth Report of the Standing Committee. In 1988 and since then, it has been recently mentioned that only 2.2 per cent of the fruits are processed. फलों को प्रोसेस किया जाता है, 33 परसेन्ट दूध का प्रोसेसिंग होता है, 21 परसेन्ट मीट का प्रोसेसिंग होता है। अभी एक माननीय सदस्य बता रहे थे कि कैटल फीड, पोल्ट्री फीड पर कोई चेक्स एंड बैलैन्स नहीं है। You must take a look at that. Six per cent of poultry is also processed. We are lacking cold storage and the backward linkages. What are we doing for that? Agreed that in today's world we have adopted to western food cultures[[krr33](#)].

But we also have our own traditional food culture, and we must support our traditional food culture.

An example of the State of Uttar Pradesh was mentioned in the Standing Committee Report. It states that there are four test laboratory centres in a big State like Uttar Pradesh. We need to have more test laboratory centres.

I must say that I have become acquainted with a lot of foreign visitors either by travelling abroad or by travelling with them within India also. These foreign visitors go to the *dhabas* and small shops, and they have become acquainted with the fact that the food provided at *dhabas* is good. Actually, they cherish the food at the *dhabas* because it is authentic, hygienic, and clean. Sometimes you might go to a big hotel and find things lying in your dish, which are not up to the mark. Therefore, you might end up sending the food back. I would like to say that you must support the common man or the *dhabawalas* also. I would also like to add that we must look at the contamination caused by harmful pesticides and come forward with effective measures to curb it.

The hon. Finance Minister had made a remark here as to how he cares for the '*aam aadmi*' or the common man. He had said that : "We are going to give a big budgetary support for this sector." In the 12th Report of the Standing Committee on Agriculture it is said that : "The Government funding for the food processing sector has been reduced compared to other Ministries." Why have you taken this step?

I would like to mention that we must have more food parks. I believe that every State should have a food park. You have given a food park to the State of Jammu & Kashmir, which is a backward State according to you. I admire this step taken by you. But how can a person go to Jammu & Kashmir to package his food or use the packaging centres there? How do you plan to improve his food products? Where is his product development process taking place? What is the process for doing it? You have not mentioned anything about these issues.

How are we going to help the small and medium players within the industry of our country, and the small persons within the system? How do you plan to liberalise the food parks? Have you discussed this issue with your counterpart States or are you following an appeasement policy only for the States that belong to you? आप केवल अपने राज्य में, जहां आपका राज्य है, वहीं आप लोगों को काम देंगे या और जगह जहां काम नहीं है, वहां भी आप लोगों को काम देंगे?

आपने देखा कि साउथ इंडिया में राइस के लिए आपने अच्छा काम किया है, लेकिन हमारा राज्य भी है और हमारे साथ अन्य राज्य भी हैं जहां आपको इसे लागू करना चाहिए, लेकिन न आपने किया और न आप वहां आए हैं। हम आपसे आग्रह करते हैं कि हमारे यहां बड़ी संख्या में गरीब लोग हैं। गरीब लोगों ने हमें मत दिया है और मत देकर वे हमें यहां लाए हैं। आपकी पार्टी के लोग बोल रहे थे कि हम भेदभाव करते हैं और

अल्पसंख्या में आ गये हैं। मैं कहना चाह रहा हूँ कि भाजपा सभी जातियों की पार्टी है, 36 कौमों की पार्टी है। हम सबके प्रति प्रेम और भावना रखते हैं। मैं चाहता हूँ कि हम सबके साथ प्रेम और भावना से एकजुट होकर अपने क्षेत्र और भारत के लिए काम करें।

डॉ. करण सिंह यादव (अलवर) : भगवान दुयंत सिंह जैसा गरीब सबको बना दे।... (व्यवधान)

श्री दुयंत सिंह : जिन लोगों ने हमें वोट दिया है, वे लोग गरीब किसान हैं। हमारा जो दुख है, उसे आप देखें।... (व्यवधान)

SHRI K.S. RAO (ELURU): Sir, I am happy that the hon. Minister has brought a substantial Bill, which was earlier dealt by at least 12 laws. Similarly, the issue of food is being dealt with by not less than 12 Ministries. Therefore, to integrate all that into a comprehensive and consolidate Bill is always welcome[ak34].

Changing from a regulatory regime to self-compliance is what is desired today. In this context, I wish to speak just one sentence about what my hon. friend from the BJP, Shri Dushyant Singh, said. He said that this Bill has been brought by the UPA Government, which won the elections in the name of *aam admi*, and he was saying that this Bill is intended for multinationals. It is totally contradictory and let me explain the reasons. This Bill provides such a big punishment to those who commit the mistake. Clause 59 (3) says:

“Where such failure or contravention results in grievous injury, with imprisonment for a term which may extend to six years (which punishment hitherto was not there anywhere) and also with a fine which may extend to Rs. 5 lakh.”

It is not limited to money only; there is the threat of imprisonment for six years. Sub-clause (4) says:

“Where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.”

If it were to be for the sake of multinationals, such a drastic punishment would not have been envisaged. Obviously, it clearly indicates that it is against the multinationals which commit mistakes, and the punishment is so drastic, no multinational can ever think in terms of committing a blunder which causes death to the consumer. So, the apprehension that this UPA Government which has won in the name of *aam admi* is now bringing a legislation is incorrect. It is possibly in his imagination that he wanted to put it that this Government is only for the multinationals.

Coming to the Bill, we all know that these days the usage of processed foods has gone up substantially high, right from baby food to fast foods. Now, at a time, when women are also being employed in substantially large number, unlike in the past, today, many of the families are taking cooked and finished food from the market, and they are also even storing it in their houses for days together. Naturally, the need for regulating the quality of food has gone up. This is appropriate time for the Bill to come up. The only thing I will say, though I

belong to the ruling Party, is that bringing a Bill is one thing and effectively implementing it is another thing. We must concentrate more on the effective implementation of the Bill and the clauses. If some of the companies or individuals, who commit mistakes, were punished mercilessly, then the purpose of the Bill will be served and our objective will be achieved.

Sir, a lot of provisions have been made in this Bill; it covered many things extensively. The food that has to be prepared on scientific standards to prevent adulteration, storage facilities, etc., will all be regulated. In case of perishable food items -- maybe, at the time of making it is in good condition, but with the storage, it may become a harmful substance -- it is also being controlled by this legislation.

Unfortunately, in some of the food making industries, we find that for the sake of appearance and colour of the food and also taste of the food, additives are being added, though it is harmful to the health. For the sake of marketing that product, some industries and manufacturers are adding harmful additives[R35].

This Bill controls the additives like chemicals, colours and many other things also. This Bill has taken care of all that.

The penalties also are graded. It is not left to the imagination of a judiciary, a judge on an Appellate Tribunal. It is very clear as to for what kind of offence what punishment is to be given whether it is in terms of money or in terms of jail. There also there is clarity. This was not done earlier in several of the Bills that were brought.

I am happy that farmers, fishermen, etc., are exempted from these punishments. That is taken care of because the unfortunate farmers who are not aware of scientific methods and doing things in a routine way should not be punished if something happens by chance. This was taken care of and I am happy about it.

The problem today in the country is not only the misdeeds of the business community or the manufacturers but also corruption by officers who are meant to prevent all such things. Unless that is checked we will not be in a position to achieve our targets. I am with him with regard to the huge punishments given for the people who have committed mistakes, manufacturers or food makers. But at the same time, there must be a threat on officers who are likely to harass tomorrow.

The powers that are given to the officers are such where they can regularly harass and make tonnes of money from the innocent manufacturers who also do things in a right way. I am happy that you have made some provisions. It is said that the Food Safety Officer who makes out a wrong case deserves punishment. But what is the punishment? The maximum amount of penalty is Rs.25,000. Under the law of probability, he can always take risk and go on harassing the people. At any time if he were to be found, or if some courageous businessman or somebody were to make a complaint, the maximum punishment of penalty he takes is only Rs.25,000. So, when you have provided imprisonment to the manufacturer or the trader, let us also provide imprisonment to the officer who makes out a wrong case. If you do that, tomorrow he will not resort to such cases and he will make only genuine cases. Please think of it. Even if you do not make it today, please think about it out of your experience tomorrow. Punishment to the corrupt officers who harass people and make money also should be substantial.

As regards the different stages, both in the case of officers and the panels, you have provided Food Safety Standards Authority of India, Central Advisory Committee, Scientific Committees, Commissioners of Food Safety, Designated Officers and so many other categories. It is good. At least at some level an honest officer can prevent bad things. Similarly, you have provided the jurisdiction also not at one stage but at different stages.

If the Food Safety Officer books a case, he cannot book it without giving an improvement notice. It is a good thing that you have provided. If the man who is making a mistake does not respond even to the improvement notice, then only he comes under punishment. He deserves punishment if he is not ready to improve. Even then, if any corrupt officer who makes out a wrong case, there is an Adjudication Officer, there is Food Safety Appellate Tribunal, and over that or in its place the State Commissioner of Food Safety, and above that if it is a case of imprisonment, Special Courts and finally High Courts. So, I am happy that you provided checks and counterchecks at different stages. It is very good.

It is very unfortunate that value addition to the agricultural products is not going on in a very big way. The hon. Minister has to think in an innovative way as to how we can compete with the developed nations where the value addition is going on in a substantial manner in the rural areas itself by which the farmer also will get a remunerative price. That is because there is value addition taking place in his own area which will help him. The consumer also gets the item at a reasonable price [\[KMR36\]](#).

That way the food processing industry has to be encouraged in a big way by providing substantial loan facilities with lesser rate of interest. We cannot put the food processing industry on par with the major industries. We must make arrangement to see that food processing industries are encouraged with either subsidy or lesser rate of interest and by giving them protection, including marketing facilities. In this way, we can also increase rural employment and curb the rural migration to urban areas. Many things can be achieved. Today, we find *Jhuggi Jhonpides* in large numbers in the urban areas. It is so because people living in rural areas are not getting any employment in the rural areas. They migrate to urban areas with the hope that they get employment in the urban areas. This has resulted in many problems, including the law and order problem. Under these circumstances, your encouraging food processing industries through this Bill would be a good event.

The hon. Minister himself has stated that we are losing at least Rs.50 crore worth of fruits and vegetables as they are getting perished over a period for want good storage facilities. We have to take care of this issue. Sometime back we heard that the then Delhi Government had lost the elections only because of increase in prices of onions. If they were in a position to store it, such a situation might not have happened then. Hence, we have to take some precautions on this issue also. Common man is affected because of these small things. We have to keep check on the prices of vegetables and common and routine fruits to control inflation. All these things, including storage facilities, are required.

I would request the hon. Minister to take special care of the small vendors because we cannot punish them. There are umpteen number of people living in villages and indulge in small vending business. Why are we opposing big malls today? We are opposing because we are worried about these people who would become

unemployed. Hence, let this Bill come to the rescue of hawkers, small vendors and temporary small traders of the villages.

The hon. Minister himself stated and we all know that the quality labs are not available in the rural areas. Hence, we must concentrate on providing quality labs in the vicinity and in the rural areas of the country.

Lastly, I would request the Minister to concentrate later - not thinking that the job is over by introducing the Bill and getting it passed in Parliament – on monitoring as to how this Bill is being implemented and as to what are the repercussions and as to what are the problems and come with an amendment later, without any hesitation.

With these few points, I support this Bill.

PROF. M. RAMADASS (PONDICHERRY): Sir, I rise to support this Bill presented by the hon. Minister for Food Processing Industries. In my view, this is a well thought out and a timely Bill with laudable objectives in the present context of food industries and the scenario of globalisation.

There are many merits in the Bill than limitations. Therefore, I find that it would be appropriate to accept this Bill with little modifications. Now, the significance of the Bill can be understood if only we know the background in which the food industry of India is growing today. You know, Sir, the Government of India, especially the UPA Government, is interested in ensuring food security of the people. But what kind of food should be given to them? It should be qualitative; it should be safe food; and it should be highly hygienic food.

Today, there is a metamorphic change in the food industry with the rising urbanisation, with the rising incomes of the people and with the rising trends of globalisation. We find that a large number of changes are coming up; a large number of small scale industries, medium scale industries and even cottage industries are entering into the fray of the food industry. Most of these industries are not aware of many of the safety regulations which must be observed by them. They just enter, produce something, and dispose it in the market. A large number of people who are involved in this business are not aware of many of the rules which are required to ensure qualitative food. Therefore, it is necessary that we ensure that these people are aware of [\[s37\]](#).

According to a survey made by a certification company, 36 per cent of food business in the country do not have a safety management system in place, 52 per cent of them have not heard of hazard analysis and critical control points and only 38 per cent of the people believed that they would be responsible to develop food safety

management system. This is a very sad situation in a country which happens to be the second largest producer of food products in the world and where the value addition to raw materials of food items is much lesser when compared to smaller countries like Malaysia, Singapore and others.

Therefore, we will have to look into the situation where the food industry is suffering on account of lack of safety and lack of quality and is in a situation where we have multiplicity of laws. There is no dearth of laws as far as the governance of the food materials in the country is concerned. We have Food Adulteration Act; we have the Essential Commodities Act; and there are eight more laws which are governing this. But more the laws, more the confusion. We are not able to understand; the producer is not able to understand; the consumer is not able to understand; the traders are not able to understand and therefore, all those who are concerned in this field are not aware of all these issues because of lot of confusion.

Therefore, there is an imperative need that all the existing laws must be integrated into one food law and that integrated food law must be implemented not by a variety of authorities in the Government of India as well as in the State Governments; we need a Centralized Authority. Therefore, today in the changing scenario of globalization where WTO insists on quality food, standardized food and where the people of India also expect standardized food, there is a need for two things – one is that we must have an integrated law and second is that there is a need for a Central Authority which would be able to implement this law.

This Bill has to be appreciated only in the context of these two imperatives or these two necessities. This Bill satisfies these two objectives which are required. Therefore, there can be no better timing of this Bill than today and hence, I support this Bill.

This Bill, apart from this, has a number of advantages – more of merits than of demerits, as I told you. This Bill would update all the existing laws in the country. It will help the industry to set up food safety management system in place. It will cover the entire food chain with special attention to food quality, food-related diseases, impact of processing techniques, etc. The Central Authority would lay down guidelines and set up safety standards. The Bill incorporates the provisions of international legislations so as to conform to the WTO regime, etc. It will also formulate mechanisms and guidelines for the accreditation bodies engaged in the certification of food managing system. Above all, it will lead to scientific development of food industry. This is the brighter side of the Bill.

But on the other hand, when you look into the various provisions of the Bill, I feel that the Bill has to be modified in certain respects. The first thing is this. The very preamble of the Bill talks about availability of safe and wholesome food. But what is safe and wholesome food? It has not been explained in the Definition Clause. That has to be taken note of. The second thing is that under the definition of food, you are excluding animal feed, live animals, plant prior to harvesting, potable water supplied by the municipalities, etc. All the food contents have water component. This water component is provided by the local authorities. Under the item of food, this is not made known or is not made explicit. Therefore, there is a possibility that a man who uses the municipal water will be held responsible, if it is not qualitative; but the municipal authorities which are providing this will not be taken to task. Therefore, definition of food must explicitly make a mention that it includes potable water provided by the municipal authorities or the local authorities.

I will take two more minutes and then conclude[V38].

Coming to the composition of the Council, the Food Safety and Standard Authority of India, the Government has given nominations to seven Ministries but one very important Ministry has been left out, that is the Ministry of Agro-Industries. The Ministry of Agro-Industries is an important Ministry which is contributing its raw material to food industry. The Government has included the representatives of the Ministries of Agriculture, Commerce, Consumer Affairs, Food Processing, Health, Legislative Affairs, Small Scale Industry but why a representative from the Ministry of Agro Industries has not been included? He could have been included.

This is a very technical subject. The food preparation includes a lot of scientific laws, scientific testing, laboratory techniques, etc. but among the 19 persons in the Committee, there is a provision for only one technically qualified person. A Joint Secretary in the Ministry of Agriculture may or may not know the safety standards for food. A Joint Secretary in the Ministry of Consumer Affairs or Food Processing may or may not know the essential guidelines of the food processing industry but an eminent food scientist will know that. So, out of 18 why is it that the Government has given only one representation to that eminent person? You do not want the Committee to be technical. You do not want well-known suggestions from the technical people in the Committee. I would feel that at least five members drawn from different areas of the food industry, food science and technology should be included in the Committee. This a major omission and if it is not included, the Committee would be more bureaucratic and it would not be able to come up with any positive suggestion and it would not improve the quality or any of these things. Therefore, we should give favour to a scientific person and not to a bureaucrat

A mention has been made about the Selection Committee. How it is going to select the Chairman or how it is going to select other 18 members is not mentioned in the Bill. It has only been mentioned that the Selection Committee will recommend the Chairman and other members of the Committee. If the Committee is going to recommend somebody, the Committee should be called as the Search Committee and not the Selection Committee. If it is a Selection Committee, then you must lay down the process of selection; that it will be openly advertised, the qualified persons will submit their applications and based on the credentials of the persons you will recommend. Unless you mention the process of selection, you do not call it as the Selection Committee but call it only as a Search Committee.

MR. CHAIRMAN : Please conclude.

PROF. M. RAMADASS : Sir, I have two more points.

The licensing and registration process. would be very-very difficult to implement. As our learned friend from the Congress Party has said, that all Bills can be easily enforced and implemented with regard to the organised industry where you have a licensing system already permitted and where the people know about regulations and everything. But how do you expect thousands of people, hawkers, street vendors, and small shop owners to know all these procedures? Therefore, implementation with respect to licensing and registration can be phased out over a period of three years. In fact, I would say that all the provisions of this Bill could be easily applicable only to the organised sector and the unorganised sector would not be able to satisfy any of

these provisions. Either you want to kill the unorganised sector through this Bill or you want to relax the norms and conditions so that the unorganised people, who are the backbone of this Government, the backbone of this country and the backbone of employment, survive.... (*Interruptions*)

MR. CHAIRMAN: Please conclude. Shri Chandrabhan Singh.

PROF. M. RAMADASS : With regard to penalty, it is being said that a minimum of Rs.1 lakh should be the penalty.... (*Interruptions*)

MR. CHAIRMAN: Prof. Ramadass, I have called the next speaker. Please conclude.

PROF. M. RAMADASS : How many small business people, street vendors or food sellers would be able to pay Rs.1 lakh as penalty? The maximum penalty for a multinational company... (*Interruptions*)

MR. CHAIRMAN: This is not to be recorded.

*(Interruptions) ... **

MR. CHAIRMAN: Shri Chandrabhan Singh. Nothing will be recorded.

*(Interruptions) ... **

* Not Recorded.

MR. CHAIRMAN: Nothing is going on record.

*(Interruptions) ... **

MR. CHAIRMAN : Nothing is being recorded.

*(Interruptions) ... **

श्री चन्द्रभान सिंह (दमोह) : सभापति महोदय, मुझे फूड सेफ्टी एंड स्टैंडर्ड बिल, 2005 पर आपने बोलने का अवसर दिया, मैं अपनी पार्टी की तरफ से तथा फूड एंड सिविल सप्लाइड उपभोक्ता मामले संबंधी स्थायी समिति का सदस्य होने के नाते इस बिल का विरोध करता हूं। इस बिल में सर्च करने की जिस तरह व्यवस्था की गयी है, वह बिल्कुल गलत है। अधिकारियों द्वारा सैंपल लेने की जो व्यवस्था दी है, इसमें सैंपल की कितनी मात्रा रहेगी, उसका स्पष्ट उल्लेख नहीं है। इससे किसी सामग्री की गुणवत्ता की सही पहचान नहीं हो सकेगी।

दूसरी बात, इस बिल में क्लॉज 69 में जुर्माने का उल्लेख किया गया है, अधिकारियों द्वारा जीरो से लेकर एक लाख रूपए तक जुर्माना करने का प्रावधान किया गया है। यह प्रावधान अधिकारियों द्वारा व्यापारियों को ब्लैकमेल करके, उन्हें जुर्माने की धमकी देकर, बाद में समझौता करके, उसी एक लाख के जुर्माने को एक प्रतिशत या दो प्रतिशत करके, बीच की राशि अधिकारियों की जेब में जाने की गुंजाइश पैदा करता है, जिससे भ्रष्टाचार को अवसर मिलेगा। इससे शासन को जुर्माने की राशि और राजस्व का नुकसान होगा तथा व्यापारियों को मिलावट करके सामग्री बेचने का मनोबल बढ़ेगा। इस क्लॉज में मात्रा की लागत पर जुर्माने का प्रावधान रखना चाहिए था, जिससे इसके दूरगामी परिणाम अच्छी तरह से मिल सकें।

में अपनी पार्टी की तरफ से इस बिल का विरोध करता हूँ।

* Not Recorded.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, this is a very exhaustive Bill. It is evident from the Schedule itself that the Food Adulteration Act, 1954 as well as six other statutory orders would be repealed as a result of passing of this Bill.

Now as a lawyer, I was very conversant with the implementation of the Food Adulteration Act. In the implementation of this Act, the most important thing for the prosecution is to prove the liability. Fixing the liability is the most important point. When a case is registered under the Food Adulteration Act, a Food Inspector will go to some institution, take samples, send them to the laboratory, get a certificate and then the case will come up in the court. The court will find that the liability has not been fixed by the prosecutor. This is the outcome. With the result, hundreds of persons have been acquitted for the simple reason that there is technical difficulty with regard to proving the guilt of the accused in matters of adulteration. Now it is a common knowledge that adulteration has become a national issue. This has become the order of the day. When we enter into an area of global trade, it is likely to become an international issue. The international level adulteration will have to be researched.

Now we are entering into the age of global trade. Chapter V of this Bill is very pertinent in this matter. There is only one Section in Chapter V allowing import of food materials in India. Previously our food items were prepared in our home kitchens[r39].

Now, many of the food items being prepared at home would be prepared either in America or in Australia or in some far off countries. Those will be imported through this process. For this purpose, they want a national standard to be fixed.

Sir, I may draw your kind attention to Chapter V of this Bill. This is in Section 25. Anybody can import any food material in India. The only restriction in this regard is enumerated in Section 25 of Chapter V in the Bill. I would like to quote that Section here.

“The Central Government shall, while prohibiting, restricting or otherwise regulating import of article of food under the Foreign Trade (Development and Regulation) Act, 1992, follow the standards laid down by the Food Authority under the provisions of this Act and the rules and regulations made thereunder.”

This is the only Section which deals with restrictions of import of food materials from abroad. What is the security? We are in an era of globalisation and commercialisation. Profit motive is the only ulterior motive now. That is the most important thing. In that sense it is not easy, it is not safe. Who is responsible for any kind of adulteration of imported foods in India? The manufacturers and producers would easily escape. Fixing responsibility would be a very difficult process in the matter of imported food.

There is a criticism that the Bill is intended to benefit the global traders and the Multinational Companies. India produces one of the finest foods in the world. China is only next to India. In the matter of food production we do not need the help of others. Indians produce very tasty foods. Why should we go for import of food items? This will allow imported foods flood our domestic market without any restrictions. There can be no prosecution. Responsibility cannot be fixed on anyone. Nobody could be made liable for any adulteration. For that, the law is very defective. That is one point.

The definition of food, as given in the Bill, is very vague. No liability can be fixed on anyone when you take the definition of food. For preparation of food, water is one of the major ingredients as given in the definition. Water is an essential ingredient for preparation of food. Now, who is liable for supply of water? Would the concerned municipalities take the responsibility? Would the Department of Water Resources take any liability for supply of pure water? Which authority would give the guarantee for supply of clean and pure water? In the absence of such a guarantee by any authority and water being an essential ingredient of any food preparation, any case of adulteration of food against any producer or manufacturer will not hold water and it would be dismissed right away. So, the definition of food in the Act is very vague. So, there are chances for people who are committing food adulteration to escape the law. That is another important point I would like to submit for the consideration of the hon. Minister.

I would here like to give an example in support of my contention. In a marriage party or in a tea party hosted by some one at home, the ingredients are purchased from the market and then we prepare the food at home. Now, in the event of something going wrong with the prepared food, the person who prepared the food would be prosecuted and sent to jail. In case of a tea party at some one's house, he or she would purchase food items from outside and in the event of some guests falling sick by consuming those food articles, the person who arranged for the tea party would be prosecuted and sent to jail[snb40].

How can we fix up the responsibility? Catering service is also included in the definition. It is a highly dangerous aspect. That may be taken into consideration. Do not put somebody into jail for no fault of his.

When we conduct a marriage party or evening tea, we use several materials. We do not cultivate them in our gardens and we do not produce the materials on our own. We purchase the materials from the market. There is no guarantee that we are given unadulterated materials. We prepare food with those materials. The net result is that we will be sent to jail. That is a very dangerous thing. Liability can never be fixed under the provisions of this statute. The Prevention of Food Adulteration Act was very severe. Even then people escaped. Acquittal was the order of the day. I am telling you this from my fifty years of experience.

This statute is indefinite in many ways. The real culprits will escape. Implementation of this statute is the most important thing. The Standing Committee has recommended that there shall be a laboratory in every district. There must be a full-fledged laboratory in every district for testing purposes. Is it possible? Is it possible to have it in any State in India? Then, how are you going to implement this statute? For testing purposes, the samples will have to be sent to capital cities like Delhi, Mumbai, or Chennai. Otherwise, they will have to be sent to State Capitals for testing and getting the analysis report. The result is that it is impossible for the Central Government and the State Governments to implement the provisions of this Bill. The most important thing is testing. We do not have the apparatus and we do not have sufficient laboratories. The State Governments are handicapped due to lack of funds. They may not be able to provide a laboratory in each and every district, without which it will be difficult to implement this statute. So, please take all these aspects into consideration.

The idea is good, but the implementation is going to be very difficult. You must realise that the State Governments are not in a position to provide laboratories in every district. ... (*Interruptions*)

We purchase vegetables in the market. For cultivating vegetables, they use a lot of chemicals and fertilizers. Consuming those vegetables is injurious to health. But how can we prevent it? These are some of the difficulties. That is also included in the definition of food. That is why I am referring to that.

So, considering these aspects, I think, in the very near future, the Government will have to come before this House for a drastic change in the Bill that is now placed before this House. The matters of prosecution, evidence and fixing liability will have to be dealt with by an amendment. The idea is good because multiplicity of legal procedure is not a good thing.

I would request the hon. Minister to consider all these aspects and come prepared with an amendment, may be in the next Session. With these words I conclude.

कुँवर मानवेन्द्र सिंह (मथुरा) : सभापति महोदय, मैं इसी स्थान से बोलने की अनुमति चाहता हूँ।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी को और अपनी सरकार को फूड सैफ्टी एण्ड स्टैण्डर्ड्स बिल, 2005 इस सदन में लाने के लिए हृदय से बधाई देता हूँ।

इस बिल में कहा गया है कि :

“That the Bill to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to

regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto, be taken into consideration ”.

माननीय मंत्री जी वाकई इसके लिए बधाई के पात्र हैं। मगर अभी पूर्ववक्ता और इस सदन के अनुभवी माननीय सदस्य राधाकृष्णन जी और राव साहब ने जो विचार रखे हैं कि कुछ बिन्दुओं पर सरकार को विचार करने की आवश्यकता है, आपने जो बिल यहां प्रस्तुत किया है उसकी धाराओं में कुछ संशोधनों की आवश्यकता है, मैं उनके साथ स्वयं को सम्बद्ध करता हूँ। समय कम है, इसलिए मैं विस्तार में नहीं जाऊंगा, मगर जो विशेष बात है, जिसे मैं यहां कहना चाहूंगा, वह है कि डिस्ट्रिक्ट लेवल पर सेन्टर्स हों, जहां लेबोरेटरीज हों, जहां आपके ऑफिसर्स हों, जहां आपके इन्स्पेक्टर हों तथा जिन स्थानों पर फूड एडल्ट्रेशन होती पाई जाती है या जिनके खाद्य या पेय पदार्थों में कमियां पाई जाती हैं, उन खाद्य और पेय पदार्थों की सुरक्षा और संरक्षण होना आवश्यक है।

अब मैं दवाइयों की तरफ आता हूँ। प्रायः अखबारों में और टीवी पर ऐसी घटनाओं की जानकारी मिलती है, जहां नकली दवाइयों की सप्लाई की जाती है। जो दवाइयां मरीज अपने स्वास्थ्य के लाभ के लिए प्राप्त करता है, दुर्भाग्य से उन नकली दवाइयों को खाने से वह अपने जीवन का अन्त कर देता है। ऐसी स्थिति केवल छोटी जगहों पर ही नहीं होती है, बीच में अखबारों में आया था और मैंने सुना था कि ऑल इण्डिया इंस्टीट्यूट ऑफ मेडिकल साइंसेज में खराब ग्लूकोज या एडल्ट्रेटेड ग्लूकोज की सप्लाई होने की वजह से कई मरीजों की जान तक चली गई। यह प्रवृत्ति केवल देहातों या छोटे शहरों तक ही सीमित नहीं है, इसे भी आपको ध्यान में रखने की आवश्यकता है।

अभी हमारे माननीय साथी कह रहे थे कि यूरिया मिल्क बाजार में खुले आम बिक रहा है और मैं समझता हूँ कि सदन के सभी सम्मानित मुझसे सहमत होंगे कि यह यूरिया मिल्क कितना हानिकारक है। मैंने पहले भी इस सदन में इस बारे में अपने विचार रखे हैं। आप इसकी कल्पना करें कि इस दूध को पीने से, छोटे बच्चों में, जिनको माताएं अपना दूध नहीं पिला सकती हैं और बाजार से दूध खरीदती हैं, उसके पीने से एक स्लो-पाइजनिंग जैसी स्थिति बन जाती है।

17.00 hrs.

यहां भी उस दूध के सेंटर्स हैं। हम लोग दिल्ली में दिल्ली मिल्क स्कीम का दूध लेते हैं और हम भी उससे अछूते नहीं हैं, क्योंकि उस दूध के सेंटर्स गांवों में हैं, जहां यह मिलावटी दूध तैयार किया जाता है और फिर खुलेआम बेचा जाता है। लेकिन दुख की बात है न तो प्रांतीय सरकार और न ही केन्द्रीय सरकार ने इस पर कोई ध्यान दिया है। इस मामले की छानबीन के लिए कोई रेड तक नहीं हुई है। जिला स्तर पर यह मिलावटी यूरिया मिल्क बिक रहा है। इस पर न तो जिलाधीश ध्यान देते हैं और न ही कोई फूड इंस्पेक्टर इसको चैक करता है। इस प्रकार से देखा जाए तो चंद लोग ऐसे मिलावटी दूध के रूप में धीमा ज़हर पूरे समाज में बेच रहे हैं।

इसी तरह से मिठाइयों की बात है। अधिकांश मिठाइयां दूध से बनती हैं और उनमें भी यही दूध प्रयोग किया जाता है, जिसमें केमिकल्स होते हैं। पिछली दीपावली पर हमने सुना था कि सैंकड़ों बच्चे ऐसी मिठाई खाकर बीमार हो गए और कइयों को तो जान से भी हाथ धोना पड़ा। इसलिए इस पर तुरंत रोक लगाई जानी चाहिए।

जहां तक सॉफ्ट ड्रिंक्स की बात है, तो चाहे पेप्सी हो या कोकाकोला हो, देहातों में अधिकांश ये ड्रिंक्स मिलावटी और घटिया क्वालिटी के बेचे जाते हैं। कई स्टेशंस पर रेलगाड़ी जब रुकती है तो वहां जैली, सॉस, ज्यूस, ड्रिंक्स इत्यादि पेय पदार्थ मिलावटी होते हैं। इन चीजों का हम रोजाना इस्तेमाल करते हैं, जिससे आए दिन लोग बीमार होते हैं और इसी का कारण है कि कैंसर का रोग बढ़ता जा रहा है और तमाम लोग बीमारियों से पीड़ित हो रहे हैं। यही हाल मिनरल वाटर का है। आम स्टेशंस पर जब ट्रेन रुकती है तो अक्सर लोग पीने के पानी की बोतल खरीदते हैं। लेकिन उसकी भी क्वालिटी पर कोई कंट्रोल नहीं है। सरकार का उस पर कोई नियंत्रण नहीं है। कई बार मैंने खुद देखा है कि मिनरल वाटर की बोतल में कीड़े पाए गए। कई लोगों ने बताया कि अधिकांश कम्पनीज नल के पानी को ही बोतल में भरकर सील करके बाजार में बेच रही हैं। उस पर आईएसआई मार्क का छपा हुआ लेबल लगा दिया जाता है। इसलिए इस पर ध्यान देना होगा और ऐसे लोगों के खिलाफ सख्त कार्रवाई करनी होगी। इस तरह के पानी को पीकर ट्रेस में कई हादसे हुए हैं।

इसके अलावा अगर हम फूड पर जाएं, चाहे मीट हो या चिकन हो, उसकी क्वालिटी को देखें तो उससे भी कई लोगों को मृत्यु का ग्रास बनना पड़ा है, क्योंकि उन्होंने खराब क्वालिटी का फूड खा लिया था, जिससे फूड पॉयज़निंग हो गई। इसके अलावा तेल और घी में भी मिलावट पाई जाती है। इन चीजों का प्रयोग हम रोज करते हैं और लोग घटिया क्वालिटी का तेल और घी खरीद रहे हैं। मेरे क्षेत्र के बराबर में ही हाथरस है। वहां का देशी घी काफी प्रसिद्ध रहा है। वहां पर टनों देशी घी बनाकर जगह-जगह बेचा जाता है। कई बार सुनने में आया कि उसमें जानवरों की चर्बी मिलाई जाती है। अगर हम हिसाब लगाएं तो पता चलेगा कि इतना दूध का उत्पादन नहीं होता, उससे ज्यादा का रोज वहां घी बनाकर हाथरस की मंडी में बेचा जाता है। इसलिए यह कैसे सम्भव हो सकता है कि हम अच्छा और शुद्ध घी खा सकें। इन मिलावटी तेल और घी को खाने से कई प्रकार के रोग होते हैं और कई लोगों की जान जाती है। इसका प्रमाण हम कुछ साल पहले देख चुके हैं, जब बाजार में सरसों के तेल में मिलावट करके उसे बेचा गया था, जिसे खाकर सैंकड़ों लोग मारे गए थे। इस बात को लेकर उस समय काफी हंगामा हुआ था। मैं समझता हूं तब एनडीए की सरकार थी। विपक्ष वाले माननीय सदस्य इस बात से परिचित हैं।

इसके अलावा यह भी देखने में आता है कि लिक्वर्स में भी मिलावट होती है। चाहे शहर हो या देहात, लोग शराब पीते हैं और ऐसी मिलावटी शराब पीने से थोड़े बहुत नहीं, बल्कि सैंकड़ों की तादाद में लोगों ने अपनी जान गंवाई है। मैं मंत्री जी से कहूंगा कि वह इस बिल के माध्यम से इस पर कुछ कंट्रोल होना चाहिए और इस पर ध्यान देना चाहिए।

जहां तक फर्टीलाइजर की बात है तो फर्टीलाइजर उत्पादन के लिए मूल चीज है और बिना उसके हम अपनी पैदावार नहीं बढ़ा सकते हैं लेकिन आज फर्टीलाइजर नकली बिक रहा है। हमारे जिले में किसान शिकायत करते हैं कि जो सरकारी सप्लाई आती है उसमें मिलावटी यूरिया और अन्य फर्टीलाइजर्स होते हैं जिससे किसान के उत्पादन में कमी आती है। हम पेट्रोल और डीजल की बात करें तो सबमें मिलावट है। दाल-चावल-गेहूं-मसाले सब में मिलावट है और उससे कंज्युमर परेशान है और सरकार की तरफ से कोई क्वालिटी कंट्रोल की बात नहीं है। सभापति जी, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूं कि बिना सख्ती किये काम नहीं होता है। इसलिए इसमें सख्ती बरती जानी चाहिए और उन लोगों को पकड़ा जाना चाहिए जो मिलावट करते हैं। चाहे देशी कंपनियां हों या विदेशी कंपनियां हों, अगर उनके प्रोडक्ट्स में मिलावट पाई जाती है तो उन लोगों के लिए मृत्यु-दंड का प्रावधान होना चाहिए।

स्वर्गीय राजीव गांधी जी के जमाने में जब फूड प्रोसेसिंग मिनिस्ट्री बनी थी तब भी मैं उसका एक सदस्य था। सरकार बदली और जनता सरकार आई तब कोका-कोला और पेप्सी को हिंदुस्तान में लाइसेंस देने की बात हुई थी। उस समय के बहुत से माननीय सदस्य भी अब इस हाउस में होंगे और उनको याद होगा कि उसमें एक शर्त यह रखी गयी थी कि हम पेप्सी और कोका-कोला को लाइसेंस तब देंगे जब वे हमारे ग्रामीण उत्पादन टमाटर और आलू के लिए स्मॉल इंडस्ट्री लगाएंगे और उनको प्रोत्साहन देंगे। ऐसा करने से हमारे किसानों का आर्थिक स्तर बढ़ेगा। माननीय मंत्री जी, आप अपने मंत्रालय के उन पन्नों को पलटकर देखिये। पेप्सी और कोका-कोला आया लेकिन ग्रामीण क्षेत्रों में वे इकाइयां नहीं लगी हैं जिससे किसानों को अपनी फसल बढ़ाने के लिए प्रोत्साहन मिले। मैं आपके प्रति और सरकार के प्रति अपना आभार प्रकट करता हूं और आपसे अनुरोध करता हूं कि आप इस कानून का सख्ती से पालन करें जिससे मिलावट में गिरावट आये। मैं समझता हूं कि जब एनडीए की सरकार थी तब इस पर कोई कार्रवाई नहीं हुई क्योंकि जो ट्रेडर्स हैं उनका झुकाव भारतीय जनता पार्टी के समर्थन का रहा है। इसलिए जो मिलावट करते हैं उन पर सख्ती से कार्रवाई की जाए।

श्री गिरधारी लाल भार्गव (जयपुर) : माननीय सभापति जी, माननीय मंत्री जी जो बिल लाए हैं वह बहुत पुराना बिल है। यह बिल कई बार सदन में आया है। माननीय मंत्री जी से मेरा अनुरोध है कि इस बिल को गौर से देखें, यह बहुत मोटा बिल है और आप इसे एक दिन में पास कराना चाहते हैं। इस बिल में आपने कहा है कि इंस्पेक्टर राज खत्म होगा और पंचायत से लेकर सारे के सारे अधिकार आपके हाथ में आ जाएंगे। आपने सबका सहयोग इसमें मांगा है और वापस बुलाने का अधिकार भी आपने इसमें दिया है। आप इसके ऑब्जेक्ट्स को देखेंगे तो इसमें आपने कहा है कि भंडारण, वितरण, बिक्री और आयात करने की व्यवस्था आप अपने हाथ में लेना चाहते हैं। आप लोगों को शुद्ध सामान मुहैया कराना चाहते हैं, यह आपका उद्देश्य है। मैं सभी उद्देश्यों के बारे में नहीं कहना चाहता हूं, लेकिन मैं इतनी बात कहना चाहता हूं कि आप यह बिल जल्दी में लाए

हैं, इसलिए मैं इस बिल का विरोध कर रहा हूँ। मैं आपसे निवेदन कर रहा हूँ कि अगर आप कुछ बातों का इसमें समावेश कर लेंगे तो निश्चित रूप से यह बिल ठीक हो सकता है। मैं और मेरी पार्टी इस बिल का विरोध इसलिए कर रहे हैं क्योंकि आपने इसमें बहुत सी बातें फेरी वाले, ढाबे, रेस्टोरेंट वाले, दूध स्पलाई करने वाले व्यक्ति के हित में नहीं कहीं हैं और उन्हें इस बिल के तहत शामिल किया है। लेकिन आपने किसानों को निकाल दिया है, यह बहुत अच्छी बात की है। इसके लिए आप धन्यवाद के पात्र हैं। लेकिन जो छोटे-छोटे व्यापार करने वाले लोग हैं, जो कचौरी, समोसे बनाते हैं, ढाबा चलाते हैं, सब्जी बेचते हैं, दूध बेचते हैं, ऐसे लोगों को इस बिल में से यदि निकाल देंगे तो आपका बिल अच्छा बन सकता है। हम भी यही चाहते हैं कि मिलावट नहीं होनी चाहिए। आज हल्दी में मिलावट होती है, मुझे क्षमा करेंगे, धनियाँ में गधे की लीद मिलायी जाती है और लोग बड़े स्वाद से खाते हैं। हर प्रकार से मिलावट की जा रही है। यह एक रोग है। आज राजनीति में भी मिलावट आ गई है। इसलिए मैं मिलावट का विरोधी हूँ, लोगों को शुद्ध चीजें मिलें, इसमें कोई दो राय नहीं है। आपका उद्देश्य बहुत अच्छा है, लेकिन इसमें बहुत कमियाँ हैं। आप आस्ट्रेलिया से गेहूँ मंगा रहे हैं और वैट बोर्ड, जो कि ब्लैक लिस्ट हो चुका है, उससे गेहूँ मंगा रहे हैं। गेहूँ भी खराब किस्म का आ रहा है। हम 10.20 रुपये के हिसाब से गेहूँ खरीदने जा रहे हैं। मेरा निवेदन है कि आस्ट्रेलिया से और ऐसी कम्पनी से जो कि ब्लैक लिस्ट हो चुकी है, गेहूँ खरीदना गलत है और यदि ऐसा नहीं होता, तो मैं निश्चित रूप से समझता हूँ कि आज भारत के किसानों को 7.50 रुपये के हिसाब से मूल्य देते, तो भारत का किसान खुशहाल हो जाता और बाहर से गेहूँ आयात करने की जरूरत नहीं होती और आपकी बदनामी भी न होती। आपके अधिकारी जो कि फूड कॉर्पोरेशन में काम करते हैं, वे अच्छे गेहूँ को मिलीभगत के आधार पर लोगों को 3.32 रुपये के हिसाब से बेकार बताकर बाहर बेच देते हैं। वही गेहूँ बाजार में 9-10 रुपये प्रति किलो के हिसाब से बिकता है। इस संबंध में यदि आप उचित व्यवस्था करेंगे तो अच्छा होगा।

इसी प्रकार से मेरा एक और निवेदन है कि छोटे-छोटे वैंडर्स को लाइसेंस कौन देगा? इनको लाइसेंस एक जगह मिल जाए, पंचायत से मिल जाए तो अच्छा रहेगा, लेकिन यदि उसे अलग-अलग स्थानों में जा कर लाइसेंस लेना पड़े तो उसे परेशानी का सामना करना पड़ेगा। वैंडर्स एक मोहल्ले से दूसरे मोहल्ले जाते हैं और जरूरत पड़ने पर एक शहर से दूसरे शहर भी जाते हैं। वह हर जगह के लिए लाइसेंस कैसे लेगा? आपने ऐसा किया है कि वह जहां खड़ा है केवल वहीं का लाइसेंस लेना आवश्यक होगा या तो ऐसी व्यवस्था कर दें कि एक बार लाइसेंस ले लिया तो दूसरी जगह के लिए लाइसेंस लेने की आवश्यकता न पड़े। उसे घूमने के आधार पर लाइसेंस मिले और उसे हर जगह के लिए लाइसेंस न लेना पड़े। इसकी किस प्रकार से आप रोक-टोक करेंगे, नहीं तो मैं समझता हूँ कि बेईमानी बढ़ने का निश्चित रूप से एक आसान तरीका हो जाएगा। मेरा कहना है कि ज्यूरिसडिक्शन भी तय होना चाहिए कि कौन-सा अधिकारी उसे कहां चैक कर सकता है। दूसरे स्थान पर चैकिंग नहीं होनी चाहिए। इस संबंध में यदि आप व्यवस्था करेंगे तो बहुत अच्छा होगा।

इसी तरह से सैम्पल देने का काम किस आधार पर वह करेगा, क्या लैबोरेट्री में जो सैम्पल देकर आया है, क्या उसकी वहां पर सही जांच होगी और उसकी जांच होने के बाद यदि वह व्यक्ति दोषी है तो उसे सजा देने की बात अगर आप करेंगे, तो बात दूसरी होगी। आखिरकार सैम्पल देने का कोई तरीका होगा लेकिन इसका बिल में उल्लेख नहीं किया है। आपने कहा है कि एसपी को सिविल, क्रिमिनल अधिकार होंगे और 6 महीने की सजा सुनाई जा सकेगी लेकिन एक लाख रुपए जुर्माने की बात बहुत बड़ी है। गरीब वैंडर्स पर एक लाख रुपए का जुर्माना हो जाएगा तो उसकी जिन्दगी की सारी कमाई इसी में चली जाएगी और उसका दीवाला निकल जाएगा। आपको इस संबंध में विचार करना होगा।

आश्चर्य की बात है कि नगरपालिका द्वारा जो पानी सप्लाई होता है, उसे छोड़ दिया है। यह कौन सा तरीका है? नगरपालिका का पानी सब्जियाँ बोनो और घरों में पीने के काम आता है लेकिन उसमें मिलावट होती है। मैं जयपुर शहर की बात कहना चाहता हूँ। वहां गटर लाइन को पीने के पानी की लाइन के साथ जोड़ दिया गया। इससे पानी में बदबू आती है। जहां सब्जियाँ पैदा होती हैं वहां वही पानी इस्तेमाल होता है। आपने पानी को छोड़ दिया जिस के संबंध में विचार करें। लैबोरेट्रीज कहां होंगी? कहा गया है कि उनकी दिल्ली में जांच हो सकती है। यदि राज्यों में लैबोरेट्रीज बनाएंगे तो राज्यों के पास पैसा नहीं है। क्या आप पैसा उपलब्ध कराएंगे? आप इस संबंध में विचार करें। आपने इसके लिए कुल 10 करोड़ रुपए का प्रावधान किया है लेकिन 7 करोड़ रुपए वेतन आदि पर खर्च हो जाएंगे और भूमि या भवन कर या दूसरे कोई कर लगा दिए तो ठीक नहीं होगा। मेरे ख्याल में तीन करोड़ रुपए में यह काम नहीं चल सकेगा। राज्य सरकारों के पास पैसा नहीं है। ठीक प्रबन्ध न होने की वजह से खाद्यान्नों को अभाव है। विदेशी लोग खड़ी फसल को ही खरीद लेते हैं। आप उन्हें दंड देने के बारे में क्या प्रावधान करेंगे? वैज्ञानिक मानकों के आधार पर भंडारण की ठीक प्रकार से व्यवस्था नहीं है। गणेश जी की सवारी चूहे हैं, वे सारा खाद्यान्न नट कर देते हैं। इस संबंध में भी कोई व्यवस्था करनी चाहिए। वितरण की व्यवस्था राज्य सरकारों के पास है। आप व्यापक रूप से इस बिल को लाएं और छोटे वैंडर्स को छोड़ दें। जो दंड का प्रावधान एक लाख रुपए रखा है, उसे वापस लें। आप मानव हैं और मंत्री है लेकिन राज्य सभा से चुनाव जीत कर आए हैं। मैं आपकी भलाई

के लिए कहना चाहता हूँ कि यदि लोक सभा से चुनाव जीत कर आएं तो छोटे वैंडर्स जिन के लिए आपने एक लाख रुपए के दंड का प्रावधान किया है, वे आपको वोट नहीं देंगे। सरकार सोच रही है कि उसने बहुत बड़ा काम किया है लेकिन यूपीए की सरकार उलट-पलट वाली सरकार है। आप मेरे सुझावों पर निश्चित रूप से ध्यान दें।

सभापति महोदय, आप मुझे बैठने की आज्ञा दे रहे हैं। मैं आपकी आज्ञा को शिरोधार्य करता हूँ। आपने इस बिल में मजबूरी के कारण प्रावधान नहीं किए हैं इसलिए मैं इस बिल का विरोध करता हूँ।

श्री रामदास आठवले (पंढरपुर) : सभापति महोदय, हम जिस दिन की राह देख रहे थे, वह दिन आ गया है। हमारे मिनिस्टर श्री सुबोध कान्त सहाय बहुत अच्छा बिल लाए हैं। भार्गव जी चाहे इसका विरोध करें, यह बिल पास हो जाएगा। खाद्य पदार्थों की सुरक्षा की जिम्मेदारी केन्द्र सरकार और राज्य सरकारों की भी होती है। वह इसके लिए खाद्य सुरक्षा और मानक विधेयक 2005 लाए हैं। मैं अपनी पार्टी की ओर से इसका समर्थन करने के लिए खड़ा हुआ हूँ। इसके द्वारा भारतीय खाद्य सुरक्षा और मानक प्राधिकरण की स्थापना की जाएगी। इसमें चेयरमैन और 22 सदस्य तथा एक्सपर्ट लोग भी होंगे। मुझे लगता है कि प्राधिकरण की स्थापना होने के बाद इंस्पेक्टर राज खत्म होगा। इंस्पेक्टर जगह-जगह जाकर रिश्वत लेते हैं और व्यापारियों तथा लोगों को गुमराह करते हैं। इस तरह से इस प्राधिकरण के माध्यम से एक बहुत अच्छा काम होने जा रहा है। इसके लिए केन्द्रीय सलाहकार समिति और एक वैज्ञानिक पैनल की स्थापना आप करने वाले हैं। यदि यह एक अच्छा बिल पास होता है तो खाद्य की सुरक्षा करने की दृष्टि से और इंस्पेक्टरों द्वारा जो करप्शन हो रही है, उसे रोकने में इस बिल का अच्छा उपयोग हो सकता है। मैं अधिक न बोलते हुए इस बिल का समर्थन करता हूँ और निवेदन करता हूँ कि इस बिल को जल्दी से जल्दी पास किया जाए।

SHRI BIKRAM KESHARI DEO (KALAHANDI): Sir, I rise not to support the Bill because there are a lot of problems in this Bill. The intention of the Bill might be good. To boost up the food processing industry sector, the Food Safety and Standards Bill, 2005 was introduced. With the present scenario in the world today, India, which is one of the biggest producers of milk produce and one of the second biggest producers of vegetables, is wasting its food due to lack of preservation facilities, lack of proper packing facilities and thereby losing around Rs. 40,000 crore to Rs. 50,000 crore a year.

The intention of the bill is to preserve food. It is good. But this Bill also envisages creation of a food authority. After going through this Bill, it has been seen that they have got a lot of arbitrary powers, and these arbitrary powers might be disadvantageous to the farmer in future in producing crop and secondly for selling it through small retail outlets like vendors and hawkers, who do not get any protection through this Bill. This Bill is only to boost the packaging sector, which is abysmally low in the country. Today, smaller countries like Malaysia, Thailand and even China had beaten us in this. Today, India has not been able to maintain the food standards and safety when our products are supplied to the European Union or to America or to any part of the world. Most of its produce is either dumped or sent back; the shipload is sent back. For example, last year in this august House, a question had propped up regarding the supply of basmati rice to Europe. The chemical contamination was so much that the entire shipload of basmati rice had to be sent back to India, and the traders, marketeers and producers of this rice were put to loss. So, it was eventually loss to the country. Today, in our

country though we produce the largest number of vegetables and though we have got the largest number of land holdings, we are importing nearly Rs. 50,000 crore worth of pulses, Rs. 50,000 crore worth of edible oil to supply to our consumers. It is because of the failure of the packaging industry and failure in promoting cereals and pulses production and oil production by farmers. Also the SAFTA arrangement between Malaysia and Srilanka has to be scrutinized.

This idea of creating a single authority was mooted by the NDA Government. During the regime of Shri Vajpayee as the Prime Minister, it was decided by the Joint Parliamentary Committee that a single food authority should be created so that the producers, the distributors and the marketeers will have a level playing ground with its foreign competitors.

This has come into being. But I am sorry to state that while formulating this piece of legislation, the hon. Minister should have gone into the implementing authority, the Food authority with arbitrary powers.

Now, the name of the Bill is 'Food Safety and Standards Bill'. By doing scientific research, you will include the quality of food and the standard of food. But I am sorry to see that the scientific body is dominated by the bureaucrats, and the persons who are supposed to investigate into the retail marketing of food products are mere an ADM or a Sub-Collector, who can just go and create troubles for the small retailer putting him into a lot of troubles. I would not go into the other details of the Bill as other members have spoken and the Chair is pressing the Bill. .

But I would also congratulate the hon. Minister that later on he got an amendment excluding the farmers, fish producers and the fish farmers from the provision of the Act. Here, I would make a submission and if the hon. Minister and the august House agree, it may be considered. In our country, specially in Jharkhand, Orissa, Bengal, it is the tribals who depend on minor forest produce like bamboo shoot, mushroom and other products, which come out during monsoon, which have got a terrific potentiality in the export market and also in the internal market. So, they should not be subject to this Food Safety and Standards Bill, and they should be exempted. Otherwise, their livelihood would be hit severely. During the time when they go and collect these produce for the local haat, if your Food Inspector comes and challenges them saying that 'this is poisonous' as there are so many types of mushrooms, they would be in trouble. As we all know, some mushrooms grow on the places where snakes live; some grow on the forest floor; and some grow on sand. So, all these are collected. But there are different varieties of mushrooms, which are also poisonous. But the tribals are very much aware as to which mushrooms are edible; and it is only those mushrooms which they get into the market.

Similarly, the bamboo shoots and other products, which come out during the rains, if they are subject to this Bill, there would be a big agitation among the tribals in the country. Those people are illiterate; and if a policeman comes or an officer comes and threatens them, whatever they have, they would give it to him. It is because these tribals cannot challenge or fight for their rights when the time of necessity comes.

Therefore, the Government must sincerely think to keep these people and their products outside the ambit of this Bill. Then only, the aims and objectives of this Bill would be met.

Sir, I come from the State of Orissa, which has got one of the largest coastlines in the country, with a huge potential for marketing and aqua culture like prawn, fishery and all. Umpteen number of times, I have

said in this august House that this sector has been neglected. If you do not have the indigenous technology, please get the foreign technology and introduce it in the Indian market so that our food produce gets some more shelf life, some more time for it to stay in the shell so that it could be exported and we could earn foreign exchange in the country.

Sir, today, in Japan and other developed countries, you will be astonished to know that in restaurants, the waste food, which is being thrown out by the restaurant owners, amounts to over crore of rupees. Can you believe it? एक लाख करोड़ का खाना जो होटल में बनता है, उसे नहीं खाकर फेंक देते हैं। They can afford it. But in India, every morsel is precious for us; every grain is precious for us because we have to feed 108 crore people in our country; 108 crore mouths have to be fed. So, each and every morsel is valuable in this country. It is our duty to preserve each and every morsel.

SHRI M.P. VEERENDRA KUMAR (CALICUT): Mr. Chairman, Sir, as a part of the Standing Committee, I feel that the Government should not have rushed through the Bill as such. It is a voluminous Bill[[KD41](#)].

It would have been circulated, would have allowed more time for a thorough discussion and assimilation but unfortunately Govt is rushing through the Bill.

I have some objections to this Bill. There is no time to elaborate clause by clause. This Bill generally, I feel, does not ensure food safety. It is for the safety of the multinational companies. It dismantles the food safety structure of the country. In the name of integrating food laws, we are repealing important laws like Prevention of Food Adulteration Act and the Fruit Products Act etc. There are nine or 10 State Acts.

Sir, I would like to point out that in our country, the local community is governed by community control, and local culture is now to be regulated by the centralised rules and standards appropriate for a one per cent industrialised large scale manufacture. The 'Integrated Food Law' is a law to dismantle our diverse, decentralised food economy. That is my first objection.

Secondly, by repealing these laws, in short I will say this. In effect, what does it mean? It serves the interests of the global corporations like Nestle which sells baby food. Coke and Pepsi can do anything in this country. The case of Coca Cola and Pepsi Cola selling soft drinks with phosphoric acid, ethylene glycol and huge amounts of sugar or High Fructose Corn Syrup shows that industrial food products need to be regulated. But unfortunately we are giving them a free market. These health hazards were addressed by the JPC. The JPC has commented on this.

Monsanto which is pushing untested GM foods on Indians; Cargill and ADM, which are pushing soya on us, even though it has high levels of endocrine disruptors, they affect human hormones and fertility; or High Fructose Corn Syrup is known to cause obesity. Dismantling the Essential Commodities Act is dismantling food security, not creating food safety. In effect, that is what will happen.

I will cut short. In effect, the Act is aimed at deregulating the industrial food processing which causes health hazards and diseases through chemicals, artificial synthetic additives and genetic engineering.

While deregulating the industry, the Act aims at creating a police raj and inspector raj for every farmer and vendor. The definition of 'food business' is far reaching and includes in 3(n) 'food business' means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, storage, transportation and distribution of food and includes food services, sale of food and food ingredients.

What does it mean? This will cover temples and gurudwaras. Any food that is given at the temples could, in effect, be controlled by this Act. It has such far reaching consequences. This Act is generally detrimental to the farmers and small *dabha* wallas. I do not know what is the scientific scale of food. I do not understand this . Anyway, it could be used against small *dabha* wallas. If this law is used indiscriminately, it will only help promoting the big corporations.

I will cut short. This is my comment I have made during my submission in the Standing Committee. By this Act, we will end up wiping out small food business and we will replace it with big companies. There cannot be a more socially unjust Bill than the proposed one.

I have one more point. Who is bringing this Bill? It is not the Health Ministry. It is the Food Processing Ministry which is bringing this Bill. Who is interested in this Bill? The Commerce Ministry is interested in this Bill. The Industry Department is interested in this Bill. The bureaucrats are interested in this Bill. Has it happened in the U.K.? Even in the United States about which we talk every time, has it happened? Who piloted this Bill? Is it to safeguard the food for the health of the people or safeguard the food for the profit of the corporations?

This is a vital question . I fail to understand how the Ministry of Health and Family Welfare has agreed to this Bill.. In general, by rushing this Bill, I am afraid to say, there are some motives which are not helpful to the small farmers, small *dhaba* wallas and for common men. It is generally to support the multinational corporates and to bring the corporate *raj*.

SHRI SUBODH KANT SAHAY : Thank you, Sir. I must thank the hon. Members. Almost all the hon. Members have contributed quite a lot in this discussion. Some of their ideas that have been expressed, I can say, that were because of the amendments that I have brought which is covering almost all their aspects. Most of the hon. Members were concerned about small vendors and processors in the village, whatever you say, *halwai ka dukan* or something, we have completely kept them out. My friend, Shri Adhir Chowdhury was saying that they should also be included in this so that they should develop their habits. But I want to assure that outside of the purview of this Bill we are going to have a massive campaign for safe and hygienic food in this sector which is unorganised sector. I am purposely not bringing them within the purview of this Bill. You all are afraid about the inspector *raj* that it will harm them. It is not so. We are simply saying that they would be registered anywhere. Mostly, I do not think they are travellers. But they have fixed their *thelas* somewhere in the *chauraha* or crossroads or here and there and they would be registered in the nearby municipality or panchayat. But they are

being allowed to move and sell their things and they will not have any restriction about their movement. But they should be just registered that 'I am doing this thing in nearby area'.

Most of the apprehensions were expressed about bringing small vendors and processors within this Bill. They are completely outside of the purview of this Bill. ... (*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY (PURI): I want to know whether you are saying it or the Bill is saying it. You should tell us which is the clause etc. where it is there where you have debarred them from the provision of law. You should tell us. ... (*Interruptions*)

SHRI SUBODH KANT SAHAY : The Bill is saying. It is very much there. I am coming to it. I will give you the specific clause. ... (*Interruptions*)

MR. CHAIRMAN : Let the hon. Minister complete the reply and then you can ask the questions.

SHRI SUBODH KANT SAHAY : Second thing is about water. Once you are adding value in water then that becomes a different thing. The municipal tap water or water from the pond etc. are used. People are saying – 'Why you are not including water in the food?' That will have a long implication if you bring water in this purview because in most of the areas we are not providing water by the tap. Even they are taking water from the pond and the river. Who will be responsible to that?

17.39 hrs.

(Mr. Deputy-Speaker *in the Chair*)

Once you are using it as an industrial activity or in processing of a food which you are selling, then you come under the purview of this law. That is why we have kept water outside from the purview of this. But we have included those types of water which is being used for industrial purpose.

Most of the hon. Members have expressed their concern on one point. I must say that the import of any item from them is already going to be covered by the same law because that import law is going to be merged in this law and it will be covered by the same authority. The authority is an independent, transparent organisation. Down the line we are having four or five stages of checking. The food safety officer on the administrative side will be there. On the judiciary side an adjudication officer will be there. There will be a designated officer, food safety officer and appellate tribunals will be there. The next stage is the appellate tribunal where we are having a designated officer. The Commissioner of Food of the State is there if things go at that level and then it will go to the civil court or the High Court. If things come to the level of Food Standard Authority of India, then it will go to the Supreme Court. So, these four stages are very much defined.

You all are saying that this is a multinational Bill or something like that.

... (*Interruptions* [[krr42](#)])

... (व्यवधान)

उपाध्यक्ष महोदय : बाद में पूछना। कृपया बीच में व्यवधान पैदा न करें।

... (व्यवधान)

श्री बिक्रम केशरी देव : उपाध्यक्ष महोदय, मैं माननीय मंत्री जी से केवल एक ही बात पूछना चाहता हूँ कि फूड इंस्पेक्टरों की क्वालीफिकेशन क्या होगी ?

श्री सुबोध कान्त सहाय : उपाध्यक्ष महोदय, मैं माननीय सदस्य के ध्यान में लाना चाहता हूँ कि वर्तमान में फूड इंस्पेक्टर की जो क्वालीफिकेशन है, वही होगी। वर्तमान में 16 फूड इंस्पेक्टर हैं। उनकी जो क्वालीफिकेशन है, वही क्वालीफिकेशन होगी। उनकी क्या क्वालीफिकेशन है, वह आप जानते हैं। इस मामले को स्टेट गवर्नमेंट गवर्न करेगी। हमें केवल लॉ बनाना है। आज जो हालात हैं, उनमें फूड इंस्पेक्टर्स 12 मंत्रालयों से जुड़े हुए हैं। जो उनकी ड्यूटी है, उसे वे अपने-अपने मंत्रालयों के अनुसार परफॉर्म करते हैं। इस पूरे इन्फ्रास्ट्रक्चर को पूल कर के यदि हम एक जगह ले आते हैं, तो आप स्वयं अंदाजा लगाइए कि कितने हैंड्स बढ़ जाएंगे। दूसरी तरफ आप कह रहे हैं कि हमारे पास बहुत थिन इन्फ्रास्ट्रक्चर है। अगर सारे मंत्रालयों के इन्फ्रास्ट्रक्चर को क्लब कर के एक जगह ले आया जाएगा, तो वह ज्यादा यूजफुल होगा या 12 मंत्रालयों में बंटा रहेगा, तो ज्यादा यूजफुल रहेगा, यह आप स्वयं अंदाजा लगाइए।

महोदय, हम अथॉरिटी बना रहे हैं। हम आपको बताना चाहते हैं कि हम अभी 10 करोड़ रुपए का बजट रख रहे हैं, लेकिन कल जब यह एस्टाब्लिश हो जाएगी और अपनी वर्किंग शुरू करेगी, तो उसकी जो भी रिक्वायरमेंट होगी वह दी जाएगी। राज्य सरकारों की लैबोरेट्रीज को भी हम अथॉरिटी के साथ जोड़ देंगे। इसके अलावा बहुत सारी प्राइवेट लैबोरेट्रीज होती हैं, जिन्हें सरकार द्वारा ग्रेडेड किया जाता है। इसके अलावा डिस्ट्रिक्ट्स लैबोरेट्रीज होती हैं और अन्य इस प्रकार की तमाम लैबोरेट्रीज हैं, वे सभी अथॉरिटी के डिस्पोजल पर आ जाएंगी।

महोदय, एक सबसे ज्यादा एप्रीहेंशन थी कि जो ट्रेडर होगा, उसे सबसे ज्यादा हैरस किया जाएगा, लेकिन मैं बताना चाहता हूँ कि इस बिल में पहली बार ऐसा प्रावधान किया गया है कि यदि कोई फूड इंस्पेक्टर गलत तरीके से, किसी को फंसाने के लिए या परेशान करने के लिए कोई काम करता है, तो उस फूड इंस्पेक्टर के विरुद्ध एक्शन लेने, उसे री-कॉल करने और एक लाख रुपए जुर्माना करने की पॉवर फूड कमिश्नर को दी गई है। यदि विभाग के किसी व्यक्ति द्वारा जो बहुत ही नैग्लिजीबल लैवल पर गड़बड़ी की जाएगी, उसके लिए भी 25 हजार रुपए फाइन करने की शक्तियां कमिश्नर को दी गई हैं। जो मैनुफैक्चरर है, जो होलसेलर है, उनके ऊपर एक लाख रुपए से लेकर 10 लाख रुपए तक फाइन लगाए जाने एवं सात साल से लेकर लाइफ इम्प्रीजमेंट की सजा देने का प्रावधान किया गया है। ऐसा पहली बार हो रहा है। किसी बिल में इतनी टफ लाइन पर नहीं चला गया है, लेकिन इसमें ऐसी व्यवस्था की गई है ताकि सरकारी अमले के लोग किसी को जानबूझकर परेशान न करें।

महोदय, मुझे समझ में नहीं आता कि इस बिल का हमारे बी.जे.पी. और एन.डी.ए. के साथी क्यों विरोध कर रहे हैं। मैं बताना चाहता हूँ कि 28 फरवरी, 2002 को आपके फायनेंस मिनिस्टर ने कहा कि हम इंटीग्रेटेड फूल लॉ ला रहे हैं। इसी हाउस में यह कहा गया था। उसके बाद ग्रुप आफ मिनिस्टर की पहली बैठक 27.01.2003 को हुई थी और उसी की कन्ट्रिब्यूशन में तीन साल का कन्सलटेशन हुआ, जिसमें दो सरकारों के द्वारा इतना सारा कन्ट्रिब्यूट किया गया है। यही नहीं करीब सौ से ज्यादा स्टैक होल्डर्स ने इसमें इन्टेक किया है। स्थायी समिति को मैं बधाई देना चाहता हूँ, जिन्होंने इस बिल के लिए 26 सुझाव दिए, जिनमें से 21 को हमने एक्सेप्ट किया है। चार-पांच सुझावों, जिनको कि एक्सेप्ट करना पॉसिबल नहीं था, उन्हीं को छोड़ा है। स्थायी समिति, कन्सलटेशन कमेटी और डेढ़ सौ लोगों के साथ कन्सलटेशन किया गया है। हमारे साथी कह रहे थे कि इस बिल पर राज्य सरकारों से कन्सलटेशन किया गया है या नहीं। कम से कम 20 राज्य सरकारों, जिसमें राजस्थान भी शामिल है, Your Government also contributed. इन सब ने अपना कन्ट्रिब्यूशन दिया है। पिछले डेढ़ साल से इंटरनेट पर सलाह लेने के लिए यह बिल डाला हुआ था। यूरोपियन यूनियन के लोगों ने, यूनाइटेड नेशन के सदस्य देश के लोगों ने, सभी तरह के लोगों ने इस पर अपनी

सलाह दी है। उन्होंने कहा How are you able to make this Bill so effective to cater to local as well as international requirements?

हमारे बहुत से माननीय सदस्यों ने कहा है कि एक साल के बाद लेकर के आइए और इसमें अभी भी कुछ इम्प्रूवमेंट कीजिए। हम उसके लिए हमेशा तैयार हैं। बहुत सी शंकाएं जो आपके मन में हैं। उसके बारे में मैं कहना चाहता हूँ कि उन सभी को हम रूल और रेगुलेशन के माध्यम से कवर करने जा रहे हैं, जो कि बिल के रूप में नहीं आ पाया है। बहुत से पुराने माननीय सदस्य यहां बैठे हुए हैं और वे इस बात को जानते होंगे कि हर चीज बिल में नहीं आ पाती है। रूल और रेगुलेशन के माध्यम से उसको कवर किया जाता है। हम ऐसा कोई काम नहीं करने जा रहे हैं, जिससे कि किसी को नुकसान हो।

उड़ीसा से हमारे मित्र श्री देव साहब कह रहे थे कि हमारा इलाका बहुत पिछड़ा हुआ है। मैं उन्हें कहना चाहता हूँ कि मैं भी जहां से आता हूँ, वह इलाका भी पिछड़ा हुआ है। हम सभी का इलाका पिछड़ा हुआ है। झारखण्ड, बिहार, उड़ीसा, यूपी ये सभी पिछड़े इलाके हैं।

महोदय, कहने को हम एग्रीकल्चर स्टेट हैं, लेकिन हम नैगलेजिबल प्रोसेस कर रहे हैं। जागिए, हमें जागना होगा। यदि किसान को बचाना है तो उसके प्रोडक्ट में वैल्यू एड कराना होगा। आज एक किलो पैकड टमाटर का मुहं मांगा दाम बायर दे देगा, लेकिन यदि किसान उसे टोकरी में रखकर बेचता है तो उसे कोई नहीं खरीदता है। वह उसे रास्ते में छोड़कर चला जाता है और उसे कोई उठाने वाला भी नहीं होता है। इसलिए इस सैक्टर में कोई उद्योग पैसा लगाने को तैयार नहीं है। यह पैरीशेबल सैक्टर है। 16 इंस्पेक्टरों को झेलने की ताकत किसी उद्योग में नहीं है। पैसा कमाने के लिए इस देश में बहुत से अवसर पैदा हो गए हैं, जहां से वह ज्यादा पैसा कमा सकते हैं।

आज आईटी और बायो सैक्टर बूम पर है। मैं कहता हूँ कि ये वक्त फूड टेक्नोलाजी सैक्टर का है और उसको रेगुलेट करने के लिए लॉ बनाना बहुत जरूरी है। इसीलिए मैं आपके पास इस बिल को लेकर आया हूँ।

महोदय, माननीय सदस्य जो कह रहे हैं कि वह क्लॉज़ कहां है। मैं बताना चाहता हूँ कि 31 (2) को अगर आप देखें तो जो हमने कहा है, वह नजर आ जाएगा। हमारा जो एमेन्डमेन्ट आया है, उसको आपने नहीं देखा है, आपने मैन बिल के पार्ट को देखा है। हमने एमेन्ड करके उनको प्रिव्यू से बाहर कर दिया है। स्माल वैन्डर, स्माल हाकर्स, किसान और फिशरमैन को हमने इससे बाहर कर दिया है।

महोदय, 17 माननीय सदस्यों ने इस बिल पर अपनी बात रखी है। मैं समझता था कि इस बिल को ऐसे ही पास कर देंगे क्योंकि पिछले चार साल से यह डिबेट में है। Still, I think that you all have contributed a lot. I take what you have said in opposition also as contribution from your side.

MR. DEPUTY-SPEAKER: You can seek only clarification.

SHRI B. MAHTAB : Initially I had asked a question and yet that question has remained unanswered. You have not defined 'safe and wholesome food'. The amendment about which the hon. Minister has mentioned in page 20, 31(2) also mentions – not only that petty retailers, hawkers, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business. This is there. They have to be registered. It is all right. But the business which they will enter into is 'safe and wholesome food'. Unless and until you determine and define that, this Bill will empower the inspector to such an extent that they will be harassed. Our contention here is, why do you not define 'safe and wholesome food for human consumption'? I

am only insisting as to what is the harm in defining it. When are you going to define it? Who is going to define it? Will it be left to the court? Will the court determine it? This is my initial question.

उपाध्यक्ष महोदय : आप 2-3 लोगों की बात सुन लें, उसके बाद आंसर दे देना।

SHRI DUSHYANT SINGH : Firstly, I would like to mention about water. Water is an issue. In today's 'The Economic Times', the All India Food Processors' Association has expressed resentment regarding the Bill. He has stated that he spoke to a lot of people and taken into consideration their views. But the fact is that there is resentment regarding water. Water is the main contention and the same has been discussed.

Secondly, in the Report of the Standing Committee on Agriculture, there is a mention of setting up of liberalised food parks. I have also mentioned in my speech. Is the Ministry going to set up a Food Park in Rajasthan? If yes, when?.

Thirdly, is there any thinking on the part of Government to link *Kendriya Vigyan Kendras* with Labs? Linking would extend an additional help to the *Kendras*.

श्री शैलेन्द्र कुमार (चायल) : माननीय उपाध्यक्ष जी, मैं आपके माध्यम से माननीय मंत्री जी से बहुत महत्वपूर्ण और मूल प्रश्न पूछना चाहूंगा कि अभी जब सम्मानित सदस्य अपने विचार रख रहे थे तो हम सभी लोगों ने इस बिल का पुरजोर समर्थन किया है। आपकी जितनी बातें हैं, सब हम लोगों को स्वीकार हैं। हम लोगों ने जमीन में जाकर देखा है। जब तक आप जिला स्तर पर लैबोरेट्री, टैक्नीशियन, सैम्पलिंग, एक हफ्ते में रिपोर्ट की व्यवस्था नहीं करेंगे, तब तक हम उसमें कुछ नहीं कर पाएंगे। इसी प्रकार से मिलावट होती रहेगी, क्वालिटी और क्वाण्टिटी में फर्क होता रहेगा, इसलिए इसको आप जरा विस्तार से बताने का कट करें।

SHRI V. KISHORE CHANDRA S. DEO (PARVATIPURAM): Mr. Deputy Speaker, Sir, my clarification to the hon. Minister is this. Whatever food we produce in the country is with chemical fertilizers and pesticides. Now that we have achieved the Green Revolution, we are thinking of the Second Green Revolution. Shri Swaminathan is talking about the Evergreen Green Revolution. Now, food is being produced and is being presumed to be produced for the future in the organic method. Is there any difference between the marketing food and the processing food? What premiums the Government would give if organic food manufacturer come forward with organic food and packaging? What benefit would the Government give them[s43]?

श्री रामदास आठवले (पंढरपुर) : महोदय, मंत्री जी ने इंस्पेक्टर के बारे में कहा। एक लाख रुपए और 7 साल से लेकर उम्र कैद की सजा बतायी, लेकिन अगर कोई इंस्पेक्टर इसमें लिप्त मिलता है, तो क्या उसको नौकरी से हटाने की व्यवस्था है? यह ठीक है कि एक लाख रुपए फाइन करेंगे, लेकिन अगर ऐसा कोई इंस्पेक्टर मिलता है, तो उसको नौकरी से हटाना चाहिए।

श्री राम कृपाल यादव (पटना) : माननीय मंत्री नए कानून बना रहे हैं। आपने कई बातों का जिक्र किया। मैं इसके मूल में जाना चाहता हूँ। कानून बनेगा और जैसा कि आपने कहा कि लैबोरेट्री एक साथ कर देंगे, जिलों को जोड़ देंगे, कई तरह की बातें आपने कही हैं। लेकिन यह कानून धरातल पर तब उतरेगा, जब लैबोरेट्री रहेगी, इंस्पेक्टर रहेगा। वास्तविकता यह है कि कई राज्यों में न कोई लैबोरेट्री है, स्टेट कैपिटल में भी लैबोरेट्री नहीं है, जिलों की बात छोड़ दीजिए। वहां कोई प्रापर स्टाफ नहीं है, जो गाइड करे, कोई इंस्पेक्टर नहीं है। मैं अपने राज्य बिहार की बात कर रहा हूँ, पटना में लैबोरेट्री है। मैंने स्वयं देखा है, उसकी स्थिति बहुत खराब है। एक लैबोरेट्री हाजीपुर में है। मैं समझता हूँ कि जब तक आप उसके ऊपर गौर नहीं फरमाएंगे, तब तक कानून बनाने के पीछे जो आपकी मंशा है, वह नेटवर्किंग नहीं हो पाएगा और सही मायने

में कानून धरातल पर नहीं उतरेगा। मेरी आशंका यह है कि कानून सिर्फ कागज पर रह जाएगा और धरातल पर नहीं उतर पाएगा। जो फायदा आप लोगों को देना चाहते हैं, वह नहीं हो दे पाएंगे। मैं जानना चाहता हूँ कि जिन राज्यों में इसकी कमी है, लैबोरेट्री की कमी है, इन्फ्रास्ट्रक्चर की कमी है, इंस्पेक्टर की कमी है, वैसी जगहों पर आपूर्ति करने की क्या आपने कोई व्यवस्था की है? आपने कहा है कि राज्य सरकारों पर इसे छोड़ेंगे, मगर राज्य सरकारों के पास कोई आधारभूत संरचना नहीं है, तो फिर इस कानून का कोई फायदा नहीं हो पाएगा।

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Sir, in the Preamble of the legislative document, it has been referred to as 'availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto'. Even section 16 refers to the safe and wholesome food. However, it has not been defined in this legislation.

Secondly, I have put forward one issue. That is in regard to accredited laboratories and referral laboratories. With an amendment, the Government has been emphasising that the referral laboratories are to be given the final decision in case of any dispute in regard to food. But it smacks of an overlapping provision; it looks as if a superseding provision is inherent in this amendment. So, I have suggested to him that these matters may be left to the adjudicating officer.

So far as labelling is concerned, may I know whether any stipulation has been made to put the content of any nutritious food – GM or non-GM food, organic or inorganic, etc.

SHRI ANIL BASU (ARAMBAGH): This House constituted a Joint Parliamentary Committee on 'soft drinks'. That JPC has made recommendations regarding bottled drinking water. When water is used commercially and value is added to water, it should be of the stringent ground so that the customer or the purchaser gets pure water, good quality water and not contaminated water. So, already that norm was being notified by the Government, after the recommendations of the JPC, at that time.

So far as water is concerned, the value added-bottled water which is used for commercial purposes, that portion has already been taken care of, through the notification of the Government of India. Regarding the other part, there was also a recommendation of the JPC; that after Independence, so many years had passed; other countries have already passed legislation to take care of the food safety of their people. Only in our country, we have not taken any standard legislation. Now, this legislation has come and it is a good piece of legislation. With the experience of this Act, if there is any shortcoming, the Government may come to this House and bring in necessary amendments.

But as far as the requirement of the country – taking into consideration the health of its population – we must have a legislation in our country and we have this piece of legislation.

18.00 hrs.

MR. DEPUTY-SPEAKER: It is six o'clock now. What is the opinion of the House? If the House agrees, we may extend the time of the House till we pass this Bill and also dispose of Special Mentions?

SEVERAL HON. MEMBERS: Yes, Sir.

SHRI B. MAHTAB : I had asked about the IMS Act, 2003.... (*Interruptions*)

MR. DEPUTY-SPEAKER: I have given you more than sufficient time. Please sit down.

... (Interruptions)

SHRI SUBODH KANT SAHAY : I am coming to it. It is being kept out of the purview of this Bill. At the Group of Ministers' level, while finalizing it, we had kept this out of its purview. So, that is not covered.

Secondly, I am ready to assure my friend Shri Dushyant Singh. Food Parks, etc. do not come under this but Rajasthan is our priority. You may fix any date and I am ready to go there because that is a link to our food sector. You do not have to bother about it.

मैं शैलेन्द्र जी और राम कृपाल भाई से कहना चाहता हूँ कि आपकी शंका बहुत ही सही है कि जब तक लैब टैस्टिंग फैसिलिटी की नेटवर्किंग नहीं होगी, उसमें जो समय लगेगा, उससे जस्टिस नहीं मिलेगा। अभी भी हमारे मंत्रालय द्वारा फूड टैस्टिंग लैबोरेटरी लगाने के लिए राज्य सरकार को सौ प्रतिशत ग्रांट दी जाती है, यहां तक कि अगर कोई प्राइवेट आर्गनाइज़ेशन आगे बढ़कर आती है तो हम उन्हें भी सरकार के नियम के मुताबिक ग्रांट देते हैं। इसलिए जिस दिन यह अथॉरिटी बन जाएगी, मैं समझता हूँ कि उनकी नेटवर्किंग की प्राथमिकता हो जाएगी, इसके बिना वैसे भी मेरा यह काम अधूरा रहेगा। इसलिए मैं आपकी इस शंका को दूर करना चाहता हूँ और कहना चाहता हूँ कि हम इसे पूरा करेंगे।

आदरणीय आठवले साहब ने जो पनिशमेंट की बात कही, नैचुरली अगर कोई इंस्पेक्टर अनफेयर मीन्स यूज़ करने में पकड़ा जाता है तो उसके अधिकार को विद्वान करने का अधिकार कमिश्नर के पास है, उस पर एक लाख रुपये तक का फाइन भी करना है और अगर उसके आगे होगा तो मैं समझता हूँ कि उसकी नौकरी पर भी सवाल बन सकता है जो प्रशासनिक दृष्टिकोण से सक्षम अधिकारी ले सकता है।

मैं फिर कहना चाहता हूँ कि इंडस्ट्रियल यूज़ के लिए वाटर के बारे में आपने जो कहा, पहले से ही नार्मर्स हैं। उसे हम यह छूट नहीं दे सकते कि क्योंकि म्यूनीसिपैलिटी का पानी गंदा आ रहा है इसलिए आप बेचने के लिए जो फूड प्रिपेयर करेंगे, उसमें भी वह पानी डालकर बच जाएं, मुझे लगता है कि यह छूट देना न्यायपूर्वक नहीं होगा।

हमारे दूसरे माननीय सदस्य कह रहे थे कि घर में खाना बनेगा। जब हमने सेल करने की बात में वैंडर्स को बाहर कर दिया है तो घर और पार्टी में खाना खाने के परव्यू में यह नहीं जाता। यदि कहीं कोई घटना घट जाती है कि एडलट्रेटेड फूड से किसी की मृत्यु हो गई या कोई और घटना घट गई, तब की बात अलग होती है कि उसमें जांच होती है, लेकिन ऐसा कहीं नहीं होता कि कोई फूड इंस्पेक्टर किसी के घर में जाकर जांच करे, वह इसके परव्यू में नहीं है। जो फूड अथॉरिटी बनने जा रही है, वह सारे रूल्स एंड रैगुलेशन्स लेड डाउन करेगी और अगर उसके बाद भी कुछ बचेगा तो मैं समझता हूँ कि हाउस से बड़ी कोई चीज नहीं है, आप जिस दिन कहेंगे, उस दिन उसे अमैंड कर देंगे।

MR. DEPUTY-SPEAKER: The question is:

“That the Bill to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto, be taken into consideration. ”

The motion was adopted.

MR. DEPUTY-SPEAKER: The House shall 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

Definitions

MR. DEPUTY-SPEAKER: Shri Khagen Das – Not present.

There are Government amendments to Clause 3.

Amendments made:

Page 2, line 28, *for* “primary food”, *substitute* “primary food to the extent defined in clause (zk)”
(9)

Page 3, *for* line 3 *substitute*,-

“processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services,”.
(10)

Page 4, *for* lines 37 to 39, *substitute*,-

“(zh) “package” means a pre-packed box, bottle, casket, tin, barrel case, pouch, receptacle, sack bag, wrapper or such other things in which an article of food is packed,”.
(11)

Page 4, *for* line 48, *substitute*,-

“catching in the hands of a person other than a farmer or fisherman.”. (12)

Page 6, line 15, *for* “in sanitary”, *substitute* “insanitary”. (13)

Page 6, *after* line 18, *insert*,-

“(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.”. (14)

(Shri Subodh Kant Sahay[R44])

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.

Clause 4 was added to the Bill.

Clause 5 **Composition of Authority and qualifications
for appointment of its Chairperson and other
Members.**

Amendments made:

page 6, lines 32 and 33,-

for “the following eighteen members namely:-”

substitute “the following twenty-two members out of which one third shall be women, namely:-”

(15)

page 7, *for* line 5, *substitute*,-

“(d) three eminent food technologists or scientists:”. (16)

page 7, line 9, *for* “one person”, *substitute* “two persons”. (17)

page 7, *after* line 9, *insert*,-

“(g) one person to represent retailers’ organisations.”. (18)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 5, as amended, stand part of the Bill.”

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6

**Selection Committee for selection of Chairperson
and Members of Food Authority**

Amendment made:

page 7, line 26, *for* “Ministry of Food Processing Industries”,
substitute “Ministry or the Department responsible for
administration of this Act”. (19)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 6, as amended, stand part of the Bill.”

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 9

Officers and other employees of Food Authority

Amendment made:

page 8, *for* lines 40 to 42, *substitute* –

“9.(1) There shall be a Chief Executive Officer of the Food Authority,
not below the rank of Additional Secretary to the Government of India,
who shall be the Member-Secretary of the Authority, to be appointed

by the Central Government.”.

(20)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 9, as amended, stand part of the Bill.”

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 was added to the Bill.

Clause 11 **Functions of** **Central Advisory** **Committee**

Amendment made:

page 9, line 45,-

after “Food and Public Distribution”

insert “or government institutes or organisations and government

Recognised farmers organisations”.

(21)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 11, as amended, stand part of the Bill.”

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12 to 17 were added to the Bill.

Clause 18

General principles to be followed in administration of Act

Amendments made:

page 14, line 14, *for* “consideration”, *substitute* “consideration and”.

(22)

page 15, line 1, *for* “effective”, *substitute* “an effective”.

(23)

page 15, *after* line 20, *insert*,-

“(3) The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations.”.

(24)

(Shri [\[r45\]](#)Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 18, as amended, stand part of the Bill.”

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 to 21 were added to the Bill[\[r46\]](#).

Clause 22

Genetically modified foods, organiz foods, functional food, proprietary foods etc.

Amendment made:

Page 16, line 20, *for* “combination”, *substitute* “in combination”.

(25)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 22, as amended, stand part of the Bill.”

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23 was added to the Bill.

Clause 24 **Restrictions on Advertisements and prohibitions as to unfair trade practice**

Amendment made:

Page 17, line 17,--

after “misleading”, insert “or deceiving”. (26)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 24, as amended, stand part of the Bill.”

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 and 26 were added to the Bill.

Clause 27

Liability of the manufacturers, distributors and sellers

Amendments made:

Page 18, line 34,--

after “manufacturer”, *insert* “or packer”. (27)

Page 18, line 36, *for* “distributor”, *substitute* “wholesaler or distributor”.

(28)

Page 18, line 37, *omit* “or which is likely to expire”. (29)

Page 18, line 40, *substitute* “(c) unsafe or misbranded, or”. (30)

Page 18, *after* line 44, *insert*—

“(f) received by him with knowledge of being unsafe”. (31)

Page 19, for lines 1 to 6, *substitute*—

“(3) The seller shall be liable under this Act for any article of food which is—

(a) sold after the date of its expiry; or

(b) handled or kept in unhygienic conditions; or

(c) misbranded; or

(d) unidentifiable of the manufacturer or the distributor from whom such articles of food were received; or”. (32)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 27, as amended, stand part of the Bill.”

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28

Recall Procedures

Food

Amendment made:

Page 19, *for* lines 8 to 15, *substitute*,--

“28(1) If a food business operator considers or has reasons to believe that a food which he has processed, manufactured or distributed is not in compliance with this Act, or the rules or regulations made thereunder, he shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator shall immediately inform the competent authorities and co-operate with them, if he considers or has reasons to believe that a food which he has placed on the market may be unsafe for the consumers.”. (33)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“ That clause 28, as amended, stand part of the Bill.”

The motion was adopted.

Clause 28, as amended, was added to the Bill[\[snb47\]](#).

Clauses 29 and 30 were added to the Bill.

Clause 31

Licensing and registrtation of food business

Amendments made:

“Page 20 *for* lines 26 to 31, *substitute*, --

“(2) Nothing contained in sub-section (1) shall apply to a petty manufacturer who himself manufactures or sells any article of food or a petty retailer, hawker, itinerant vendor or a temporary stall holder or small scale or cottage or such other industries relating to food business or tiny food business operator; but they shall register themselves with such authority and in such manner as may be specified by regulations, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the consumers.”. (34)

Page 20, line 34,--

for “particulars”, *substitute* “particulars and fees”. (35)

Page 20, line 35,--

for “sub-section (2)”, *substitute* “sub-section (3)”. (36)

Page 20, line 39, for “order”, *substitute* “the order”. (37)

Page 21, for line 6, *substitute* “(9) A licence unless suspended or cancelled earlier shall be in force for such period”. (38)

(Shri Subodh Kant Sahai)

MR. DEPUTY-SPEAKER: The question is:

“That clause 31, as amended, stand part of the Bill.”

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clauses 32 to 37 were added to the Bill.

Clause 38

Powers of the Food Safety Officers

Amendment made:

“Page 24, line 39, for “where article”, *substitute* “where the article”. (39)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 38, as amended, stand part of the Bill.”

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Clause 39

Liability of Food Safety Officer in certain cases

Amendment made:

“Page 25, for lines 42 and 43, substitute,--

“shall be guilty of an offence under this Act and shall be liable to a penalty which may extend to one lakh rupees:

Provided that in case any false complaint is made against a Food Safety Officer and it is proved so, the complainant shall be guilty of an offence under this Act and shall be punishable with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees”.

(40)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 39, as amended, stand part of the Bill.”

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clause 40 was added to the Bill.

Clause 41

Powers of search, seizure, investigation, prosecution and procedure thereof

Amendments made:

“Page 26, for lines 9 to 11, substitute,--

“41. (1) Notwithstanding anything contained in sub-section (2) of section 31, the Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food, and shall thereafter inform the Designated Officer of the actions taken by him in writing.”. (41)

Page 26, line 13, for “witness”, substitute “witnesses”. (42)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 41, as amended, stand part of the Bill.”

The motion was adopted.

Clause 41, as amended, was added to the Bill.

Clause 42, was added to the Bill.

Clause 43

**Recognition and accreditation of laboratories
research institutions and referral food laboratory**

MR. DEPUTY-SPEAKER: The House will now take up amendment No. 5 of clause 43. Shri Khagen Das – not present.

The question is:

“That clause 43 stand part of the Bill.”

The motion was adopted.

Clause 43 was added to the Bill.

Clauses 44 to 46 were added to the Bill[[bru48](#)].

Clause 47

Sampling and analysis

Amendments made:

Page 28, line 11, *omit* "the remaining". (43)

Page 28, *for* lines 13 and 14, *substitute*,--

"(iii) send the remaining part for analysis to an accredited laboratory, if so requested by the food business operator, under intimation to the Designated Officer:

Provided that if the test reports received under sub-clauses (i) and (iii) are found to be at variance, then the Designated Officer shall send one part of the sample kept in his custody, to referral laboratory for analysis, whose decision thereon shall be final." (44)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 47, as amended, stand part of the Bill".

The motion was adopted.

Clause 47, as amended, was added to the Bill.

Clauses 48 and 49 were added to the Bill.

Clause 50

Penalty for selling food not of the nature or substance or quality demanded

-

Amendment made:

Page 29, for lines 27 to 32, substitute, --

"Penalty for selling food not of the nature or substance or quality demanded.	50. Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees:
---	--

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty five thousand rupees." (45)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 50, as amended, stand part of the Bill."

The motion was adopted.

Clause 50, as amended, was added to the Bill.

Clauses 51 to 62 were added to the Bill.

Clause 63

Punishment for carrying out a business without licence

Amendment made:

Page 31, for lines 17 to 20, substitute,--

"Punishment for carrying out a business without licence. 63. If any person or food business operator (except the persons exempted from licensing under sub-section (2) of section 31 of this Act), himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh rupees." (46)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 63, as amended, was added to the Bill."

The motion was adopted.

Clause 63, as amended, was added to the Bill.

Clause 64 was added to the Bill.

Clause 65

Compensation in case of injury or death of consumer

Amendment made:

Page 31, *after* line 41, *insert*, --

"Provided that the compensation shall be paid at the earliest and in no case later than six months from the date of occurrence of the incident:

Provided further that in case of death, an interim relief shall be paid to the next of the kin within thirty days of the incident." (47)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 65, as amended, stand part of the Bill."

The motion was adopted.

Clause 65, as amended, was added to the Bill.

Clause 66

Offences by Companies

Amendment made:

Page 32, line 11, *for* "Chief Executive or the person in-charge" *substitute* "Head or the person in-charge". (48)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Clauses 67 to 77 were added to the Bill[\[r49\]](#).

Clause 78 **Power of court to implead
manufacturer, etc.**

Amendment made:

Page 35, line 43, *for* "or in section 71", *substitute* "or in section 71 of this Act". (49)

(Shri Subodh

Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

"That clause 78, as amended, stand part of the Bill."

The motion was adopted.

Clause 78, as amended, was added to the Bill.

Clauses 79 to 91 were added to the Bill.

Clause 92 **Power of Food
Authority to make**

regulations

Amendment made:

Page 40, *for* lines 30 to 34, *substitute*, -

“(o) notifying the registering authority and the manner of registration; the manner of making application for obtaining license, the fees payable therefor and the circumstances under which such license may be cancelled or forfeited under section 31.” . (50)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 92, as amended, stand part of the Bill.”

The motion was adopted.

Clause 92, as amended, was added to the Bill.

Clauses 93 to 101 were added to the Bill.

First Schedule

Amendments made:

Pages 44, *for* lines 5 to 34, *substitute*,-

“Zone I

2. Goa,
3. Karnataka,
4. Kerala,
5. Maharashtra,
6. Orissa,
7. Tamil Nadu.

Zone II

1. Haryana,
2. Himachal Pradesh,

3. Jammu and Kashmir,
4. Punjab,
5. Uttranchal,
6. Uttar Pradesh.

Zone III

1. Bihar,
2. Chhattisgarh,
3. Gujarat,
4. Jharkhand,
5. Madhya Pradesh,
6. Rajasthan,
7. West Bengal.

Zone IV

1. Arunachal Pradesh,
2. Assam,
3. Manipur,
4. Meghalaya,
5. Mizoram,
6. Nagaland,
7. Sikkim,
8. Tripura.

Zone V

1. Andaman and Nicobar Islands,
2. Chandigarh,
3. Dadra and Nagar Haveli,
4. Daman and Diu,
5. Delhi,
6. Lakshadweep,

7. Pondicherry.”. (51)

Page 45, omit lines 1 to 8 (52)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That the First Schedule, as amended, stand part of the Bill.”

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 Short Title, Extent and Commencement

Amendment made:

Page 1, line 4, for “2005”, substitute “2006”. (8)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, for “Fifty-sixth”, substitute “Fifty-Seventh”. (7)

(Shri Subodh Kant Sahay)

MR. DEPUTY-SPEAKER: The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill[\[R50\]](#).

MR. DEPUTY-SPEAKER: The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The long Title was added to the Bill.

SHRI SUBODH KANT SAHAY: 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.
