

LOK SABHA
JOINT COMMITTEE
ON THE
PREVENTION OF FOOD ADULTERATION
(AMENDMENT) BILL, 1963

EVIDENCE



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

September, 1964/Bhadra 1886 (Saka)

Price Rs. 3.25

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**JOINT COMMITTEE ON THE PREVENTION OF FOOD ADULTERATION
(AMENDMENT) BILL, 1963**

**Minutes of Evidence given before the Joint Committee on the Prevention
of Food Adulteration (Amendment) Bill, 1963**

Tuesday, the 4th August, 1964 at 13.37 hours.

PRESENT

Dr. Sarojini Mahishi—Chairman

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsna Chanda
5. Shri N. C. Chatterjee
6. H. H. Maharaja Pratap Keshari Deo
7. Shri Shiv Charan Gupta
8. Shri Tulshidas Jadhav
9. Shri Hari Vishnu Kamath
10. Shri C. M. Kedaria
11. Dr. Mahadeva Prasad
12. Shri Yamuna Prasad Mandal
13. Shri Gokulananda Mohanty
14. Dr. C. B. Singh
15. Shri U. M. Trivedi
16. Shrimati V. Vimla Devi
17. Dr. Sushila Nayar.

Rajya Sabha

18. Shrimati C. Ammanna Raja
19. Shri J. C. Chatterjee
20. Shri K. Damodaran
21. Shri S. S. Mariswami
22. Shri Deokinandan Narayan
23. Shri Palat Kunhi Koya
24. Shri Niranjan Singh.

DRAFTSMAN

**Shri S. Harihara Iyer, Deputy Draftsman, Legislative Department,
Ministry of Law.**

REPRESENTATIVES OF THE MINISTRY

1. Shri R. K. Ramadhyani, *Secretary, Ministry of Health.*
2. Shri Gian Prakash, *Joint Secretary, Ministry of Health.*
3. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
4. Dr. Y. K. Subrahmanyam, *A.D.G. (P.H.), Ministry of Health.*
5. Shri Amar Nath Varma, *Under Secretary, Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

WITNESSES EXAMINED

I. *All India Hotels-Halwais Federation, Delhi.*

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9. Shri S. C. Das
10. Shri Bhai Lal Bhai.

II. *The Madras Hotels Association, Madras.*

1. Shri Basantlal Gupta
2. Shri K. A. Subramanian.

III. *Delhi Canners Co-operative Industrial Estate Ltd., New Delhi.*

1. Shri Y. K. Kapoor
2. Shri Lakshmi Narain
3. Shri J. C. Jindal
4. Shri V. N. Kaura.

IV. *U.P. Sanitary Inspectors' Association, Agra.*

1. Shri J. N. Arora
2. Shri K. C. Saxsena
3. Shri U. S. Kulshreshtha.

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1. Shri R. S. Batalia
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10. Shri Bhai Lal Bhai.

II. *The Madras Hotels Association, Madras.**Spokesmen:*

1. Shri Basantlal Gupta
2. Shri K. A. Subramanian.

(Witnesses were called in and they took their seats)

Chairman: The memoranda submitted by you have been circulated to all the hon. Members. If you want to stress any particular point or add any new points, you may do so. The evidence given by you will be treated as public unless you specifically want that the whole or any part of it should be confidential. Even then it will be circulated to all the hon. Members. If you wish to suggest any amendments, you can do so.

Shri Basantlal Gupta: I am from the distant Madras and I am here not to tell you that we are against the prevention of food adulteration. We are one with the Government in that desire to see that there is no adulteration in food. What we are worried about is how far we as hoteliers or as sellers of food are made responsible for adulteration if it is detected to be there. We have been purchasing our things just like any other householder from the market. We have no means to find out adulteration or not. Take for instance rice or oil or ghee or milk; we buy just as any other householder does. The only difference is that we are bulk consumers. We have no means to find out whether the things that we purchase in bulk are not adulterated or do not come up to the standards prescribed by Government.

If there is any adulteration, where should it be stopped? My suggestion is that it has got to be stopped at the manufacturing stage itself. Take the supply of milk. Our experience is that even a Government colony at Madhayaram which is one of the milk colonies started by Government, has not been able to supply milk of the requisite quality.

Shri Hari Vishnu Kamath: Even the hon. Minister had an unpleasant experience yesterday.

Shri Basantlal Gupta: I was coming to that. There was a fly inside that milk bottle, supplied by Government.

Shri Hari Vishnu Kamath: The Committee has begun its work well.

Shri Basantlal Gupta: Firstly, with regard to representation of the trade on the committee set up to draw standards that is the first point which I wish to discuss. I would very much wish that trade should be given due representation so that they may put forth their difficulties: let it not be purely an official committee or a non-official committee.

Dr. Sushila Nayar: It is neither; it is a committee of experts.

Shri Basantlal Gupta: We have to put forth our views and tell them what standards are possible and what standards should be prescribed.

Dr. Sushila Nayar: Are we to be guided by persons who are only interested in selling their goods? Besides, I find that there are two representatives of industry and commerce nominated by the Central Government so that there is representation.

Shri Basantlal Gupta: I submit that the representation may be enlarged.

Shri N. C. Chatterjee: You want representation for your federation?

Shri Basantlal Gupta: Yes. There are many federations. As far as South is concerned, we have got one body called the Madras provincial hoteliers' association and I can speak as far as Madras State is concerned. About other States, there are other friends who will deal with it. So far as Madras is concerned, there is only one federation. I am speaking for Madras State. There are two associations—the Madras Hotels Association and the Madras Provincial Hotels' Association to which the various associations in the State are affiliated.

Shri U. M. Trivedi: You want representation for Madras State or for the hoteliers all over India?

Shri Basantlal Gupta: My view is my State should have a representation on the central committee.

My next point is about the powers which the inspectors are invested with. The Bill says "where they may have reason to believe that a particular article of food is adulterated..." That is really investing the inspectors with very wide powers. Considering the fact that the penalties imposed under the Act are very severe, we have to be cautious.

Dr. Sushila Nayar: The punishment comes only if the guilt is proved; not on catching the specimen.

Shri Basantlal Gupta: I say that the power to seize should be restricted. It should not be left to his discretion. He should be told under what conditions and circumstances he can seize an article of food.

Shri N. C. Chatterjee: Can you tell us what should be the conditions?

Shri Basantlal Gupta: He should state in writing what makes him seize the article. It is not enough for him to say "I have reason to believe that it is adulterated".

Shri Hari Vishnu Kamath: You want to safeguard against *mala fide* seizure?

Shri Basantlal Gupta: Yes, because he can seize the entire lot. He has got very wide powers now.

Chairman: Under the Act, if an inspector seizes an article without any reason, then he is also subjected to some penalty.

Shri Basantlal Gupta: He may be penalised later for misusing his powers, but the dealer is put to a terrible loss. There is no security for him.

Regarding witnesses, it should not be left to the discretion of the inspector to produce any witness he pleases. There should be two respectable independent witnesses from the locality.

Dr. Sushila Nayar: Then he cannot function at all. There is a proposal

to do away with the witnesses because witnesses are very reluctant to come and give evidence. When the sample is taken, there are three portions. One is left with you and the other two portions are taken away. It is all sealed and you can make your own mark on the seal. So, where is the need for witnesses? This is a question to be considered.

Shri Basantlal Gupta: Efforts should be made to stop adulteration at the very source. For example, in regard to milk, there is no method to find out whether the milk is added with water. We do not have any means of finding out what type of milk we are getting. Even the milk from Government projects and co-operative societies is found to be adulterated. Recently in Maras there was a cooperative society which was prosecuted for adulterating milk.

Dr. Sushila Nayar: Since you are a bulk consumer, if you keep a lactometer in your hotel, at least water can be detected.

Shri Basantlal Gupta: I am sorry to say that lactometer test is no test at all.

Dr. C. B. Singh: Lactometer testing is a very quick way of finding out if water has been added to milk. It will give you the density of the milk at once. Detailed analysis can be done in the laboratory. But in a majority of cases, they just add water and that can be detected by the lactometer. How do you say it is useless?

Shri Basantlal Gupta: If the hon. Members are satisfied that the lactometer test is perfect...

Dr. Sushila Nayar: That is not the question; but it is sufficient for your purpose to find out whether you are getting milk adulterated with water. It is for your own protection.

Shri Basantlal Gupta: We are here only to put forward our case for our own protection. Apart from joining with other consumers in the demand

that food should not be adulterated, our anxiety now is also to protect ourselves against anything which we do not commit.

Chairman: Your point is that adulteration of milk should be stopped at source.

Shri Basantlal Gupta: Yes.

Dr. Sushila Nayar: If it is prevented at the source, what is the remedy that you have if your servants adulterate it?

Shri Basantlal Gupta: When I purchase I must at least be sure of what I am purchasing. If my servant adds water to it, at least I can try to fit the guilt on somebody but here is a case where I have absolutely no means to find out the content of water in the milk.

Shri N. C. Chatterjee: Is it your point that if you get absolutely genuine stuff at the origin then you are prepared to undertake the responsibility?

Shri Basantlal Gupta: Definitely we will and we should. We cannot shirk it then.

Dr. Sushila Nayar: What prevents one from going and buying cheaper stuff which may not be of a good quality. The people who sell say, "If the consumer wants to pay less and get inferior quality goods, what can we do?"

Shri Basantlal Gupta: We are in a vicious circle, but nothing prevents the vendor to say to the consumer, "I am giving you the genuine stuff and this is my price for it". The customer can take it or leave it. But, unfortunately, it is not so.

Dr. Sushila Nayar: Some of them are doing it.

Shri Basantlal Gupta: For people who are purchasing in bulk it is really very difficult to purchase the genuine

stuff. As I have told you even the samples of milk of the co-operative society were found to be adulterated. Even the milk supplied by Government projects has been found to be tampered with. I happen to be on the advisory committee of the Madhavaram milk project and I know that every day we get complaints from consumers of filled bottles being tampered with. So, it cannot be said that we are prepared to pay for the genuine stuff.

Dr. Sushila Nayar: This is a vicious circle, as you say. You say that you cannot get genuine stuff; the man who sells says that if the customers are not prepared to pay the price what can they do. So, we can go on shifting the responsibility all along the line.

Shri Basantlal Gupta: What I have been trying to stress before the Committee is that it is a practical difficulty. It is not as if we are not anxious to do what is expected of us. We are anxious to do our utmost. I may tell you that we take guarantees in respect of the ghee that we buy.

Dr. Sushila Nayar: Very good; you can take the guarantee always.

Shri Basantlal Gupta: What happens if after taking the guarantee when I open the tin, serve the preparation to my customers and a sample is taken which is found to be prepared from adulterated ghee?

Dr. Sushila Nayar: You can catch the man from whom you got it.

Shri Basantlal Gupta: Unfortunately, I cannot do that.

Dr. Sushila Nayar: I think, the law provides that if the guarantee is there and if an unsealed tin is there, he cannot be held responsible.

Shri Basantlal Gupta: Even when a guarantee is given by the supplier

things are found to be adulterated when a sample is taken. Even when samples are taken from tins with agmark seal, they are found to be adulterated.

Chairman: When you know the name of the party and when you have got the guarantee, why can you not file a suit for damages under the law of contracts?

Shri Basantlal Gupta: Firstly, it is the question of satisfying the law. How far as suit for damages will be maintained is another matter, but I am being prosecuted and my liberty is in danger.

Dr. Sushila Nayar: I think, it is there that if you have got, say, two or three tins which are sealed on taking the sample from the unopened tin the same adulteration is found as in the opened tin, the responsibility will shift from you.

Shri U. M. Trivedi: But will it be allowed in law?

Dr. Sushila Nayar: That is one of the amendments that is being proposed.

Shri N. C. Chatterjee: That should be provided; otherwise, it will be unfair because you will not be punishing the real criminal. But suppose the stuff is tested and certified at the source and then it is passed on to you, are you prepared to undertake the responsibility and suffer the consequences of law?

Shri Basantlal Gupta: Yes; we should and we will because we cannot say that we do not know what kind of stuff was given to us if the stuff is tested and certified at the source and is then given to us.

An Hon. Member: What is the remedy that you suggest?

Shri Basantlal Gupta: All these things should be tested at the source. If it is checked 50 per cent of the adulteration will disappear. I will say it will be even more. Mere deterrent

punishment is not going to set things right. You may say, I am an interested person and I want to escape and that is why I am saying, don't impose deterrent punishment.

Shri U. M. Trivedi: Do you mean to say that every item of food must be supplied only by the Government?

Shri Basantlal Gupta: I don't mean that. Take rice which is an item of food, on which we depend and we clamour for it. We still continue to take rice. I purchase rice from market. However much I try to separate the stone from it, it is not possible to separate stones from rice.

Dr. Sushila Nayar: Some brother of yours has set up a factory to make the stones.

Shri Basantlal Gupta: My suggestion is this. Even if he is my brother, hang him. That is my suggestion.

Dr. Sushila Nayar: When you purchase for hundred people or 500 people or 1000 people, it is your duty to test the rice before you purchase and see that you are not buying it with stones.

Shri Basantlal Gupta: It has been said that somebody in the trade would be preparing the stones. Why can't we sack those people. It will be a lesson for all others. They will stop doing this.

Dr. Sushila Nayar: If you lead us to them certainly we will do it.

Shri Basantlal Gupta: Even a man with ordinary diligence and ordinary care and even special care could not find out whether something is adulterated or not. Even with diligence and special care one cannot find it out.

Dr. Sushila Nayar: For an average consumer it is not possible. But for a large scale consumer like you it should be possible to find out. You can keep a small laboratory if necessary. You can have a consumer co-operative from which you can buy-

There has been a feeling which is expressed on behalf of all consumers. Now, in, the hotels you might be aware of a system whereby the vegetables and things left over are made into cutlets and served at the next meal. Sometimes it is very bad and people can get sick. So, unless and until there is this thing and this determination on the part of the trade to be fair to the consumer, I do not see what can be done. Our lawyer friends will be able to say more.

Shri U. M. Trivedi: That is not called adulteration.

Shri Basant Lal Gupta: I don't hold brief for those who are guilty of such offences as serving left overs at the next meal or the next day. I do not hold any brief for them. If they do it certainly they are not playing fair game.

Shri N. C. Chatterjee: What is your practical suggestion?

Shri Basant Lal Gupta: You have to find out all those factories in which such stones are manufactured which is being mixed with rice. Let everybody see who is doing what. What I say is this. I am not doing any act for which you are punishing me.

Shri U. M. Trivedi: You can say don't catch hold of me. But can you trace the origin of it? Then we can catch hold of the man who is the real culprit.

Shri Basant Lal Gupta: It is not possible for us to find out whether a particular stuff is genuine or not.

An Hon. Member: Is it not possible to find out with the particular machine whether the milk is pure or not?

Shri Basant Lal Gupta: When you make a law it is applicable not only to hotels, but to halwais carrying on small milk shops and those working in panchayats and municipalities and numerous towns and villages. How far that man can afford a test of that

type is the question. You know how milk is collected even in big hotels. All these vendors having 10 or 15 cattle bring the milk to the hotel. That milk is measured. If early morning at 5 o'clock the first supply of milk does not come, our customers would not get their first coffee.

Shri Shiv Charan Gupta: I was trying to differentiate between impossibility and reasonable care.

Shri Basant Lal Gupta: If it is not reasonable, it will become an impossibility.

Dr. Sushila Nayar: This machine costs only Rs. 300 or so. If you can get this done once or twice at any time convenient to you and the seller, it will be good. For once if the vendor knows that he will lose his business if he supplies bad stuff, he would not do so again.

Dr. Mahadeva Prasad: Supposing as you suggest we check the adulteration at the source, how do you guarantee that adulteration may not take place at the next stage?

Shri Basant Lal Gupta: It is very grave risk we are undertaking in such a case. Even after checking in the source, it is a very grave responsibility when, particularly these days, nothing could be done at any stage. The relationship between the employer and the employee is not very quite safe. Once a thing is certified that it is genuine, we have got to take the responsibility to see that the stuff is not adulterated at our place.

Chairman: He has already made it clear that adulteration is primarily committed at the source and more than 50 per cent responsibility will lie with the suppliers of raw materials and only minor responsibility with others.

Shri N. C. Chatterjee: Suppose a checking is imposed at the source, if thereafter adulteration is discovered

at your place, will you undertake the responsibility for that?

Shri Basant Lal Gupta: I cannot escape that. I realise the difficulty there too. I am quite sure that the honourable Member who is putting the question is also aware of our difficulty. But I make bold to say that we will have to take up some responsibility or the other. If the stuff that comes to our hand is genuine, we have got to do our utmost to see that when it passes to our customers it is genuine.

Shri Niranjan Singh: Your suggestion is that there should be checking at the source. How can you or anybody interfere and check when someone is preparing ghee? Suppose in a small oil mill, something is mixed with the oil, can you check up that thing? It is not a big mill. It is a small mill in a village.

Shri Basant Lal Gupta: My answer to the question of the honourable Member would be that all those small suppliers should not directly sell anything. They should pool together all the supplies in the village and unless it is certified at that stage, it should not be taken out for sale.

Shri Niranjan Singh: You mean that this should be done by the co-operative society or by some State trading organisation.

Dr. C. B. Singh: The basic problem is that the supply is so little and the demand is so great. Unless you increase the supply, these things will continue. You have not said anything about it. You are wasting your time on matters which we cannot do anything about.

Shri Basant Lal Gupta: I am very sorry that I have been wasting the time of this august Committee. I have come here from 1500 miles away just to place our views before this honourable committee and not to waste the time of the Committee. I

shall only say that I crave the protection of the Chair.

Dr. Sushila Nayar: You need not worry about it. I do not think he oreall meant it.

Shri Basant Lal Gupta: Thank you very much.

Dr. Mahadeva Prasad: Whatever they have stated in their memoranda need not be repeated.

Chairman: I am also requesting him to stress only new points.

Shri Basant Lal Gupta: All adulteration, whether it is injurious to health or not injurious to health and sub-standard article of food are treated on par. Even non-observance of the rules of licence are equally as much an offence as it is for selling adulterated food. As a matter of fact, the conditions of licence are to deal with hygiene, sanitary conditions etc.

Dr. Sushila Nayar: Don't you think that if some of the conditions are not implemented it will kill the people? You know that cholera is going on in some parts of the country and the flies may sit on the uncovered food and people may eat the same. Thus, cholera will spread.

Shri Basant Lal Gupta: It does not demote adulteration.

Dr. Sushila Nayar: Ignorance is no protection against law. Eminent lawyers here will agree with me in this.

Shri Basant Lal Gupta: I hope that the lawyer friends here will help us also. Unless there is criminal intention, a person should not be punished for an act.

Chairman: Intention or otherwise, why should the poor consumer be punished for that?

Shri Basant Lal Gupta: If an offence is committed inadvertently, I don't think anyone should be punished.

Shri N. C. Chatterjee: Do you know that in *mens rea*, that is, intention to kill or to injure is the essence of offence?

Shri Basant Lal Gupta: We realise the difficulties of lawyers. But we are also anxious to follow the law. We are anxious to follow the law and act within the four corners of it. But how far will it be practicable if you start with this suspicion that we are the persons who commit the offence, this and that. We cannot get justice in that case.

Dr. Sushila Nayar: What shall we say then? When a crime is committed, we are anxious to catch the offender. We catch him wherever we find that such a crime is committed. The crime will have to start from the person who is dealing with the incriminating articles. If that person is left out that will lead on to the next man. Then the search for the real culprit can go on which would mean a wild goose chase. You have to suggest something by which we can bring in the culprit to book. Tell us as to how is it possible to do that?

Shri Basant Lal Gupta: We are being asked to do a thing which is impossible for us to do.

Shri U. M. Trivedi: I would respectfully disagree with the contention that this is impossible. Which section are you referring to?

Shri Basant Lal Gupta: I am referring to rules 49 and 50 with regard to issue of licences. Rules are already there for this purpose. This is a real occasion for us to bring to the notice of this rulemaking Committee regarding the difficulties experienced in regard to those rules. Most of these conditions are mentioned in the licences granted by the Corporation. I was just saying that you are duplicating the things by putting the condition here and there in the matter of granting of a licence.

Shri U. M. Trivedi: Then what is the objection that you have?

Shri Basant Lal Gupta: As I said, there is not much difference between the rules regarding adulteration of food for which a person is punished and the non-observance of some conditions with regard to the grant of licence.

Shri U. M. Trivedi: As the hon. Minister put it, is it not a duty to prevent cholera, typhoid and other diseases taking place? We gave you the illustration of adulteration of vegetable food being prepared. You felt annoyed at some of the remarks made by an hon. member just now.

Shri Basant Lal Gupta: I never felt annoyed. I am not at all annoyed.

Shri U. M. Trivedi: Do you think that you cannot support the idea of having any control over the cleaning of utensils?

Shri Basant Lal Gupta: You are imposing some penalty due to inadvertence on the part of the employers to follow a particular condition laid down in the licence. You are confusing this point with the active adulteration of food.

Shri N. C. Chatterjee: There are different rules for that. There is a penalty clause. Which particular clause in the Bill are you referring to? What concrete suggestions do you make? We want to understand that.

Shri Basant Lal Gupta: We shall take that up.

Shri Hari Vishnu Kamath: Have you finished with your explanations?

Shri Basant Lal Gupta: At present there is no timelimit in regard to analysing of the food articles or even for filing a chargesheet on the vendor. That is being done after years. There had been occasions when it became impossible to file a chargesheet. The vendor comes to know about this only after a charge sheet is made

against him. Before he could get the analysis of samples this is made against him. He is practically without a defence. So, your suggestion is that the analysis should be done immediately.

Dr. Sushila Nayar: That has been stated.

Shri Basant Lal Gupta: There should be some time limit and the vendors should be furnished with a copy of the results of the analysis done immediately.

Shri Shiv Charan Gupta: How much time is taken by the Madras Corporation in declaring results of chemical examination?

Shri Basantlal Gupta: They take a lot of time—it goes upto two months. Sometimes charge sheet is made earlier. He comes to know of the results of the chemical examination only after the charge sheet is filed against him. There are two stages involved—one is the declaration of the results of the analysis and the other stage is that if the samples are found to be adulterated then they are prosecuted. They are informed that they are being prosecuted. I only want that they should be given time by the Corporation to explain before they are prosecuted.

Shri Shiv Charan Gupta: You say that the Corporation takes away samples of milk etc., from your hotels and they take a long time in declaring the results of the analysis.

Shri Basantlal Gupta: As things stand at present, they are not communicating the results of the analysis to the vendor or the hotelier. If anything is found adulterated, the vendor is always asked to appear before them. He does not know as to what has happened to the results of the analysis. As least they should put them at the notice board of the Corporation..

Shri Shiv Charan Gupta: Even if they put it up in the notice board, how could it be helpful to the vendor?

Shri Basantlal Gupta: I think it is but fair that the sample taken for analysis should be analysed at the earliest possible time and the results should be communicated to the vendor immediately. If it is found adulterated, then a charge sheet should be filed within a reasonable time.

Shri Hari Vishnu Kamath: Government will try to expedite that job.

Shri Basantlal Gupta: Regarding samples that are taken, instead of three there should be four—one may be left with the vendors so that he can utilise that for testing that in the laboratory of his choice; he can get it analysed there and know as to what the result is instead of waiting for months together. First sample is taken away by the Food Inspector; he gets that tested in the laboratory immediately. I think there should be no difficulty in allowing one sample being tested by the vendor in the laboratory of his choice.

An Hon. Member: After all, the number of laboratories with whom we can depend is limited and the man concerned will be at liberty to get it tested in a laboratory of his choice.

Dr. Shushila Nayar: Would it not be better for the vendors to get them analysed at the time of purchase of the articles so that they can ensure that there is safety. When you make a bulk purchase all that you are supposed to do is that you take that much precaution to have it analysed before it comes to you so that you are safe.

Shri Basantlal Gupta: What I wish only to impress on the hon. Minister is the practical way in which our purchases are made. As I said, particularly take, for instance, day-to-day purchases like milk.

Dr. Sushila Nayar: Why do you talk of milk? Even in regard to

milk, that is possible. It may not be possible to do it every morning. But if you do it once in a while and have a random check, you can do it. Suppose vendor 'A' gives you adulterated milk and vendor 'B' gives you good milk. You can ask vendor 'A' not to give you milk. After all, you are a bulk purchaser. You are purchasing a large quantity. That can put a check on him. What I wish to say is that you can do a tremendous amount of checking adulteration by refusing to buy from a person who sells adulterated goods to you. Each man must do his job. Each man must not try to pass on the buck on somebody else.

Shri N. C. Chatterjee: Now-a-days there is no system of checking. Whenever you make a bulk purchase, you take it on trust. Is it not so?

Shri Basantlal Gupta: We take it to a large extent on trust. As far as South is concerned, we impose a condition of the quantum of Khoya that comes out of milk. In south we measure milk by measures. Supposing a person brings ten measures of milk, we take aside a quarter of that and prepare khoya in his presence and on the basis of the khoya it yields, the money is paid to him.

Dr. Sushila Nayar: There may be starch in it; there may be singhara in it.

Shri Basantlal Gupta: That is what has been followed from time immemorial.

Shri Deokinandan Narayan: Why does not your association take the responsibility of making purchases for all and then have it distributed?

Shri Basantlal Gupta: Would you realise the purchase of these articles, at what time they are purchased and distributed? As I told you, if I have got half a dozen concerns in the city, it is not possible.

Dr. Sushila Nayar: What the hon. Member is suggesting is not unrealistic. During the War it started here

in India that in smaller hospitals and district hospitals the medicines supplied were of low quality, adulterated and so on. So, an organisation was set up for making bulk purchases, for testing them in the laboratories and supplying them to all the places. It became so popular during the War that that organisation is continuing even today. Unfortunately, it has not extended sufficiently to cover all the hospitals but it is covering more than half the hospitals in the country in supplying the quality drugs. Similarly, here also it could be done. We are all agreed and you have also agreed that the evil of adulteration must be checked. Then, everybody has to play the role, particularly the hoteliers trade. They can, as the hon. Member suggested, set up some agency, a cooperative society or whatever you like and supply most of the things. After all, don't we make purchases from some of these places? Similarly, you can do it here also.

Shri Basantlal Gupta: All those things are not perishable.

Dr. Sushila Nayar: There are some articles which are not perishable. But the point is this. We should not catch you with adulterated stuff. We should go in search of a man who has prepared the adulterated stuff and sold it to you. You say, "I have purchased it from 'X'." Then, we go to 'X'. And then 'X' says, "I have purchased it from 'Y'." Then, we go to 'Y'. That kind of a thing can be done. But if they leave you out of the picture completely and put no responsibility on you, then nothing can be done.

Shri Basantlal Gupta: If I obtain a guarantee of the purity, that is not considered enough under the law. It goes further to prove that the diet has not undergone any change.

Dr. Sushila Nayar: We are proposing here a complete warranty clause. You can take warranty but you have to be responsible to see that after the stuff has come in your possession it

has not been adulterated with anything or it has not been tempered with. That is obvious. Without that, how can you proceed any further?

Shri Basantlal Gupta: Having taken a guarantee, and if my guarantee is sufficient, I am able to prove by reasonable evidence that I have not done anything to the article that I have purchased.

Shri N. C. Chatterjee: After you get an article under guarantee and it comes into your possession, you must undertake the responsibility after suffering the consequences, whether you do it or your servant does it or your cook does it, that is a different matter.

Chairman: He has made it clear. Only a minor portion of responsibility lies thereafter.

Shri Basantlal Gupta: I thank the Chair and the hon. Members of the Committee . . .

Shri Hari Vishnu Kamath: Not so soon we have to put some questions.

Shri Basantlal Gupta: Mr. Vyas is also going to deal with the question.

Chairman: We can ask the questions later. Both of them can answer.

Shri Basantlal Gupta: I thank you for the opportunity that has been given to us.

Shri Hari Vishnu Kamath: Then he need not thank us so soon.

Shri M. H. Vyas: I am the honorary General Secretary of the All-India Hotels and Halwais Federation, Delhi. We have got another central office at Bombay. We are representing 11 States.

Dr. Sushila Nayar: You do not represent Madras.

Shri M. H. Vyas: We do not represent Madras, Orissa, Assam and Kerala.

We represent Maharashtra, Gujarat, Andhra and all the rest.

Shri Hari Vishnu Kamath: You are the Hony. Secretary and by profession an advocate?

Shri M. H. Vyas: Yes. I am very thankful to the hon. Chairman and the hon. Members of the Committee for giving me this opportunity and to my organisation to be present before your goodself to put forth our case. We have submitted the Memorandum to you.

Now, at the very outset, I want to stress the point as to what is the part that the hotel owners and halwais play. Just as the house holder is there, in the same way the hotels owners and halwais are there who are not only in the big cities but they are also in the remote villages. They are doing useful social service inasmuch as they provide food and all other amenities to the people who are homeless or those who for some reason or the other have to go out of place for some work or some other reason. They are provided all the amenities which they ordinarily get at their homes. Therefore, for practical purposes, these are the homes, say, common homes for such people on a bigger scale. We are also purchasing all these articles from the market just as a house-holder does it. Now, Just as a house-holder makes a mistake or there is a mistake in judgment whether a particular article is adulterated or not—there are certain articles about which it is not possible for a man to find out at sight whether the article is adulterated or not—in the same way it is not possible for the hotel owner or a halwai, while making purchases, to find out whether the article is adulterated or not.

Now I want to stress one point which has already been touched upon by my friend Shri Gupta. When essential commodities like wheat or atta, basin, grams or sugar are purchased there should be a check at

that point and it should be made obligatory that they should be packed in certain sealed containers or bags and it should be certified that they contain pure and unadulterated articles. Thereby when we purchase we make sure that this article is unadulterated and pure. Thereafter, if it is found that it is adulterated, then we are prepared to undertake the responsibility and serious punishment may be given to the culprits.

Shri Hari Vishnu Kamath: Hanging?

Shri M. H. Vyas: Not to that extent but any serious punishment.

Shri Hari Vishnu Kamath: Flogging—public flogging?

Shri M. H. Vyas: Whatever punishment provided in the Bill.

Chairman: There is a lot of difference between a housewife purchasing things for their domestic purpose and a hotel owner purchasing things from the commercial and profit point of view. Anyway, I would like you not to repeat the points covered by Shri Gupta.

Shri M. H. Vyas: What I was saying was that we are prepared to undertake this much responsibility, for the articles after they come in our possession. When we have no means of finding out the genuine nature of articles how can we be held responsible? Simply because our shops are situated at wantage points and it is easy for any inspector to step in and take a sample from our shops, we should not be held guilty. The people who have sold the bad stuff may be living in some corner hiding themselves from these inspectors. They usually take every precaution to cover their articles and make them appear as if they are not adulterated. They will go scot free whereas we will be held responsible. This is not fair because our guilt is only a failure of judgment. If my sugges-

tion is accepted 80 or 90 per cent of adulteration can be stopped.

Dr. Sushila Nayar: This is just like a lawyer saying, after setting up this shop, "I did not get the genuine law books" or "in the book I read had a wrong quotation". Will any court accept it? If I set up a shop, it is my duty to find the tools to run the shop somehow.

Shri M. H. Vyas: I am thankful to the hon. Minister. But that is hypothetical. As regards the book, it is easy for any literate man to find out whether the book is really the one that one wants.

Now I have with me some samples which, with the permission of the Chairman, I would like to show to the Committee.

Dr. Sushila Nayar: As organised hoteliers you can very well have a small laboratory for testing purposes. You can very well have some co-operative method by which you can supply various goods to your association members. You are in a pre-eminently fortunate position to do all these and as a matter of fact you should do it. There are consumers associations in every place and they are really the bulwark against adulteration in some of the western countries. Such associations can derive the greatest strength from a group like yours. You should take a lead to form consumers associations and bring the guilty people on the right path.

Shri M. H. Vyas: I am grateful to the hon. Minister and I appreciate what you said.

Shri U. M. Trivedi: Is there any provision in the law whereby you can prosecute anybody on the basis of a private complaint?

Dr. Sushila Nayar: I was not saying that. You did not follow me. I have not said anything about prosecution. By refusing to buy from people who sell adulterated and inferior stuff you can either force them

to go out of trade or to sell better stuff. It is the consumers' privilege to buy or not to buy from X, Y or Z.

Shri M. H. Vyas: We are backward and disorganised and therefore it is very difficult to undertake that work. But we will certainly take up that suggestion and we will move in that direction. We do not want to shirk the responsibility on others. But Government also should help us by providing essential commodities and other things that we require . . .

Dr. Sushila Nayar: Do you want Government to take up all trading activities? That is done only in a totalitarian State. I certainly do not want a totalitarian State. I do not think you want it either.

Shri M. H. Vyas: We do not want that. But to start with, supply of milk or other products can be taken up by Government.

Shri Deokinandan Narayan: Instead of asking Government to undertake it, why not your Association start it?

Shri M. H. Vyas: We will do it certainly. We will make efforts in that direction and I can assure the Committee that we will gradually do it . . .

Dr. C. B. Singh: There is a firm called Express Dairy which makes arrangements for the supply of pure milk. When you say that Government should do it, I ask you, why not your organisation do it?

Shri M. H. Vyas: The hon. Member is correct. But this cannot be done all on a sudden. For that an organisation is necessary; capital is required.

Dr. Sushila Nayar: You start in the form of a co-operative. You can get loans from the Government. So many consumers co-operatives are there.

Shri M. H. Vyas: Efforts will be made by us certainly in that direc-

tion. The main issue is different. The intention of Government and everybody is to stop adulteration. Why not say that every tin should have a label outside it showing that it contains the required percentage of various things and that unless it is done it cannot be sold in the open market?

Dr. Sushila Nayar: That is the meaning of laying down standards. But standards have been laid down. To ask the Government that they should see that every commodity that is sold in the market conforms to the standards prescribed is a very tall order. That I have told you, why it cannot be done.

Shri M. H. Vyas: I would respectfully submit that though it is difficult, the problem before us is equally difficult. If we want to tackle that problem we shall have to take steps.

Shri Hari Vishnu Kamath: What is it that is being exhibited? I see some bottle.

Shri M. H. Vyas: With the permission of the Chairman I wanted to produce certain samples.

Shri Hari Vishnu Kamath: Is it adulterated?

Shri M. H. Vyas: Here are the samples. I want to ask whether it is possible for an average man to find out what it contains. Here I have got samples of pure milk, cow's milk and buffalo's milk, and a samples of adulterated milk.

Shrimati C. Ammanna Raja: It is not just on one day that you buy milk. If it is bad on one day, after using it at least you would know, not by sight. That is what the housewives do. We reject when we know it is unclean or adulterated stuff.

Dr. Sushila Nayar: You are interested in the life of your children and family and you are interested in giving them the best possible stuff. If that same spirit pervades in the trade, all our problems will be solved.

Shri M. H. Vyas: I submit we are certainly interested. Because, if we are serving wholesome, pure and unadulterated stuff we can certainly attract more customers. But once people go to a place for their meal or lunch and find that the stuff served is not palatable or is not pure, they will certainly not go there the next time.

श्री तुलशी दास जाधव : आपने एसोसिएशन बना रखी है और उसकी तरफ से आप अपनी बात तथा आपके जो सदस्य हैं उनकी बात यहाँ रखने आये हैं। आप अपने मॅम्बरज के प्रोटैक्शन के लिए यहाँ आये हैं। मैं जानना चाहता हूँ कि जो एसोसिएशन की ड्यूटी है क्या आप उसको निभाते हैं।

श्री एम० एच० व्यास : जो हाँ।

श्री तुलशी दास जाधव : जो लोग अपनी शापस पर या अपने मकानों पर एडलट्रेशन करते हैं, उनकी रिसर्पसिबलिटी लेने आप यहाँ आये हैं। अगर कोई गलत रास्ते पर जाता है तो उसको सही रास्ता बतलाना भी क्या आपका काम नहीं है। अभी आनरेबल मिनिस्टर ने एक चीज आपको कही है। आप एक जगह पर सभी के वास्ते एक चीज लें और उसको अपने मॅम्बरज को दें तो कुछ खराब बात नहीं होगी, तब आप यह नहीं कह सकेंगे कि आपको भिलावटो चीज दो गई है। आपकी और हमारी दोनों की इंटेंशन यह है कि हमें मिल कर कुछ काम करें जिससे एडलट्रेशन न हो। आपका एसोसिएशन मॅम्बरज के लिए चीजें ले लिया करें और फिर उनको दे दिया करें तो अच्छा होगा। आप कहते हैं कि ओरिजन जहाँ होता है वहाँ चैक लगना चाहिये। एसोसिएशन की तरफ से या उसके मॅम्बरों की तरफ से जितनी कठिनाइयाँ पैदा होती हैं गवर्नमेंट को, उनको सुलझाने की आप कोशिश करें।

Shri M. H. Vyas: My respectful submission was that when it is not possible for the Government, then certainly for a small organisation like hotels it is very difficult to undertake this work. But I do not want to shirk the responsibility by merely saying that it is not possible. I assure you and assure all the Members of the Committee, as I have done, that we will certainly do our best. But my own suggestion is that there should be some certified shops which may be licensed by the Government that 'here is a shop where all unadulterated things are available'.

Dr. Sushila Nayar: How is that possible? Tomorrow some nephew or son of that person comes and begins to adulterate. That certificate of the Government, will it be lasting? Can you take for granted, if a man has once been good, that all the people working with him will be honest and will supply good stuff? You don't need a certificate from Government if your stuff is good. I have told other people and I am going to tell you also about this Patnakariana stores, where the man came as a refugee with his wife and three or four daughters. He was determined to give good stuff. His wife and daughters, they sat and cleaned the rice and masala and various things and made little packets of a pound or 2 lbs. or 5 lbs., whatever it is, and from a small thing the man has got in ten or fifteen years a chain of stores. People will any day go and buy from you if they know it is pure stuff. You don't need a certificate from Government if you are genuine and honest.

Shri M. H. Vyas: My suggestion is also the same....

Dr. Sushila Nayar: It is not possible for the Government to certify, because today the certificate may be

true but tomorrow it may not be true. The consumers' certificate is the true certificate.

Chairman: And Mr. Vyas was under a wrong impression, because he was saying that if Government is not able to do this, how can you expect a small federation to do this. That is what he said.

Shri M. H. Vyas: What I meant was, if it is not possible to check it at the place when it is manufactured, at the bottom, then after it comes into our hands it is very difficult to find out. If I have said anything wrong I am sorry, because I did not mean otherwise.

Chairman: Well, you have made yourself clear on this point. I hope you will now go to the next point.

Shri M. H. Vyas: I will not take much time. I will stress the point about inclusion of the representatives of hotels and halwais on the Central Committee for Food Standards, in order that the people who have got experience of the trade can give their practical suggestions.

Dr. Sushila Nayar: In laying the standards? How can you give any suggestion on that?

Shri M. H. Vyas: Standards also vary from place to place.

Shri U. M. Trivedi: Is it your suggestion that the standards laid down by the Government are not proper or are inappropriate or they require modification?

Shri M. H. Vyas: My submission that it requires modification in certain cases.

Shri U. M. Trivedi: Will you please give an example?

Shri M. H. Vyas: For instance, there is *koya* from goat milk, from cow milk and from buffalo milk. The standards would differ.

Dr. Sushila Nayar: I am unable to understand why the standard of *koya* from buffalo's milk should be different from that of the cow's milk.

Besides, where there are these variations, the standards prescribed will themselves give a range from so much to so much or they use the minimum after taking thousands of samples. Standards are not fixed in an arbitrary manner. I may also tell you that in view of the different climatic conditions, there are variations. The ghee standard in Gujarat will vary from that of Punjab. The standards are being worked by analysts who are people completely disinterested in any way. They take a large number of samples; and they take the common denominator or they give a range. Besides, anybody is free to point out anything which may be incorrect in respect of any standard and the standards committee keeps on reviewing these standards.

Shri M. H. Vyas: I come to clause 16 which prescribes the same punishment for all kinds of offences. Whether it is intentional adulteration or whether the article injures the health or does not injure health, whether it is sub-standard all these are put in the same category. It is not possible for an average man to detect whether the fat content is 6 or 5.75 but he becomes liable for the same punishment under this clause. Certain standards have been laid down for cleanliness by local municipalities and penalties have also been prescribed. For instance, there are some rules in Maharashtra State. If one receptacle is left uncovered and if an inspector finds it, though the food therein was not meant to be served for the customer, he is liable for punishment. The word of the inspector is sufficient to get him a punishment of six months.

Dr. Sushila Nayar: I find it very difficult to believe that a court will give this six months punishment if the inspector just says that he found a receptacle opened.

Shri M. H. Vyas: Clause 16 (1) (a) says:

"If any person either by himself or by or through any person on his behalf imports into India or manufacture for sale or store, sells or distributes any article of food in contravention of any provision of this Act or of any rule made thereunder....".

Shri U. M. Trivedi: You are referring to clause 7 in page 3 of the Bill. You are taking exception to the provision there which says: "in contravention of any provision of this Act or of any rule made thereunder". Is that your objection?

Dr. Sushila Nayar: Under clause 7 of the Bill, penalties are divided into (a) and (b). For offences which I was reading just now, i.e., offences with respect to clauses (a), (b), (c) or (d), imprisonment for a term which shall not be less than six months is prescribed. In other cases, the punishment is for a term which may extend to two years and with fine.

Shri N. C. Chatterjee: They are objecting to imprisonment for all offences, even though it may be a technical violation.

Shri M. H. Vyas: That is our point.

Dr. Sushila Nayar: For the other offences, there is no minimum punishment. The punishment may be only a fine of Rs. 5 or Rs. 10. Only for serious offences, minimum punishment is prescribed.

Shri M. H. Vyas: In the proposed amendment, there is nothing like that. The court may say that its hands are tied.

Dr. Sushila Nayar: We will bear this in mind.

Shri A. B. L. Bhargava: I have here a latest news about adulteration of *gur* with soap-stone powder. This news is dated 30th July from Jaipur. It says that *lathi* which is not fit for human consumption was mixed with soap-stone powder and sold as *gur* in

the market. So, my point is that if such an article is found in a hotel or *halwai* and if it is found that such adulteration could not have been done by the hotel keeper, it is the duty of the State to find out the real culprit.

Shri U. M. Trivedi: Your point is that defence must be available to the man that he could not have manufactured it and it was done by somebody else.

Shri A. B. L. Bhargava: Yes; he must be given a reasonable opportunity to prove his innocence. As in the case of the *gur* which I just mentioned, if he proves that such raw material was purchased by him from such and such place, it is the duty of the State in the interests of justice to catch hold of the culprit. If it is milk, they may say that it might have been adulterated in our place.

Chairman: Please see clause 8 which seeks to amend section 19:

"(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves" etc.

So, adequate defence is there.

Shri A. B. L. Bhargava: We want that in section 16, the word "knowingly" should be added after the words "by himself or by any person on his behalf".

Shri U. M. Trivedi: You want that *mens rea* must be there.

Shri A. B. L. Bhargava: Yes.

Dr. Sushila Nayar: Then I am afraid you would not be able to catch anybody.

Chairman: Adequate defence is already there in page 4, clause 8 which I have just read out.

Shri A. B. L. Bhargava: You have given him the defence but how to prove it?

Chairman: This is the only point that you wanted to cover.

Shri A. B. L. Bhargava: No. Another point is about the representation. I submit that one representative from the all-India body will suffice on the central committee. I hope, Shri Gupta will also agree with me.

Then, the hon. Member there raised the question as to how that person can guide. Now, the samples that are being taken are not of raw things but of cooked material. Unless and until the persons fixing the standards know that it has already gone through some process which can bring chemical as well as physical change in it as also the standards of that thing, to apply to the cooked material the standards fixed for the raw material will not be justified.

As regards the necessity for having witnesses, when the punishment is being made more strict, the presence of those witnesses will be helpful to the person from whom the sample has been taken to prove his innocence. If there is no witness, there will only be the offender on the one side and the inspector on the other side.

Dr. Sushila Nayar: The samples will also be there.

Shri A. B. L. Bhargava: In what condition was that sample taken must also come to knowledge.

Dr. Sushila Nayar: That may be written down and the man may sign that it is a correct statement. One copy of it may remain with the man concerned and one copy with the inspector.

Shri Hari Vishnu Kamath: I would like to put a few questions to the three distinguished witnesses. They have tried to throw some light on this very cancerous problem. I hope, all three of you agree that adulteration of food and drink is a wide-spread malady today in India and that the position with regard to this has deteriorated considerably during the last few years.

Shri A. B. L. Bhargava: Yes; we agree.

Shri Hari Vishnu Kamath: Shri Gupta does not agree perhaps.

Shri U. M. Trivedi: He has agreed in the beginning.

Shri Hari Vishnu Kamath: Do you think that there is a curious feeling abroad that it does not matter whether you adulterate food and drink and also practise some other vices so long as you can get rich quick.

Shri Bansantlal Gupta: I beg to differ. There may be some who are anxious to make quick money but there are hundreds and thousands who are anxious to serve the people at least in the matter of food. I can assure you that we are as anxious as any consumer or anybody else.

Dr. Sushila Nayar: Is it the desire to get rich quickly that makes people adulterate?

Shri Basantlal Gupta: There can be many other reasons also.

Shri Hari Vishnu Kamath: I did not refer to anyone of you. But is there a feeling that all is well so long as one gets rich quick and it does not matter as to what happens to other people?

Dr. Sushila Nayar: Could you give us a few?

Shri Basantlal Gupta: Yes. As one of the hon. Members here suggested, the question of supply and demand is the main factor. If there is plenty of supply and less of demand, there cannot be any question of any adulteration at all.

Dr. Sushila Nayar: So, instead of saying to your customer that you do not have it, you think that more people are wanting it and you can make more of it by adding rubbish to it. Ultimately, it is the profit motive and nothing else.

Shri M. H. Vyas: The other reason for this increase in adulteration, according to me, is that there are regular

factories which are doing it. They are not the hotel owners, but there are other people or factories which are indulging in this kind of thing.

Dr. Sushila Nayar: You mean to say that it has become better organised and is going on on a large scale.

Shri Hari Vishnu Kamath: Do you agree that mainly the profit motive or the desire to get rich quick is the main factor, if not the only factor? Is that right?

Shri M. H. Vyas: Yes.

Shri Hari Vishnu Kamath: Therefore, you agree that we must save the poor consumer from adulterated food and drink which, perhaps no day passes, when he does not intake or imbibe and we must save the poor consumer from this kind of slow, cumulative poisoning. With that also you agree, I hope?

Shri M. H. Vyas: Including the hotel-owners and halwais who are the bulk consumers and who are also the victims.

Shri Hari Vishnu Kamath: Yes, all consumers. Do you recall that the hon. Minister's predecessor, Shri Karmarkar, when he was the Minister in the last Parliament once described these adulterators of food and drink as potential murderers who deserved the highest penalty of hanging? Does it ring a bell in your memory?

Shri Basantlal Gupta: I will endorse that.

Shri Hari Vishnu Kamath: So far so good. But just now Shri Vyas said, if I remember aright, that he does not want to recommend the penalty of hanging.

Shri Basantlal Gupta: Flog him in the Chandni Chowk.

Dr. Sushila Nayar: Why only Chandni Chowk?

Shri Basantlal Gupta: It is very near from here. We have the Round Tara on Mount Road.

Shri Hari Vishnu Kamath: Do you think this evil cannot be eradicated because the machinery is inadequate or inefficient? The problem is such that punishment alone cannot root out this evil.

Shri Basantlal Gupta: You catch hold of wrong person. You should catch hold of the man doing adulteration. You simply prescribe a deterrent punishment for anybody and everybody. You do not know who is the adulterator and punishment is given to innocent person.

Shri Hari Vishnu Kamath: Do you think the machinery of Government cannot catch the real culprit? Is it not efficient enough to catch the real culprit? Is that what you want to say?

Shri Basantlal Gupta: I would not like to lay the blame on the Government. I would like to say what it is. As to who is responsible, it is not my responsibility. There is somebody who is committing adulteration and because you fail to catch hold of that man, you catch hold of me.

Shri Hari Vishnu Kamath: Who is to be blamed?

Shri Basantlal Gupta: I will leave it for you to decide, and to conclude.

Dr. Sushila Nayar: Whoever is found with the incriminating article will be caught hold of by law.

Shri M. H. Vyas: He must have knowledge that the article is adulterated. Unless he has got the knowledge that the article is incriminating or adulterated, he cannot be blamed. He has no means to find it out.

Dr. Sushila Nayar: We have provided the words, with due diligence.

Shri Hari Vishnu Kamath: Have you thought of evolving a code of conduct, Aachar Samhita, for the members of your federation and your association and trying to enforce such discipline rigorously? Our Home Minister Nandaji made some people take a vow.

that they will not accept bribes. Such sort of ethical restraint will tone up the trade. Have you done that?

Shri M. H. Vyas: We have done it and I can cite instances where we have issued instructions, and appeals.

Dr. Sushila Nayar: Appeal is not enough. Some traders tell me: "We know who are the black sheep amongst us; we don't have the courage to say so. We don't want to get into trouble with them. They are very aggressive." If there is a code of conduct, it is necessary that you force that code of conduct on the members and those who do not abide by that should be punished. Don't take them into your association.

Shri Basantlal Gupta: I cannot say there are no black sheep. There are. I cannot hold brief for such persons. Simply because some persons commit a wrong, commit a heinous crime, you are punishing the entire lot.

Shri Hari Vishnu Kamath: You have not answered my question. You may give thought to it.

Shri M. H. Vyas: An appeal is issued to all our Members. We have requested our Members to purchase articles from a particular purchaser. We have impressed upon them the necessity of purchasing articles of known purity and certified articles. We assure you that certainly we will in future act upon your suggestion.

Shri Hari Vishnu Kamath: You are bypassing my question.

Shri Basantlal Gupta: Please take my answer. As far as we are concerned, we are trying our best to form a co-operative society and our application is pending for registration with the Government of Madras for the past two years. Why the Government of Madras has not considered it they feel that it is only the consumers who can form a co-operative society and not the hoteliers.

Dr. Sushila Nayar: You can form a co-operative society because you are consumers as hoteliers.

Shri Basantlal Gupta: We are bulk consumers. We should be permitted to have a co-operative society. They have not rejected our application. It is pending consideration. Even last week, before I left Madras I had an interview with the Registrar of Co-operative Societies and requested him to consider our application.

Dr. Sushila Nayar: Perhaps from the hotel trade you want to move into other foodgrains. That is why you want wholesalers there.

Shri Basantlal Gupta: I only mean that we will be purchasing wholesale quantity so that we may be in a position to distribute it to our members who will require again wholesale quantity.

Shri M. H. Vyas: It is not only in Madras this has happened. We have got the same instance in Maharashtra also. Our Registrar of Co-operative Societies says that we are traders and not a consumer and traders cannot have a co-operative society.

Dr. Sushila Nayar: For your own use you can have.

Shri M. H. Vyas: We would request the honourable Minister and the honourable Chairman to take up this matter.

Dr. Sushila Nayar: You write to me.

Shri Hari Vishnu Kamath: Is it not a fact that in some cases some hoteliers, may be not of your particular Federation, but elsewhere in the country, have been caught red-handed while trying to hush up the matter by greasing the palm of Food Inspectors when they were caught selling adulterated foodstuffs?

Shri M. H. Vyas: We have no cases reported to us.

Shri Hari Vishnu Kamath: How would you say that some of you were

caught? You cannot, of course, say that.

Shri Basantlal Gupta: If you know what our answer is going to be, then we cannot help.

Shri Hari Vishnu Kamath: You want that at source you must get unadulterated supplies. Do you advocate that the entire wholesale trade in almost everything should be taken over by Government?

Shri Basantlal Gupta: We will be happy if the Government takes up the responsibility to certify that the supplies are unadulterated.

Shri Hari Vishnu Kamath: You want that guarantee at the wholesale level. But, then, the responsibility passes on to you after that.

Shri M. H. Vyas: There is already the Agmark in ghee and other food products. The same Agmark can be prescribed by the Government for such of the essential commodities as has been decided by the Directorate of Food. Then, we will be assured of the purity of raw material which we buy.

Dr. Sushila Nayar: There are so many people who sell grains and so many other things. Is it possible to think of having Agmark for all these things?

Shri P. K. Deo: As you have all agreed, the adulteration menace is on the increase. Are we going to reconcile this thing or is there any proposal to deal with this menace?

Shri M. H. Vyas: Our suggestion has been that these articles of food and grains may be given the marks like Agmark or any other mark at the time when they are manufactured or put in the market for sale. We on our part want that this evil of adulteration must be stopped somehow.

Shri P. K. Deo: You mean to say that there would be no adulteration before it reaches the people for consumption.

Shri M. H. Vyas: We are responsible thereafter and if adulteration is found we suggest that any punishment may be given to us.

Dr. C. B. Singh: On page 3 of your memorandum you have stated as follows:

"We, therefore, suggest that the words 'if any article of food appears to any Food Inspector to be adulterated or misbranded should be replaced by the word 'if any food inspector has reasons to believe that any article of food is adulterated or misbranded'."

I cannot understand the difference between the two. Your suggestion does not make any change at all. Why have you suggested this change?

Shri M. H. Vyas: There is nothing to stop him if any article of food appears to be adulterated or misbranded. Everything may appear to him to be adulterated or misbranded, though he may have no reasonable ground to believe that it is so.

Dr. C. B. Singh: He will do that only if he believes that an article of food is adulterated or misbranded. How does your change remove that?

Shri M. H. Vyas: Suppose I prepare 10 maunds of laddu and it is ready for sale to my customers. It may appear to the food inspector to be adulterated or misbranded, though he may have no valid reason for him to believe that it is so.

Shri R. S. Batalia: If the food inspector has reasons to believe that any article of food is adulterated or misbranded, those reasons can be judged by the Court which is to award the punishment for adulteration to find out whether one has acted maliciously and intentionally or not. If it was found to be intentional, then only punishment should be awarded to him. Otherwise, anything may appear to the Food Inspector to be adulterated or misbranded and punishment may be

awarded to the offender without analysing the reasons.

Dr. C. B. Singh: Without any reason, the Food Inspector will not prosecute a man. He must have good reasons to believe that a man has committed adulteration. Otherwise, why should the Food Inspector prosecute him?

Shri R. S. Batalla: The reason why we are placing this matter before this Committee is that there is a provision which empowers the Food Inspector to prosecute a person found to have committed adulteration, in this process, it is likely that he may misuse his powers. If a case comes up before the court, the judge should also see whether the case made out by the Food Inspector is a bonafide one or a mala-fide one. Our only fear is that the Inspectors may misuse the powers given to them.

An hon. Member: Can you tell us as to how many members of your Hotelier Association were convicted for adulteration during the last two years?

Shri M. H. Vyas: I cannot tell you offhand.

Dr. C. B. Singh: You represent the Hotelier Association. You ought to know this. Can you please tell us as to how many of your members have been convicted for adulteration?

Shri M. L. Agarwal: We have got about 4 lakhs members throughout India. Possibly about 22 per cent. of them might have been convicted. Our main problem is this. We are being convicted for the things for which we are not responsible.

Shri Hari Vishnu Kamath: You said 'we are being convicted'. What do you mean by 'we'?

Shri M. L. Agarwal: We mean our members of the Association. They are being convicted as adulterators for no fault of theirs. Now, for instance, I will give you one example regarding

khowa. Suppose I purchase milk cake from a person who has been licensed under the Prevention of Food Adulteration Act. Now what happens is that when I bring that article to my shop, the inspector comes there and takes some sample of that article. Now that is a raw material to me. It is not an article for sale at my counter. The law provides a penalty for the people who are selling such articles of food.

Shri P. K. Deo: Is the intention of yours for sale of that article?

Shri M. L. Agarwal: We are selling *khowa* at our counters. But, we are using that for the preparation of other articles. We get *khowa* weighing 11 chataks. After heating that, the weight of that *khowa* might be lesser. Naturally, sample is taken from us. That being a fresh *khowa* there will be some difference. When we sell it its weight may come to 5 chataks instead of 11 chataks.

Shri P. K. Deo: I want to know as to how the quality of *khowa* will improve in this.

Shri M. L. Agarwal: I have got with me the cake made out of this which I can show to you.

Dr. Sushila Nayar: Then what objection have you got? You say that there is less fat or more fat after it is heated.

Shri M. L. Agarwal: I say that there will be less fat content.

Dr. Sushila Nayar: If it is heated, the fat content is likely to increase and not to decrease in that process. After you heat it—the moisture will be reduced.

Shri M. L. Agarwal: As I told you I have brought with me the *khowa* which you may please see for your perusal. The real thing is that I have utilised only a small quantity. Some portion of that is gone in the process of cooking. The moisture and the weights are reduced. Out of 11 chataks of *khowa* that you take as a sample, the fat will be reduced.

Dr. Sushila Nayar: It cannot disappear. The loss of weight is due to the loss of moisture. Further, I also want to tell you that suppose, I have got this article at my counter for sale for Rs. 2 or so. I get it for Re. 1 and prepare *khawa* out of the milk. The milk may be skimmed.

Shri M. L. Agarwal: You are perfectly right. I purchase milk and prepare *rabri* from it or *ras malai* from it. Now the milk is adulterated. But, when I give it to someone the quantity becomes less.

Shri Hari Vishnu Kamath: From where do you get the milk?

Shri M. L. Agarwal: I get the milk from the dairy.

Dr. Sushila Nayar: Now, in this process, what happens is that the water can disappear. But certain other things which you have mentioned should be there. The fat should be much higher than what the normal milk could contain. If the fat content is less, then it is open to objection. All your friends have stated this over and over again and we have got replies to our questions.

Chairman: For your information the definition of food under sub-Section (3), clause (d) reads as follows:

"The definition of the term 'food' as given in the Act includes any article used as food or drink for human consumption.....and includes articles which ordinarily enter into or is in the composition or preparation of human food and any flavouring matter or condiments".

Shri M. L. Agarwal: That is right. But that must be the true representative of the article which I have sold to a customer. If I have sold this milk to the customer, then I must not be responsible for that milk. I am not selling it in the same condition

Chairman: We are listening to you with an open mind. The blame should not lie upon the hoteliers but it should go to the suppliers of the raw materials.

Shri M. L. Agarwal: The thing is that our business is not to re-sell. We have not the licence to manufacture and sell. We are consumers; we are not the sellers. The standard of whatever we sell changes between the process of our cooking and our taking it from the market. I may give you another example. Suppose I take rice with stones....

Shri U. M. Trivedi: We have not followed your complaint. What is your complaint exactly?

Dr. Sushila Nayar: He says he processes the food before he sells out.

Shri U. M. Trivedi: How is he prosecuted?

Dr. Sushila Nayar: The point is this. The inspector says, we have taken this adulterated milk from here. But he says, "What I have in store in the shop is not what I sell to the consumer." How do we know whether you sell it or not? It is not possible to check it. You may supply this to the consumers. You may be using other stuff for making *khoya*. It is not possible for any human being to check as to what you claim to sell to the consumer. We can only see what you have got in your shop.

Shri U. M. Trivedi: Supposing you have bought it from outside, there is the protection given to you.

Chairman: That defence is also there.

Shri K. Damodaran: He says that out of these 20 persons who were prosecuted or convicted, not a single person was really guilty and that the only culprit was the moisture. That is what he said.

Shri M. L. Agarwal: I never meant this thing.

Shri K. Damodaran: According to you, there was not a single hotel owner who was really guilty. You earlier said that there are black sheeps amongst you. But now you say that not a single man was really guilty.

Shri Shiv Charan Gupta: It is a fact that the food-stuffs are adulterated. Since you people are in the trade and you have got a lot of experience, could you suggest methods through which adulteration can be checked?

Shri R. S. Batalia: The machinery which is responsible for administering the Act is not efficient enough. They are not able to administer the existing Act properly and that is why the present Act, as it is, has failed to achieve the object of checking adulteration.

Dr. Sushila Nayar: We want your cooperation in this job. If you cooperate, lots of things can improve. If you do not cooperate, then the whole process of adulteration will continue. A few will be caught and many will escape. The things will go on like this.

Shri M. H. Vyas: We are prepared to cooperate in all possible ways.

Shri Shiv Charan Gupta: In the light of their experience, can they suggest methods to check adulteration? It is accepted by everybody that there is adulteration. Everyday there is an agitation that food-stuffs are adulterated.

Shri R. S. Batalia: I have to give two proposals here. Firstly, the machinery of the Government which is responsible for administering the Act is not efficient.

Dr. Sushila Nayar: You mean to say you have no responsibility; it is only Governments responsibility.

Shri R. S. Batalia: I am coming to that. Their machinery should be efficient and they should administer

the Act properly. Already, the punishment upto imprisonment for one year for the first offence is provided. If that is not sufficient and even if you make it a minimum of six months as it is provided in the amended Act, better results will not follow. If this law is properly administered and the imprisonment in suitable cases upto one year is given as is provided in the existing Act there is no reason why this cannot be curbed. Also, there can be provision made in the Act itself that the co-operation from the trade can be sought.

Dr. Sushila Nayar: How can we provide that in the law itself?

Shri R. S. Batalia: I am giving a proposal. If it suits you, it can be provided.

Dr. Sushila Nayar: By putting you on the advisory committees.

Shri R. S. Batalia: These can be formed at the Central, provincial and district level in which trade representatives and the officials can be included. They can educate the masses or the dealers. They can give them the proposals and discuss things with them. They can find ways and means and those ways and means will go a very long way in curbing adulteration.

Shrimati V. Vimala Devi: They have given a number of suggestions. I want to know what are they going to do to eradicate the adulteration of foodstuffs for themselves? How are they going to help us to eradicate this evil of food adulteration.

Shri R. S. Batalia: We have already formed these associations with a view to curbing the adulteration of food articles.

Shrimati C. Ammanna Raja: Have you taken any action against any member so far?

Dr. Sushila Nayar: Some of your members have been prosecuted. What action have you taken against the

members who have been found guilty by courts of law.

Shri R. S. Batalia: We have no statutory force behind us to take any action against them. We have no legal powers. The only thing is that we have not enrolled them as members for the future.

Dr. Sushila Nayar: They are not members any more?

Shri R. S. Batalia: They are not members any more.

Dr. Sushila Nayar: Have you publicised their names saying that these are the adulterators?

Shri R. S. Batalia: We have just struck off their names from our rolls. This is the provision in our Constitution.

Dr. Sushila Nayar: Don't you think as a citizen to be your duty to let the public know that these fellows are adulterators?

Shri R. S. Batalia: The only thing we can do is that we can shut our doors for them. They are no more our members.

श्री के० एल० बाल्मीकी : इस तरह के काम के लिए जो मंदिर आप के एसोसिएशन के पकड़े गए हैं और जिनको सजा मिली है, क्या आप उनको अपने एसोसिएशन से निकाल देते हैं।

Shri B. S. Batalia: That is the only action we take. We struck off their names from our rolls.

Shri Yamuna Prasad Mandal: We want to know if you want to say anything regarding this new section 7 in the Bill. Have you anything to say whether this is lenient or harsh provision?

Shri M. H. Vyas: We say that the sentence prescribed is very harsh. If it is done with intention, then this punishment may be given. But such

a punishment should not be given if the article is of a sub-standard quality or if the article sold is not containing the required percentage of purity. Also, for the non-compliance with the rules of the licences, the same punishment should not be awarded. There should be different penalties according to the gravity of the offence.

Shri Yamuna Prasad Mandal: So it is a harsh one according to your view.

Shri M. H. Vyas: It is harsh in respect of those who are selling, articles which are sub-standard but not for those who are actually adulterators.

Shri Yamuna Prasad Mandal: What is your suggestion regarding the minimum penalty?

Chairman: I think he has answered this question.

Shri M. H. Vyas: It should be left to the discretion of the Magistrate. If he has merely not complied with the rules of the licence, or, he is responsible for selling sub-standard goods then that offence should not be equated with the offence of adulteration of foodstuffs which is injurious to health.

Shri Yamuna Prasad Mandal: How do you say it is harsh?

Shri M. H. Vyas: It is harsh because even if a person has not observed the rules of the licence such as keeping the articles clean, etc., he is liable for six months imprisonment.

Shri Basantal Gupta: Regarding punishment I feel that the discretion that has been vested all along in the Magistrate should not be fettered by prescribing a minimum punishment saying that the punishment should not be less than 6 months. That means, even if the Magistrate feels that the offence is only technical in character, he has to award this minimum punishment of six months.

Dr. Sushila Nayar: There is nothing in this.

Shri Basantlal Gupta: You should punish the person who is really guilty of adulteration, not the person who merely sells sub-standard goods.

Shri P. K. Deo: That is for the Judge to find out.

Chairman: On behalf of the Committee I thank you. We have heard all your points, and we will examine them.

(The witnesses then withdrew)

III. Delhi Cannery Co-operative Industrial Estate Ltd. New Delhi.

Spokesmen:

1. Shri Y. K. Kapoor
2. Shri Lakshmi Narain.
3. Shri J. C. Jindal.
4. Shri V. N. Kaura.

(Witnesses were called in and they took their seats)

Chairman: Your memorandum has been received and copies of the same have been distributed to our members. If you want to stress any specific point therein or anything pertaining to the amendments that are under consideration, you are welcome to do so. The evidence that will be given by you will be considered as public. If you want any part of it or the whole of it to be considered strictly confidential, you have to indicate that. Even if it is considered confidential, that will be circulated to the members of the Committee and Members of Parliament.

Shri V. N. Kaura: We will begin our objections with remarks of the Hon. Union Minister of Health, Dr. Sushila Nayar addressed to the 7th Indian Standards Convention convened at Calcutta between January-February, 1963. There Dr. Nayar said: "The sale of adulterated food must be regarded as a heinous crime. There is little difference between those who

administer poison or adulterate food and thus poison human beings. Both are murderers. Profiteering in food in itself is most horrible". In these words she epitomised the feeling of the entire nation on this subject. In the light of these circumstances, we fully endorse and offer our full co-operation to any activity—legitimate and proper—designed to overcome this unhappy state of affairs and to deter, in the words of Dr. Nayar, these murders by adulteration. In this activity, we also appreciate that it is the Legislator who has the greatest contribution to make; and in this context we note the efforts of the Legislature in its proposal to enhance the penalty for adulteration. We welcome the intention but not the form. Surely, is it not a usurpation of the powers of the judiciary to fix an indiscriminate minimum penalty on proof of the technical offence as has been envisaged in clause 7(iv) of your proposed amendments, which in its altered form would read section 16 of the Prevention of Food Adulteration Act, 1954 as follows:—

"If any person manufactures food or stores, salts or distributes any article of food—which is adulterated is punishable.... for the first offence with imprisonment for a term which shall not be less than 6 month....".

Our preliminary objection lies in that our Constitution expressly provides for the separation and independent functioning of the judiciary from the Legislature. Surely, the discrimination in punishment is the essence of the judicial function. It is necessary that before an accused is punished, the adjudicator must consider the circumstances involved, the character and the demeanour of the accused, the extraneous circumstances and a host of other circumstances which must necessarily be taken into account in gauging punishment. If homicide be the technical offence, surely, killing by accident or on provocation must be distinguished from cool, calculated murder. Yet if homicide be the technical offence, both killing by accident

as well as by cool, calculated murder, will satisfy the technically.

Dr. Sushila Nayar: How many pages have you got?

Shri V. N. Kaura: Seven or eight pages.

Dr. Sushila Nayar: Then you give the points.

Shri P. K. Deo: Why not have it distributed?

An Hon. Member: Their memorandum has been distributed.

Shri V. N. Kaura: The memorandum is different.

Chairman: I said that if there is anything else pertaining to the amendments under consideration, he can stress those points also.

Shri Hari Vishnu Kamath: You may read the operative part of it.

Chairman: You may supply a copy of it.

Dr. Sushila Nayar: And make any other points.

Shri V. N. Kaura: Besides the points submitted here?

Dr. Sushila Nayar: Your first point is, you object to the prescribing of minimum penalties.

Shri V. N. Kaura: As being unconstitutional.

Chairman: Due to certain technical reasons.

What is the next point?

Shri V. N. Kaura: My second point is that it is essential to distinguish in between what is a sub-standard product and what is an adulterated product. As the definition in the Preven-

tion of Food Adulteration Act stands today, adding lead chromate, which is a highly poisonous substance, to turmeric is as much an offence as the technical offence of having 1 per cent less sugar in the required percentage of 65 in a syrup, or having 0.1 per cent less of acid in the 1.2 per cent of acidity required in tomato ketchup.

Dr. Sushila Nayar: If he uses pumpkin instead of tomato?

Shri V. N. Kaura: That is adulteration, not sub-standard. I will define what is sub-standard. Sub-standard means, which does not involve the addition of any foreign material but only the use of permitted materials in a standard which is at variance with the prescribed one, without any harmful results.

Shri Hari Vishnu Kamath: If it is not harmful or poisonous, you are at liberty to adulterate?

Shri V. N. Kaura: No. What I say is, if no foreign substance is added.

Shri Hari Vishnu Kamath: How do you define 'foreign substance'?

Shri V. N. Kaura: The rules provide that permitted substances may be added.

Shri Hari Vishnu Kamath: Permitted by law?

Shri V. N. Kaura: Yes.

Shri Hari Vishnu Kamath: Not by convention?

Shri V. N. Kaura: Permitted by law. Suppose some permitted substances are added, but there is a deviation. The law provides not less than 1.2 per cent of acidity in tomato ketchup and if it is less by 0.1 per cent.

Shri Hari Vishnu Kamath: You mean, not serious?

Shri V. N. Kaura: Not serious, because it can happen in so many ways. I can give instances.

Shri U. M. Trivedi: Is it necessary that permissible material should be added, or merely it is a variation?

Shri V. N. Kaura: In some cases it is necessary, for instance to bring the acidity in tomato ketchup to 1.2 per cent.

Dr. Sushila Nayar: Where they say that something should be done either to act as a preservative or to prevent certain type of deterioration from setting in and so on, they have prescribed those standards. If it is your contention that the standards are not correct and they can be lowered or raised, you can raise that point. We can refer it to the Standards Committee and it can be revised. But you cannot ask us to ignore the observance of those standards.

You mentioned about 1 per cent less of sugar in a syrup. If there are hundreds and thousands of bottles you make, you say 1 per cent less of sugar, but how much will be the total quantity and by how much is the consumer cheated?

Shri V. N. Kaura: I do not say that the person should be let off scot-free. But you cannot send that person to six months' imprisonment. You can impose a fine. Because, these things can happen purely by accident, on account of certain fault in graduation in the technical instruments, due to margin of human error and bad methods of analysis. Shall I give you examples?

Dr. Sushila Nayar: I do not think any court is going to put you in prison for a marginal difference. But if it is a deliberate attempt to cheat the consumer over a large scale, the court may consider it necessary to do so.

Shri V. N. Kaura: The Act prescribes no ranges at all in *mens rea*.

Dr. Sushila Nayar: The standards have been fixed, as I said earlier. Suppose the standard is from 60 to 65 per cent. Either it is a range or the

prescribed lowest minimum. You have no business to go below the lowest limit. If instead of 65 per cent, you are putting 63, 62, 61 or 60 per cent, nobody is going to say anything. But if you go below the bare minimum, it is wrong. If you object to the standards, you can always point it out.

Shri V. N. Kaura: Madam, you seem to be mistaken about the range. There is no range. The Act says—I mean the rules—that it will be 65 per cent sugar. It does not provide between 60 and 65 per cent.

I do not say, let him off scot-free. But a man who by accident puts one per cent less, which is quite harmless and which is not adulteration, you cannot sentence him to six months' imprisonment.

Shrimati Jyotsna Chanda: What is behind this "one per cent less"? If it is one per cent less in each bottle, whether it is good or bad, what is the total quantity?

Shri V. N. Kaura: What is the person going to gain by one per cent sugar? This sugar is a bad example perhaps.

Dr. Sushila Nayar: We have taken note of your point. You can go to the next point.

Shri V. N. Kaura: You wanted some examples. I can give a specific laboratory example of what has happened in Delhi.

Dr. Sushila Nayar: Please go to the next point.

Shri Tulsidas Jadhav: Have there been prosecutions for such offences?

Shri V. N. Kaura: There have been prosecutions, and prosecutions are still going on.

Shri Tulsidas Jadhav: For putting less percentage?

Shri V. N. Kaura: For adulteration, come to the next point. But what is an adulteration? I will

We want adulteration to be defined in a fool proof way. Who are the people who did it? It is not the ordinary small scale industrialist who has not got a big laboratory to test it. We want that the big persons who adulterate and who commit murders of the community by slow poisoning should be punished. But I do not believe that the small persons who commit these small mistakes which are quite harmless ought to be punished like that. So we want the legislature to define it clearly as to what is an adulterant, what is the material which if added to a substance will make it adulterated and what is it that won't make it an adulteration.

Dr. Sushila Nayar: We have taken note of that point; you can go to the next point.

Shri V. N. Kaura: Our next objection is to the reduction to the number of witnesses from two to one at the time of taking samples. In this connection, I may refer to some your remarks made at Bhopal sometime back where you said that sons of food inspectors were studying in England and America.

Dr. Sushila Nayar: Has it anything to do with the reduction of the number of witnesses from two to one?

Shri V. N. Kaura: Yes, Madam; if there are more witnesses, independent witnesses, it prevents him . . .

Dr. Sushila Nayar: The same is taken in your presence, one portion is given to you, two portions are taken by the inspector; you have to sign there; there is a statement of the condition. As a matter of fact, it has been suggested to me and I am also seriously thinking that no witnesses are necessary at all as the samples are taken in your presence, and you are to sign there.

Shri V. N. Kaura: Am I given according to the rules, a copy of the documents that I am made to sign?

Dr. Sushila Nayar: By all means.

Shri V. N. Kaura: There is no rule providing for giving me a copy of that document. But why not provide for two independent witnesses at least?

Dr. Sushila Nayar: Because independent witnesses are not available; they do not like to come forward because of the time taken in courts; it takes their time so much that they are not willing to come.

Shri V. N. Kaura: Make a provision in the Act itself that it will be compulsory for any citizen to accompany the food inspector if asked by the food inspector and witnesses the taking of samples with a proviso that if anybody does not accompany the food inspector on being asked to do so must provide sufficient reason to the satisfaction of the inspector. There is no shortage of population here. There is necessary for two witnesses. I believe there is a lot of corruption going on. I am told that food inspectors go to shop keepers and say; unless you pay so much, I am going to take sample of such and such thing here and add so much of sulphuric or some other acid here and I am going to send those samples for analysis. The shop keeper has to pay him the money.

Dr. Sushila Nayar: You should write down what he has done before putting down your signature. It is not so easy. The inspector will himself get a jail sentence if he does so.

Chairman: You can go to the next point.

Shri V. N. Kaura: There should be four samples taken, two left with the shopkeeper and two taken with the inspector. The inspector may send one sample to one laboratory and the vendor may send one to another laboratory so that there will be two sets of tests.

Dr. Sushila Nayar: At present the third sample sealed, is with the inspector to be given to the appellate laboratory. Why do you want to in-

crease the work? In fact the appellate authority is overworked because even now so many appeals have been sent to them and if the samples are not analysed properly there, this could not have been so.

Shri V. N. Kaura: So many appeals are being sent to them because the primary analysis is no good.

Dr. C. B. Singh: How do you say that primary analysis is no good. On what basis are you making this suggestion? Do you know the working of the laboratories?

Shri V. N. Kaura: We have got complete examples and if you like to hear them, I can read them out to you.

Dr. Sushila Nayar: My suggestion to you is almost the same. When you are storing things, why do you not get them analysed? Why should you wait for the inspector to come and take a sample? You get it analysed yourself, earlier, so that you know what you are storing.

Shri V. N. Kaura: It is very difficult for the vendor to get every tin he gets opened and tested.

Dr. Sushila Nayar: I do not say that. You take a batch and test one of them; it is bound to be of the same quality in one batch.

Shri V. N. Kaura: Every small vendor has not got that facility.

Dr. Sushila Nayar: The man who is going to send one sample to the laboratory after the inspector had come, should certainly be able to afford it. Better still, for the small vendors I would suggest that they share such a facility on a co-operative basis.

Shri V. N. Kaura: We are trying to take to co-operation for these things but it takes time. Legislation comes far more easily and quickly than the time taken by people to take to co-operation.

Dr. C. B. Singh: I would like to know whether this canners' society maintain any laboratory.

Shri V. N. Kaura: Not yet.

Dr. C. B. Singh: You are canning certain food products and you do not maintain a laboratory.

Shri V. N. Kaura: The individual manufacturers do maintain a laboratory. It is only now that we are trying to provide common facilities for testing, marketing, etc. We are going to set our own standards.

Chairman: Since how long is your association working and how many members are there?

Shri V. N. Kaura: We have been working for two years nearly and there are 14 members, all in Delhi.

Dr. Sushila Nayar: The complaint is that when apples etc. start rotting and people do not purchase them for eating fresh, the canners take those fruits. They may be taking some good fruits also, but a lot of bad fruits are also taken. Have you any arrangements to check that the fruits you take are not rotten?

Shri Lakshmi Narayan: I am representing Hall's fruit products. Anybody can go and have a surprise check. We can assure you that we ourselves go to the market and buy the best fruits.

Shri Y. K. Kapoor: Out of 15,000 samples checked by F.P.O. authorities in 1961, not a single product was found to be adulterated.

Dr. Sushila Nayar: What about 1963?

Shri V. N. Kaura: We have not got the official figures yet.

Mr. Chairman: Can you assure us that you use only fresh fruits for canning?

Shri J. C. Jindal: You can open any tin canned by any member of our society. None of the tins will contain any blemish.

Shri V. N. Kaura: In addition to chemical analysis, we also do micro-biological tests.

Shri Shiv Charan Gupta: What is the definition of a baser ingredient?

Shri V. N. Kaura: It is defined in the Prevention of Food Adulteration Act. It is an ingredient which is much cheaper in the market than what it purports to be.

Shri Shiv Charan Gupta: In tomato sauce if seetapal is added, will you not call it adulteration?

Shri V. N. Kaura: Most definitely it is adulteration. There should not be the addition of any substance which is not permitted.

Chairman: Let us know which things are added.

Shri V. N. Kaura: We are not experts in adulteration. Adulterant is something the addition of which makes a thing adulterated. Additive is something which does not make a thing adulterated. There is on the market a vegetable sauce which is not tomato sauce. It is made from pumpkin, vinegar, salt, sugar, etc. It is clearly stated there on the label that it is vegetable sauce. It is also red in colour but it is not tomato sauce.

Shri J. C. Jindal: There are two products—one is tomato sauce and the other is vegetable sauce. Vegetable sauce contains a label on which the word 'tomato' is not there; the picture of tomato also is not there. It will be clearly written there on the label that it is prepared from pumpkin, vinegar, sugar, etc.

Dr. S. N. Mitra: We have analysed earlier tomato ketchup and we have found that in some cases it contains pumpkin in admixture with tomato.

Shri V. N. Kaura: What percentage of samples contains pumpkin and not tomato?

Dr. Sushila Nayar: He does not test all your tomato ketchup. Sometimes he has found that the samples marked as tomato contain pumpkin. The percentage is not relevant.

Shri V. N. Kaura: As producers of canned fruit and vegetable products, like all other manufacturers, we come first under the purview of the Prevention of Food Adulteration Act. Then, under the Essential Commodities Act of 1955 there is an order promulgated, called the Food Products Order. We come under the Food Products Order and the Fruit Products Order too which is a highly specialised order. The functions of the authorities under the Fruit Products Order is to keep a surveillance and check on all the factories in India producing fruit and vegetables products of any kind. They take samples from us at least twice every month.

Dr. Sushila Nayar: What are you trying to get at?

Shri V. N. Kaura: What I am trying to get at is that the standard of the Fruit Products Order is so high that while we are subject to dual control.

Dr. Sushila Nayar: That is done throughout the world. No municipality can give up its jurisdiction and authority.

Shri V. N. Kaura: We do not say that. Let the jurisdiction be there, but let administrative control to be single because as it is the manufacturer does not know where he stands.

Dr. Sushila Nayar: That is a matter which will be decided at the Government of India level, but what is your objection?

Shri V. N. Kaura: The objection is that there is inter-departmental rivalry.

Dr. Sushila Nayar: You do not worry about inter-departmental rivalry.

Shri Hari Vishnu Kamath: I think, you are a competent practitioner of the law, Shri Kaura.

Shri V. N. Kaura: You are correct.

Shri Hari Vishnu Kamath: What is the membership of this Delhi Canners Co-operative Industrial Estate?

Shri V. N. Kaura: There are 14 members.

Shri Hari Vishnu Kamath: You are one of its legal advisers?

Shri V. N. Kaura: I am their legal adviser.

Shri Hari Vishnu Kamath: Chief Legal Adviser, I believe.

Shri V. N. Kaura: I am the only one, in fact. They do not need more than that. I am under worked.

Shri Hari Vishnu Kamath: Have you ever thought that because it is a co-operative organisation it is easier to try and set-up certain standards among your own members?

Shri V. N. Kaura: The statement of objects of our bye-laws says that we shall form a co-operative industrial estate with common facilities for power, gas, laboratory equipment, modern machinery and plant and other things of similar type and that we shall fix standards for our members which must be achieved. Any product that does not achieve these standards—these standards are going to be higher than the standards prescribed under the Act . . .

Shri Hari Vishnu Kamath: You aim to do it or you have done it already?

Shri V. N. Kaura: We aim to do it. It is in the bye-laws of our society. We have just got the land from the

Delhi Administration on which to set up the industrial estate.

Dr. Sushila Nayar: They are starting with good intentions.

Shri Hari Vishnu Kamath: Could you give us a copy of these bye-laws?

Shri V. N. Kaura: Not just now but we can send you later.

Shri Hari Vishnu Kamath: Do you have any sort of internal supervisory machinery to see that the members of the co-operative observe these standards?

Shri V. N. Kaura: This question will arise after the factories have been established on the estate. So far, only very recently we have acquired the land and we are now trying to raise the loans to be able to build on this land.

Shri Hari Vishnu Kamath: You are a co-operative in an embryonic stage at the moment.

Shri V. N. Kaura: Yes, that is very much so.

Shri Hari Vishnu Kamath: Therefore we cannot expect much of you at this stage. We will have to wait and see how you go ahead. If I heard him aright, your colleague to your right said in answer to a question put by my colleague, Shri Gupta, about tomato ketchup that there was no picture of a tomato even on those bottles. Therefore am I to understand that so long as the picture of tomato is there, it is genuine?

Shri J. C. Jindal: Yes; a bottle which is named as tomato ketchup and which has got the picture of tomato on the label will definitely have a pure tomato product.

Shri Hari Vishnu Kamath: There will be no adulteration—no pumpkin or anything of that sort?

Shri J. C. Jindal: No.

Dr. Sushila Nayar: They can speak only for their co-operative society. They are not responsible for others.

Shri Hari Vishnu Kamath: They have not yet produced anything.

Shri Y. K. Kapoor: Personally I feel that any bottle of tomato ketchup bearing the words and giving an illustration of tomatoes will be pure tomato ketchup.

Dr. Sushila Nayar: But the analyst has already told you that he has had samples which had pumpkin in tomato products. He is not interested in one group or another. He is a pure analyst. You are only presuming but he is giving the actual fact.

श्री लक्ष्मी नारायण : वह इस तरह के एनैलिस्ट हैं कि उन्होंने हमारे ४७ सैम्पल लिये और उन्होंने सब के सब में यह शो कर दिया कि उन में सल्फ्यूरिक एसिड है, हालांकि मैसूर की सेंट्रल फूड लैबोरेटरी ने उन को ठीक पाया था।

डा० सुशीला नायर : वह सेंट्रल एपेलेट एथारिटी के एनैलिस्ट हैं। आप को उनके बारे में ऐसी बात नहीं कहनी चाहिए।

श्री लक्ष्मी नारायण : हम को हैरास किया गया, बेकार तंग किया गया। हमारी चीजों के बारे में कहा गया कि उनमें सल्फ्यूरिक एसिड है, जब कि दूसरी जगह वे बिल्कुल ठीक पाई गई।

डा० सुशीला नायर : ऐसी बातें हो सकती हैं। इसी लिए तो एपेलेट एथारिटी और एपेलेट लैबोरेटरी रखी गई है।

श्री लक्ष्मी नारायण : उन्होंने कहा है कि टोमेटो कचप में पेठा और लोकी है। हम इस बात को चैलेंज करेंगे।

डा० सुशीला नायर : अगर आप एपेलेट एथारिटी की बात को चैलेंज करेंगे, तो आप की बात को कोई नहीं मानेगा।

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श्री लक्ष्मी नारायण : क्या मैसूर की सेंट्रल फूड लैबोरेटरी रांग है? वहां से सेम्पल ठीक साबित हो कर आ रहे हैं और यहां पर वे गलत साबित हो रहे हैं। आखिर यह क्या बात है?

डा० सुशीला नायर : यह वक्त यह बहस बेमानी है। वह कहते हैं कि टोमेटो कचप में पम्पकिन पाया गया। आप कैसे कह सकते हैं कि उस में पम्पकिन नहीं था?

श्री तुलसीदास जाधव : आपके मेम्बर किस रीति से अपनी चीजें बनाते हैं क्या इस के ऊपर आप का कोई कंट्रोल है?

श्री बाई० के० कपूर : कोई कंट्रोल नहीं है।

श्री तुलसी दास जाधव : आप उन की तरफ से कहते हैं कि वे चीज ठीक बनाते हैं। आप का जो एसोसिएशन है वह उनको फंसिलिटीज देनेके लिए है। लेकिन वे अपने कारखानों में किस तरह से चीज बनाते हैं इस पर आपका कोई कंट्रोल नहीं है?

श्री बाई० के० कपूर : एसोसिएशन की तरफ से तो नहीं है, लेकिन हमारे ऊपर जो लाइसेंसिंग एथारिटी है उसका कंट्रोल है।

श्री तुलसी दास जाधव : गवर्नमेंट का कंट्रोल हो सकता है, लेकिन आपके एसोसिएशन की तरफ से कोई कंट्रोल उन के ऊपर नहीं है।

श्री बाई० के० कपूर : इस वक्त नहीं है। अभी तो हमारी एस्टेट बनी नहीं है।

An hon. Member: You have said something about the laboratory. Have you got one laboratory?

Shri Y. K. Kapoor: We don't have laboratory. There is one instance I wish to tell you. We have got samples

of agmarking in eight tests. Seven of the agmarking were found to be conforming to the standard but one sample was declared to be adulterated. When the question was taken up between the various departments and the Agricultural and Marketing Adviser it was found that certain tests were done. It would give the indication of the presence of turbidity etc. if the material is heated and gradually cooled. In this particular case what happened was this. They just heated the sample to the required temperature and just cooled it down. Gradual cooling procedure was not done.

Dr. Sushila Nayar: When it is in favour of your party you say it is fairly done!

श्री लक्ष्मी नारायण : जहां तक एडल्ट-रेशन का ताल्लुक है अगर किसी चीज में एक परसेंट एसिडिटी कम है या कोई इस तरह की छोटी सी कमी है, तो उसके लिए उसे सजा नहीं होनी चाहिए। पहले तो दो तीन बार उसको बारनिंग होनी चाहिए। पहली ही बार उसको ६ महीने की सजा दे देना तो उसके साथ जुल्म है।

An hon. Member: What is the capital of the society? What loans and grants have you received? What is your profit of last year? What is the ratio of dividend-distribution to shareholders?

श्री जे० सी० जिन्दाल : यह सोसाइटी इंडस्ट्रियल एस्टेट बनाने के लिए क्रिएट कां गयी है। अभी तो हम गवर्नमेंट से उसके लिए जमीन ले रहे हैं। यह इंडस्ट्रियल एस्टेट है—मैनुफैक्चरिंग सोसाइटी नहीं।

An hon. Member: What is the capital of the society? What is the loan taken?

श्री J. C. Jindal: Share is Rs. 1,000 per share. Rs. 14,000 is the capital. We have not so far taken any loan.

डा० सुशिला नायर : अभी कुछ नहीं है। सिर्फ हवाई बात है।

श्री जे० सी० जिन्दाल : जब तक गवर्नमेंट एलाट नहीं कर देगी तब तक हम क्या कर सकते हैं।

श्री सुशिला नायक : जो आपके १४ मेम्बर हैं उनमें से अभी तक कितनों को सजा हो चुकी है ?

श्री जे० सी० जिन्दाल : किसी को नहीं हुई है। हर मेम्बर की अलग फैक्टरी है।

Chairman: May I know your designations?

Shri Y. K. Kapoor: I am proprietor of Nothland Industries and Member of the Executive Committee.

Shri J. C. Jindal: I am partner of Excellior Food and Chemical Industries and Secretary of this Society.

Shri V. N. Kaura: I am the legal adviser.

Shri Lakshmi Narain: I am partner of a manufacturing company. I am President of the society.

श्री J. C. Jindal: 14 members are there. They are already in business. The Industrial Society has been established in the industrial estates and they want to shift there away from the congested areas. They want to go to healthier and more hygienic conditions and for this purpose industrial estate is created. All the 14 are in business.

सभापति महोदय : आप के अलावा भी दिल्ली में और कितने काम करने वाले हैं ?

श्री J. C. Jindal: Pickles and mor-rabba manufacturers are there. They are different.

श्री लक्ष्मी नारायण : हमारे सामने एक बड़ी दिक्कत साम्पल लेने के तरीके की है। इंस्पेक्टर हम से या छोटे-छांट दुकानदारों

से सम्पल लेते हैं उसका तरीका गलत है । वह उस चीज़ को अपनी शीशी में डालते हैं । अब अगर उस शीशी में कुछ खराबी हो तो हमारे माल में खराबी आ जाती है । हमारा सील बन्द डब्बा या बोतल सम्पल के रूप में ली जाए और उसको टेस्ट किया जाए ।

इसके अलावा हमसे इन्स्पेक्टर इल्लीगल नोटिफिकेशन चाहते हैं और हम नहीं देते तो हमको परेशान करते हैं । मैं आपके सामने एक उदाहरण पेश करना चाहता हूँ । एक बरफ वाले से इन्स्पेक्टर ने शादी के लिए एक मन बरफ मांगी, उसने नहीं दी । इस पर इन्स्पेक्टर ने बाद में उसके पानी का सम्पल लिया और अपने नाखूनों में कुछ गन्धगी लगा ली, जिसकी वजह से पानी का सम्पल खराब हो गया ।

डा० सुशीला नायर : आपका मतलब यह है कि सारे इन्स्पेक्टर बेईमान हैं और दुकानदार ईमानदार हैं ।

श्री स्वामी नारायण : हमारा यह कहना है कि वह अपनी शीशी में हमारा सम्पल न रखें । हमारे सील बन्द डब्बे या बोतलें ले लें और उनको जांचा जाए ।

Dr. Sushila Nayar: We have already provided for this in the rules—

“The contents of one or more similar sealed containers having identical labels to constitute the quantity of a food sample: Where food is sold or stocked for sale or for distribution in sealed containers having identical label declaration the contents of one or more of such containers as may

be required to satisfy the quantity prescribed in Rule 22 shall be treated to be a part of the sample”.

Chairman: You have enlightened us on many points. We are really thankful to you.

(The witnesses then withdrew).

IV. U. P. Sanitary Inspectors' Association, Agra

Spokesmen:

1. Shri J. N. Arora.
2. Shri K. C. Saxsena.
3. Shri U. S. Kueshreshtha.

(Witnesses were called in and they took their seats).

Chairman: Mr. Arora, your memorandum has been circulated to all the Members of the Committee. If you want to stress on any points contained in your memorandum or want to state any new points, you may kindly do so.

Shri J. N. Arora: In the Statement of Objects and Reasons given in 1954 Act it was stated that there was no uniformity about the Prevention of Adulteration Acts all over India. In Agra district there are 4 or 5 local authorities—Agra Corporation, Agra District Rural, Agra Cantonment, Ferozabad Municipality, and Fatehpur-Sikri Municipality. All of them have got their own application form for licence, their own set of licence fees, etc. Because of this the Inspectors are very much handicapped. Within a few furlongs one rule changes and another rule is there. In Agra district, only one fee is charged for all the food articles which are licensed under Rule 50; they charge only Rs. 2. But Agra Municipal Cor-

poration charges Rs. 30 for ice-cream, Rs. 5 for aerated water, etc. In Agra district on the licence application form Rs. 1.50 is charged as the Court Fee Stamp is affixed, while in Municipal Corporation nothing is charged. The form is a local one.

Dr. Sushila Nayar: How does it affect you?

Shri J. N. Arora: The public asks us—how is this that in the Corporation the licence fee is Rs. 50 or Rs. 30 and it is only Rs. 2 in the District. This creates all sorts of difficulties.

Dr. C. B. Singh: You want uniformity in respect of these things. What is the next point?

Shri J. N. Arora: Our Director of Medical and Health Services, U. P. issued some circulars which would be very effective in checking adulteration. We have given them as appendices to our memorandum. As directed in the circular, 20 per cent of the samples are to be taken by the Sanitary Inspectors in the presence of Health Officers. These officers have avoided taking of samples. If this is properly enforced, there will be efficient checking of adulteration. That will help us in discharging our duties well. We wish that all the points mentioned in the circulars of the Director of Medical and Health Services should be implemented.

Dr. Sushila Nayar: This taking of samples in the presence of Health Officers is to protect yourself against charges of corruption.

Is that your view?

Shri J. N. Arora: The Director has stated in so many words that samples are to be taken in the presence of the Health Officer and the results are to be conveyed separately. The results

of the samples taken by the Sanitary Inspector are also to be conveyed separately. This would mean that there will be a check on the sanitary inspector also. | 2 |

Dr. Sushila Nayar: In other words, you say that you will be protected from the charges of corruption that are levelled against you.

Shri J. N. Arora: Yes, Madam.

Shri Tulshidas Jadhav: What is the percentage fixed for the samples to be taken for testing? Is it the same everywhere?

Shri J. N. Arora: Not one everywhere. Here, in U.P., the percentage of samples taken may be 10 per cent or 15 per cent for health officers. We suggest that it should be 5 per cent.

Dr. Sushila Nayar: You also want that the samples should be taken in the presence of the Inspectors.

Shri J. N. Arora: Yes. One thing which I would like to bring to the notice of the Committee is this. There is no alphabetical record of adulterated cases detected being maintained by the Corporation, etc. In a few years, thousands of cases of adulteration have been detected by the Municipal Corporation etc. But, there are no proper record or register maintained by the Office of the Health Officers. If this is maintained, that would help us in telling the court that such and such a man has been convicted three or four times or so. As it is, we found it difficult to point this out. It might be of interest to the Committee if I say that there are cases of adulteration in regard to Nelson, Amul, Morton, Cowboy, Shakti and Government dairies of Aligarh and Agra. In Agra some samples were taken and some cases of adulteration were

found out. There is no coordination between the States in this regard. What we want is that if an offence is committed by anyone at Bombay and any of the branch at Agra also commits an offence and is convicted, this should be taken as a second conviction and not as one conviction.

Dr. Sushila Nayar: You want that if one branch of a firm is convicted in another town *viz.*, in Bombay and it has been convicted for the second time at Agra, this should be treated as a second conviction and not as one conviction. You may also warn them to be very careful in future.

Shri J. N. Arora: Certainly it is a very good thing if it is done. As far as Agra is concerned, the Food Ins- as Agra is concerned the Food Ins- this regard. It might have also come to the notice of this Committee that we were faced with a strike for eight days, or so by the milkmen of Agra. The milkmen were bringing milk from the rural areas. During strike milk was sold at Rs. 2 per seer. When they were convicted, they wanted that their conviction should be set aside.

Chairman: If it is an association or a body and if they have got a branch elsewhere and if they have committed an offence and they are convicted at different places, conviction given to the branch should be treated as a second offence even though it may be a body or association.

Shri U. M. Trivedi: Suppose one man is prosecuted in two cases—one at Bombay and the other somewhere.

Dr. Sushila Nayar: That should be notified.

Shri J. N. Arora: We are suggesting certain things for the consideration of the Committee.

Chairman: You say that there should be a proper record maintained at the Office of the Sanitary Inspectors. Is it so?

Shri U. M. Trivedi: He says no proper record has been maintained for the persons who have been convicted.

Shri J. N. Arora: Another point which our Association would like to stress is that sometimes Supreme Court or high courts deliver some judgements which affect the administration of the law. But, the Food Inspectors are generally kept in the dark about these unless some of us are wide awake and we take notice of these things ourselves by our constant contact. Some check should be exercised by the Central Government or State Government over the local authorities as to whether rules are being complied with by them in the matter of issue of licences etc. to the traders.

Dr. Sushila Nayar: You say that there should be uniformity in the procedures followed in different States. Is that what you want?

Shri J. N. Arora: Yes, Madam. At Agra, there was recently a strike by the milkmen or Food Inspectors were harrassed by these people. We submitted their cases to Government of India also. The District Magistrate and others have helped us and the strike was held to be illegal. They were also fined. About 100 to 150 milkmen were also sent to jail at Agra for adulteration. In such cases we are faced with difficulties. For this purpose, we suggest that some vehicles and uniforms be made available to us.

Dr. Sushila Nayar: I think you get some cycle allowance. If you have uniforms, won't that go against you because the moment they see that the man in the uniform is coming like a police man to collect samples they may hide away the things?

Shri J. N. Arora: This is also a very important point. Still we require uniforms. We may wear it at the appropriate time.

Dr. Sushila Nayar: I think some sort of identity card or emblem might be useful for the purpose. You can take that out from your pocket and show that to the man concerned. He might then recognise you.

Shri J. N. Arora: Vehicle is absolutely necessary. Cycle allowance alone won't do. The public brings in food articles from Kanpur, Rajasthan etc. to Agra. They bring hundreds of tins. We should also have to check them. Generally big business people bring many articles from other States.

Dr. Sushila Nayar: You mean to say that you want to chase them.

Shri J. N. Arora: Yes. The real point is that we have to check those people who bring hundreds of tins of ghee and other things and run away after leaving two or three tins here and there.

For this, we require vehicles.

Dr. Sushila Nayar: Do you think there should be a police squad?

Shri J. N. Arora: Yes. There should be some good attendant with us also as it is in the Excise where there are inspectors. We can take police but generally we do not get it. Generally, we do not get the help in time and by the time we get it, the culprit runs away.

We now bring to your notice another aspect, that is, the Public Analyst office. After all, errors and omissions can be at that level too. We wish that we may be permitted in some cases to check what the Public Analyst has certified. We submit that some errors and omissions can be found in the Public Analyst office.

Dr. Sushila Nayar: Maybe.

Shri J. N. Arora: When we collect samples, our samples are sent in the first instance to the Public Analyst office, Lucknow. If there is found adulteration and the man accused contests against it, then they are sent to

the Central Laboratory; not otherwise. We want to exercise some check ourselves. If certain samples are declared to be genuine and we believe that they are not so, we might be permitted to check them, by sending them to Central Laboratory.

Dr. Sushila Nayar: When the other party is contending what the inspector feels, I think what you say is a very good thing. That will be a very salutary thing.

Dr. C. B. Singh: There may be a margin of error.

Dr. Sushila Nayar: How do you happen to know that the Analyst's report is wrong and that the food is adulterated?

Shri J. N. Arora: We are in the field. People approach. At Agra we have devised one other thing also that food inspectors will take the samples as soon as they finish sampling, to the Health Officer and not to their residences in order to escape all the criticism.

Shri Shiv Charan Gupta: Can't the power given to the sanitary inspector be abused?

Shri J. N. Arora: No, please. It may be done by taking the second sample with the Health Officer. We can request the Health Officer or the court. We take three samples. One is given immediately to the man.

Dr. Sushila Nayar: The traders have said that there should be four samples, two with the trade and two with the inspector and they said that they would like to send one sample for testing straightway . . .

Shri J. N. Arora: . . . to the Central Laboratory.

Dr. Sushila Nayar: No; to their own laboratory.

Shri J. N. Arora: There may be no objection. We say, they should have every facility so that there will be no doubt at all.

Dr. Sushila Nayar: So, you approve the idea if they want to send one to their own laboratory.

Shri J. N. Arora: The findings of their own laboratory will have no force.

Shri U. M. Trivedi: You should have the right of testing at the Central laboratory. Why are you worried about their examination?

Dr. Sushila Nayar: Nobody will attach any importance to that.

Shri U. M. Trivedi: We are not going to. Let them have their own satisfaction.

Shri J. N. Arora: There may be no objection.

Now, this is a bottle of Gold Coin Apple Juice manufactured by a very big concern of all-India fame, that is, Dyer Mekins. Let me submit something on this. A sample taken by a certain food inspector—if you like to have the name, I can tell you—was submitted to the Public Analyst, U.P. with a request that the analysis may be done for quality, colour and preservative content. On this bottle nothing is written as to whether it contains any colour or preservative. The food inspector was quite justified in requesting the Public Analyst to give a report on these three points. But he simply says: no adulteration detected.

Shri Hari Vishnu Kamath: Is this the notorious one?

Shri J. N. Arora: Yes. The food inspector requested, "Kindly state whether it contains colour or any preservative or not because on this label it is not indicated whether it contains any colour or preservative. In the rules framed by the Central Government, it has been provided that the fruit juices can be with or without colour and preservative.

Dr. Sushila Nayar: I accept your point. You are right in asking that. You wanted to know whether any colour or preservative has been used in this. The Public Analyst should have given you the answer.

Shri J. N. Arora: Under the law, it has been provided that the man who uses any colour should write it on the label that the colour is used. Only permitted colours are used. If the food inspector who submitted the sample would have known that the colour has been used in this, the fellow of such a great repute of all-India fame could have been prosecuted. But the food inspector could not do it.

Chairman: It would help the Public Analyst also.

Shri J. N. Arora: Moreover, it has been specifically laid by the Central Government that the Public Analyst has to give the data. But the data is not being given. He simply says: No adulteration detected.

Chairman: They do not give it in the positive way.

Dr. Sushila Nayar: Have these matters been reported to the Director of Health Services?

Shri J. N. Arora: That is a relevant point. We being the servants, bring it to the notice of immediate boss, but many things happen. There is no food inspector other than myself who detected. I know a man of this repute will stand up in the court and ask many questions and a man of some standing, a man who has rendered 32 years of service, must stand and face all this. This thing had been brought to the notice of my boss. Our association is most anxious to render any service you like. These are the suggestions.

Dr. Sushila Nayar: What is your view on this business of having two independent witnesses?

Shri J. N. Arora: I invite, first your attention to section 10(8) of the Prevention of Food Adulteration Act. That section authorises us to act as police officers and accordingly if the true name and address is not given to us we can just arrest the man and make inquiry about the correct address. But what happens thereafter? We could ascertain the correct name and address of the man. Supposing he lives 12 miles away, we try to take some bonds and surety from him to the effect that whenever required he will come to the court. But the unfortunate thing is that the court refuses to recognise this bond and this surety. We can give concrete cases of this kind whenever required. Whenever the accused knows that summons is issued, he will go away from the corporation area, with the result the Police will not go there and arrest him. If we take from the man surety bond for Rs. 1,000|-, the court should forfeit that. That will be very helpful.

Shri U. M. Trivedi: I want to hear your views on the question of two witnesses.

Shri J. N. Arora: On the question of two witnesses, the point is this. When there is adulteration and when we are not on the spot, the public say that there is adulteration. But when we are actually on the spot, the public are no the side of the dealer or vendor. They say "You leave him. He has not done anything". Suppose we take their signatures. But when they face the advocate in the court, they say something different and we lose our case.

Dr. Sushila Nayar: The witnesses are won over by the accused?

Shri J. N. Arora: Yes.

Shri U. M. Trivedi: Why not take four signatures or signatures of any number of witnesses on the spot?

Shri J. N. Arora: There is no difficulty.]

Shri U. M. Trivedi: But when the matter goes to the court, these witnesses are not prepared to tell the truth?

Shri J. N. Arora: That is the position.

The second difficulty is that if somehow they are implicated as witnesses, they will have to go to the court not less than three or four times. That is another difficulty.

Dr. Sushila Nayar: What is the remedy: Should we retain this clause about the witnesses?

Shri J. N. Arora: "As far as possible" may continue in the Bill so that we may vindicate our position. If it is not there, the witnesses may turn hostile and our case may be lost. That is our submission.

Dr. Sushila Nayar: You want to keep two witnesses as far as possible?

Shri Shiv Charan Gupta: According to a High Court judgment if the words "as far as possible" are there, then one witness is sufficient.

Shri J. N. Arora: In most cases the culprits know how to escape punishment because the surety bonds taken by us are not recognised by the court. That is our handicap. The Police say that these people run away to the villages when summons is issued so that they are not arrested. Our submission is that the Bill should contain some provision by which the surety bonds which we take from these men will be recognised by the court. Suppose a bond for Rs. 1,000|- which we took from the man is forfeited by the court, the man can be controlled.

Dr. Sushila Nayar: What is the remedy for this?

Draftsman (Law Ministry): For that section 10(8) read with Section 57 of the Cr. P.C. is there. Under that section he has the powers of a police

officer and can arrest the offender. Section 57 of the Criminal Procedure Code *inter alia* states:

"Should the true name and residence of such person not be ascertained within 24 hours from the time of arrest, or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction".

So, that power is there.

Shri J. N. Arora: That power is given to us only for ascertaining the correct name and address of the person concerned, not for anything else. My submission was slightly different.

श्री के० एल० बाल्मीकी : ज्यादातर केसिज में दूध और ची वाले पकड़े जाते हैं। अगर वे अपना सही नाम और गांव बगैर ह न बतायें, तो उस स्थिति में आप क्या करते हैं ?

श्री जे० एन० अरोड़ा : उसके लिए एक्ट में प्रावधान है कि हम उनको गिरफ्तार कर सकते हैं और उनको धाने में भेज सकते हैं और जब तक उन का ठीक नाम और पता न मिले, तब तक उनको वहां पर रख सकते हैं। ये अक्षयारात तो हम को मिले हुए हैं, लेकिन हम को यह अक्षयार नहीं है कि हम उन को प्रोड्यूस कर सकें।

श्री के० एल० बाल्मीकी : उनके गवाह भी तो पासरबाइज होते हैं आप उन की गवाही कैसे मान लेते हैं ?

श्री जे० एन० अरोड़ा : जिस व्यक्ति को हम नहीं जानते हैं, हम उसकी गवाही को मन्जूर नहीं करते हैं।

श्री के० एल० बाल्मीकी : मिलावट दो तरह से होती है—एक तो इन्डजेनस तरीके से और दूसरे साइंटिफिक तरीके से।

जो दूसरा तरीका है, जैसे महेश घी, शिवा घी और मोहन घी इत्यादि, क्या उनके सैम्पल भी आप पकड़ते हैं और क्या उन में भी आप ने एडल्ट्रेशन पाया है ?

श्री जे० एन० अरोड़ा : मैंने अभी अमूल नेलसन, मार्टन, काउम्बाय, शक्ति और गवर्नमेंट डेयरी फार्म, आगरा का जिक्र किया है लेकिन महेश और शिवा घी बगैरह को हमने अभी तक नहीं पकड़ा है।

श्री के० एल० बाल्मीकी : यू० पी० में और विशेषकर आगरा में लोग घी की हंडिया ले कर आते हैं और बड़े होलसेलर्स के पास जाते हैं। क्या उन में ज्यादा एडल्ट्रेशन होता है ?

श्री जे० एन० अरोड़ा : छोटे छोटे आदमी ज्यादा पकड़े जाते हैं क्योंकि उन लोगों को एक मकान से दूसरे मकान तक जाने के ज्यादा चांसिज होते हैं। वे लोग ज्यादा एडल्ट्रेशन करते हैं।

Shri Shiv Charan Gupta: Regarding the capacity of these laboratories, every municipal board has this laboratory. Do you face any difficulty with regard to sampling and analysis of samples and all that?

Shri J. N. Arora: This Association has submitted in its memorandum that there ought to be a laboratory at each district level. For two things. One is that the honest businessmen can have their samples analysed at a nominal cost; secondly, we may also get our samples immediately analysed and take action.

Shri Shiv Charan Gupta: The samples taken by the food inspectors are required to be analysed at the laboratory of the local body concerned. I want to know whether these local boards have sufficient laboratory facilities or not.

Shri J. N. Arora: In U.P., only the laboratory of the Public Analyst is recognised and we send all our samples there.

Dr. Sushila Nayar: Suppose we have a laboratory in every district, may not be necessarily the corporation. The State Government may make provision for independent analytical facilities available at each district level for speedy analysis of the samples and early submission of the results. Do you consider that will be a big help? If not at the district level, at the divisional level.

Shri J. N. Arora: We have also submitted it in our memorandum.

Dr. C. B. Singh: This facility is not available at the district level in U.P. The provision has been there that they must provide in each district. but we have not got it.

Shri J. N. Arora: That will be of very great help.

Shri Shiv Charan Gupta: How many are there in U.P.?

Shri J. N. Arora: Only one.

Shri Shiv Charan Gupta: And from every nook and corner of the State they must sent it there?

Shri J. N. Arora: Therefore, our submission is that it should be at the district level so that the analysis may be done expeditiously.

Shri Shiv Charan Gupta: What is the average daily capacity to take samples in Agra, in the Corporation area?

Shri J. N. Arora: About ten samples a day.

Shri Shiv Charan Gupta: What is the normal time taken in analysing and submitting the report on them?

Shri J. N. Arora: About two months for getting the result.

Shri Shiv Charan Gupta: That means that if a particular sample is found to be adulterated, that person is likely to know the result after two months?

Shri J. N. Arora: Yes. One more point arises, that he will get the prosecution about a year after that.

श्री के० एल० बाल्मीकी : मान लीजिये कि आप दूध या घी का एक सैम्पल आज दोपहर को लेते हैं जिसको लखनऊ लेबोरेटरी में भेजा जाता है आप कितने टाइम में उसको भेज देंगे ?

श्री जे० एन० शरोड़ा : हमारे फूड इंस्पेक्टर तो सैम्पल लेने के बाद फ़ौरन ही उस को हेल्थ आफिसर के पास भेज देंगे ।

श्री के० एल० बाल्मीकी : इस बात की क्या गारण्टी है कि वह सैम्पल बदला नहीं जायेगा ?

श्री के० एल० शरोड़ा : कानून में यह प्रावधान किया गया है कि तीसरे सैम्पल की बोटल उस व्यक्ति के पास रहे ।

डा० सुशीला नायर : अगर वह सैम्पल दूध का है । तो दो महीने के बाद वह दूध तो नहीं रह जायेगा ।

श्री जे० एन० शरोड़ा : इसीलिए तो हमने कहा है कि यह काम जल्दी होना चाहिए ।

श्री के० एल० बाल्मीकी : वह सैम्पल कितने दिन तक म्यूनिसिपल बोर्ड या कॉर्पोरेशन के स्थान पर रहता है और उस को रखने का क्या कायदा है ? मैं ऐसे केसिज जानता हूँ कि चाहे सिफ़ारिश से और चाहे और तरह से वे सैम्पल बदल दिये जाते हैं ।

श्री जे० एन० शरोड़ा : हमारी एसोसिएशन की जानकारी में तो ऐसे केसिज नहीं हैं । हमारी एसोसिएशन ने तो यह कोशिश

की है कि हमारे फूड इंस्पेक्टर जब भी कोई सैम्पल लें, तुरन्त ही वे उस को हेल्थ आफिसर के पास भेज दें ।

डा० सुशीला नायर : परिशेषल चीजों के लिए तो कोई मोबाइल लेबोरेटरी या मोबाइल मेजिस्ट्रेट हो, तो ज्यादा फायदा होगा ।

श्री जे० एन० अरोड़ा : माननीय मंत्री जी ने हुंवरबाद में जो यह कहा कि उसी वक्त एनेलेसिज हो, उसी वक्त फ्राइन हो उस से हम पूरी तरह सहमत हैं । हमारी एसोसियेशन का ख्याल है कि अगर उसी वक्त एनेलेसिज हो जाये, तो हमारे बारे में जो बातें कही जाती हैं, उनके कहने की गुंजायश नहीं रहेगी ।

श्री के० एल० बाल्मीकी : वे सैम्पल ग्रंडर लाक एंड की किस के पास रहते हैं ?

श्री जे० एन० अरोड़ा : हेल्थ आफिसर के पास ।

श्री के० एल० बाल्मीकी : अक्सर इस बारे में सिफारिश चल जाती है और वे सैम्पल बदल दिये जाते हैं ।

श्री जे० एन० अरोड़ा : जी, नहीं ।

There are a few more points of submission by the Association. One important point is this—we are sorry that we could not get fifty copies of this submitted at the time when we submitted our memorandum. But if the hon. Chairman allows us to submit one or two copies, we would like to make this submission as to how the courts treat the Act. Is it their own Act, or the Act of the Parliament. We have got these only from two places—we can cite others—but for the present it is Firozabad Municipality and Bareilly Municipality.

In 1960 sample No. 12 is seized. It was tested on 11-1-1961. Fine imposed: Rs. 25.

Then there are cases where there ought to be six months' jail they are let off with a fine of Rs. 5, or so. We want that a regular probe may be made in this respect.

Chairman: You have given the statistical information.

Shri J. N. Arora: Yes. We have given instances of one or two districts in this. The next point is this. The Central Committee for Food Standards is going to revise the qualifications of the Food Inspectors for recruitment. Formerly in U.P. Sanitary Inspectors were only matriculates, but now F.Sc.s. and B.Sc.s. are already there. This detection of adulteration is not a question of F.Sc. or B.Sc. for a particular job. It is a question of intelligence, knowing the area and culprits. This proposal of revision of qualifications may either be kept in abeyance or may be made applicable for future. Because when the question of promotion comes, the people who have been doing good work be not denied their chance of promotion on account of lack of qualifications. Our honourable Health Minister here has also taken notice of this at the recent Hyderabad Conference. There are precious inducements around the Food Inspectors and if they want they can make use of the opportunity. But they are doing their best in their work, especially hazardous work. These people should be amply rewarded by the Government.

The U.P. Act of 1950 was repealed by the Act enacted by the Parliament. But the rules framed under the 1950 Act are still there. The food inspectors are the people to implement this Act, but they are confused on account of these old rules. These rules ought to be revised according to the Act and rules of Parliament.

Dr. C. B. Singh: Will you suggest some kind of training for the Food Inspectors?

Shri J. N. Arora: We are ready for any training.

Dr. Sushila Nayar: What type of training you suggest? The Drugs Controller of Maharashtra is regularly sending his Inspectors to Courts so that they may become familiar with the loopholes and that may give them some classes in law. You know they are most successful in Maharashtra.

Shri J. N. Arora: We are ready for any type of training. 99 per cent of the Food Inspectors of U.P. take their cases themselves to the law courts. We generally do not get legal help. If we are given legal assistance, we may also become as successful as the Drug Inspectors of Maharashtra.

When the question of promotion or appointment to the Central cadre comes, we should also be given a chance in the Central cadre.

Dr. Sushila Nayar: The first step is provincial cadre.

Shri J. N. Arora: In U.P. we are about 1300 Sanitary Inspectors. 600 Sanitary Inspectors have been appointed by State Governments in districts. 250 Z.P.S.Is are shortly to be absorbed in the provincial cadre. We wish that steps should be taken

to provincialise the services of the rest of 500 Inspectors of the Corporations and Municipalities. Our Minister, Shri Chaturbuj Sharma has assured us that our suggestion will be taken up for action, because for the last 27 years we have been talking of this.

Shri Shiv Charan Gupta: I would like to say that it is not a debatable point whether the sanitary inspectors should be vested with the powers of food inspectors or there should be a separate cadre of food inspectors.

Shri J. N. Arora: It is a very good question. The Sanitary Inspectors are in close touch with the public and they know many things in the field of sanitation, hygiene etc. For the sake of administrative efficiency, these people should be vested with the powers of Food Inspectors.

Dr. Sushila Nayar: You have given us very good points. You have been very helpful to us. Thank you very much.

*(The witnesses then withdrew)
The Committee then adjourned.*

MINUTES OF EVIDENCE GIVEN BEFORE THE JOINT COMMITTEE
ON THE PREVENTION OF FOOD ADULTERATION (AMENDMENT)
BILL, 1963

Wednesday, the 5th August, 1964 at 13.32 hours.

PRESENT

Dr. Sarojini Mahishi—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsna Chanda
5. H. H. Maharaja Pratap Keshari Deo
6. Shri Shiv Charan Gupta
7. Shri Tulshidas Jadhav
8. Shri Hari Vishnu Kamath
9. Shri C. M. Kedaria
10. Dr. Mahadeva Prasad
11. Shri Yamuna Prasad Mandal
12. Dr. G. S. Melkote
13. Shri Gokulananda Mohanty
14. Dr. C. B. Singh
15. Shri U. M. Trivedi
16. Shrimati V. Vimla Devi
17. Dr. Sushila Nayar.

Rajya Sabha

18. Shrimati C. Ammanna Raja
19. Shri J. C. Chatterjee
20. Shri K. Damodaran
21. Shri S. S. Mariswami
22. Shri Deokinandan Narayan
23. Shri Palat Kunhi Koya
24. Shri Niranjan Singh.

DRAFTSMAN

Shri S. Harihara Iyer, *Deputy Draftsman, Legislative Department,
Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri R. K. Ramadhyani, *Secretary, Ministry of Health.*
2. Shri Gian Prakash, *Joint Secretary, Ministry of Health.*
3. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
4. Dr. Y. K. Subrahmanyam, *A. D. G. (P.H.), Ministry of Health.*
5. Shri Amar Nath Varma, *Under Secretary, Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES EXAMINED

I. Kirana Committee (Regd.), Delhi

1. Shri Kishori Lal Mehra
2. Shri Ram Chander Amar
3. Shri Gopi Chand.

II. Delhi Provision Merchants' Association, Delhi.

1. Shri G. C. Khanna
2. Shri Girdhari Lal
3. Shri Vijay Kumar.

III. Delhi Parchoon Dukandar Association, Delhi.

1. Shri Basanti Lal
2. Shri Ram Lal
3. Shri Kedar Nath.

IV. Dry Fruit, Kirana & Chemicals' Retailers Welfare Association, Delhi.

1. Shri J. L. Duggal
2. Shri Hari Kishen
3. Shri Fateh Chand Naseem.

V. Federation of All India Foodgrain Dealers' Association, Delhi.

1. Shri V. S. Aggarwal
2. Shri Vallabh Das Peraj.

VI. Indian Produce Association, Calcutta.

1. Shri S. N. Murarka
2. Shri C. L. Gupta
3. Shri R. S. Sharma.

II. Kirana Committee (Regd.), Delhi.

Spokesmen:

1. Shri Kishori Lal Mehra
2. Shri Ram Chander Amar
3. Shri Gopi Chand.

II. Delhi Provision Merchants' Association, Delhi.

Spokesmen:

1. Shri G. C. Khanna
2. Shri Girdhari Lal
3. Shri Vijay Kumar.

III. All Delhi Parchoon Dukandar Association, Delhi.

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Spokesmen

1. Shri S. N. Murarka
2. Shri C. L. Gupta
3. Shri R. S. Sharma.

(Witnesses were called in and they took their seats).

Chairman: The memoranda submitted by you have been circulated to all the honourable Members of the Committee. If you want to stress any particular point or add any new points, you may do so. The evidence given by you will be treated as public unless you specifically want that the whole or any part of it should be treated as confidential. Even then, it will be circulated to all the honourable Members. If you wish to suggest any amendments, you can do so.

Shri Kishori Lal Mehra: I wish to bring to the notice of the honourable Members that the Act, as it stands or the amended Bill does not make any

distinction between whole article and powdered article. Our request is that distinction should be drawn in the Act between whole article and powdered article because adulteration as defined in the Act is mainly man-made and not made by the nature. The whole articles of spices are natural products. They are produced by the growers, by the peasants, by the gardeners etc. These people bring the produce to the market in their original condition, reaped condition. The purchasers in the market buy these in the same condition as are brought by the peasants and then despatch to outside markets for sale to retailers through whole-salers.

[Shri Kishori Lal Mehra]

There is no chance for adulteration when the produce is with the wholesaler or Commission Agents. No arrangement is made at least in Delhi and other like centres for adulterating the whole article.

Dr. Sushila Nayar: How is papaya seed mixed with the whole pepper? How is rubbish mixed with jeera?

Shri Kishori Lal Mehra: Unless the Government make some arrangements at the producing centres, this so-called whole adulteration cannot be avoided. The whole spices are produced in different parts of India under different climatic conditions in different localities with different earth strength of productivities and growth as well as different atmospheric effects. So the substance and quality cannot be the same in all parts of India. Therefore, some arrangement should be made in the Rules to specify the nature, substance and quality of the whole produce in different parts of India.

Dr. Sushila Nayar: There are standards for both I am told—whole as well as powdered.

Shri Kishori Lal Mehra: So far as we are informed, there are standards for powdered ones and not for the whole product.

Dr. Sushila Nayar: They are for both.

Dr. C. B. Singh: You mean to say that there are regional differences—east, west, north and south—in the quality and substance of these products.

Chairman: If the Members could make note of their points and ask their questions later on after the witnesses finish their evidence, we can save some time also.

Dr. C. B. Singh: There are certain points on which we have to get clarification then and there.

Shri Kishori Lal Mehra: The specifications made under the rules cannot be made applicable to the whole articles; these can be made applicable to powdered articles all right. I may refer to the rules made under the old Act of 1954, page 34:

A. Spices—The standard specified for the various spices given in this clause shall apply to spices in whatever form, whether whole or partly ground or in powdered form.

Dr. Sushila Nayar: These rules are ready and they are awaiting notification. May I suggest one thing? If you have any difficulty concerning with the present Act, please let us know. Also you can bring in suggestions with regard to the amendment of rules and write to us. We can examine them and whatever is reasonable can be done.

Shri Kishori Lal Mehra: What I want to submit is that these rules may not be applicable to the whole articles.

Dr. Sushila Nayar: This Committee is not amending the rules. Therefore please tell us whatever suggestions you want to make with regard to the amendments of the Act and leave the rules out of that. That is a separate matter.

Shri Kishori Lal Mehra: If I am allowed to submit, my contention is that the rules as they exist will be applicable to the new Act in which different rules are made. Because of these, the whole article should be excluded from the operation of this Act.

Chairman: If you can give suggestions with regard to the rules, we can make note of them and while amending the rules, we will certainly consider them.

Shri U. M. Trivedi: He wants to distinguish the application of the Food Adulteration Rules *vis-a-vis* the whole material and the powdered material. I want to ask him whether it is his suggestion that the definition of the

food in the Food Adulteration Act has come in this section.

Dr. Sushila Nayar: On page 19 of the old Act, you will see that the rule-making power is given. It is definitely stated that you can define the standards or quality of food and for fixing the limits of the percentage permissible in respect of any article of food, it can be done for the whole as well as powdered article so that it does not need amending the law with respect to that.

Shri U. M. Trivedi: Does he want to make any suggestions for the alteration in the definition of food?

Chairman: He is only dealing with the powdered material. He wants to stress his point on this.

Shri Kishori Lal Mehra: I want to bring to the notice of this hon. Committee one fact that what nature has produced in a particular area in A.P. may not be the same as produced in U.P.; it may not also be the same as produced in Punjab. I want to emphasise that the nature and quality of all these things cannot be the same in different places unless the Government establishes the same to the contrary.

Chairman: You are stressing on a different point. For example, the hon. Health Minister gave an example of *papita* seeds being mixed up with the pepper—it may be in Mysore or in Andhra Pradesh or in Punjab. The fact remains that the *papita* seeds may be mixed up with the pepper.

Shri Kishori Lal Mehra: That is not adulterated. That may be sub-standard.

Dr. Sushila Nayar: Is it not adulterated?

Chairman: Members are all agreed that there is some variation in all the articles produced in different parts of the country depending upon the climate, sun-shine and other things in that part of the country.

Dr. Sushila Nayar: If it is not adulterated, why should he fear then?

Shri Kishori Lal Mehra: Anything that is visible to the naked eyes is an adulterated one.

Chairman: Is it your idea that anything which is visible to the naked eyes is adulterated?

Dr. Sushila Nayar: We all agree that if you can see with your own eyes that it is not an adulteration, then it is your job to point it out.

Shri Hari Vishnu Kamath: In the memorandum submitted by this Association to the Committee, the main plea is that the Government should take upon itself the responsibility for distribution of spices, kirana etc. In that case, you will not ask for exemption from the operation of this Act. That is what you have said on page 4 of your Memorandum. You cannot have it both ways. If the Government takes upon itself the responsibility for distribution, then you come under the law—Adulteration Law. Later on, you will be responsible.

Shri Kishori Lal Mehra: My submission is that as the producing centre has made some arrangements to check the qualities or sub-standard nature of the article. There may be many articles sold as adulterated elsewhere.

Shri Hari Vishnu Kamath: Later on you may say that.

Shri Kishori Lal Mehra: Then I should be held responsible. My submission is that under the rules we have to conform to certain standards. Page 34 of the rule says:

“Turmeric (*Haldi*) means the dried Rhizome or Bulbous root of the plants of Genus *Cureuma* and spices longa and turmeric in whatsoever form. It shall be free from damage by insect pest, from lead chromate and other artificial colouring matter, and shall not contain more than 2.5 part of per

million of lead, it shall conform to the standards as required under this Act."

Dr. Sushila Nayar: You need not read that.

Chairman: This is an amendment to the rule that he is suggesting.

Shri Kishori Lal Mehra: Under the present Act, we have to conform to these standards as required under the Act.

Dr. Sushila Nayar: That is very true. These specifications have been laid down after examining large samples and analysing them in the manner it is stated here and then they are prescribed. In any case, if you have any quarrel with the rules we have suggested to you that you can take it up separately. This hon. Committee is not dealing with the rules.

Shri Kishori Lal Mehra: I am not asking the hon. Members to deal with the rules at this stage. What I was submitting was that naturally a product when produced cannot be expected to conform to those standards as required under the Act.

Dr. Sushila Nayar: Then what do you want?

Shri Kishori Lal Mehra: The whole article is produced; it has been brought into the market and hence no rule can be introduced now.

Dr. Sushila Nayar: You do not know what you are doing. I can assure you that turmeric as has been pointed out just now is mixed with lead chromate. It looks yellow—very very yellow—whereas the natural turmeric does not look yellow. You may not be doing it but other people are doing it.

Shri Kishori Lal Mehra: I submit if that centre is checked where it is produced . . .

Dr. Sushila Nayar: The trade is doing it.

Chairman: The analysis of some of these things have shown that these things do contain adulterated material. If you want any statistical information, we have got it ready.

Dr. Sushila Nayar: The Government Analyst can tell you how it is done. Please show him the sample.

Chairman: He knows it.

Shri Kishori Lal Mehra: The question is, the percentage of lead by nature in the turmeric varies from place to place.

Dr. Sushila Nayar: 200 parts of a million of lead is in this. This is in the powder. I can show you the whole one also. गाँठ पर लगते हैं, भाई ।

Shri Kishori Lal Mehra: If that is checked at the centre where it is produced . . .

Dr. Sushila Nayar: It is not done at any particular centre. It is your job, as traders, to see that you do not distribute lead poison to the people.

Shri Kishori Lal Mehra: There is no arrangement with the traders to check the percentage of lead.

Chairman: Any amendments that you are suggesting to the rules may kindly be sent separately.

Shri Kishori Lal Mehra: I am not saying about rules. I am suggesting that the Act should not be applicable to the whole articles.

Dr. Sushila Nayar: We cannot agree with that. This is the stuff that is used by the trade to colour the whole turmeric.

Chairman: Whether it is whole article or powdered article, after all it is included in the food.

Shri Kishori Lal Mehra: My next submission is going to be regarding the powdered spices. Some arrangements should be made to Agmark them at the factory itself where these are powdered. The Government should make arrangements to check and Agmark those articles in the factories where these are powdered.

Dr. Sushila Nayar: The Government should see that it is produced properly; the Government should see that it is powdered properly and given to you in a pure form. Why not the Government sell it also. You want all the trade to go into the hands of the Government?

Shri Kishori Lal Mehra: As we stand in India, in 1964, is there any arrangement with the trader to check what percentage of lead is in the whole turmeric?

Dr. Sushila Nayar: What prevents you from having your own laboratories where you can test them?

Shri Kishori Lal Mehra: It will not be practical at all to check it in every city.

Dr. Sushila Nayar: Every city can have a laboratory.

Shri Kishori Lal Mehra: The Government is Agmarking the ghee.

Dr. Sushila Nayar: Yesterday some people told us that even the Agmark product they found it adulterated. It was explained to us how they put a needle or something else and remove the real stuff and instead put the adulterated stuff in it. So, the people who have taken to adulteration are very ingenious.

Shri Kishori Lal Mehra: If after it is Agmarked it is found to be adulterated, then naturally the person who possesses it is guilty under the Act.

Dr. Sushila Nayar: He wants to say that it was adulterated at the source itself; he wants impunity because of that.

Shri Kishori Lal Mehra: For the sake of one or two cases, the whole of the trade should not be made to suffer.

My next submission is regarding the imported articles of spices. I submit that there should be a check at the exporting centre.

Dr. Sushila Nayar: Should we have our organisations in all places in every country to check what you are importing?

Shri Kishori Lal Mehra: How can the Indian trader check the foreigner?

Dr. Sushila Nayar: Why don't you get a certificate from them that it applies to certain qualities.

Chairman: The imported articles are not under consideration now. The amending Bill does not deal with that.

Shri Kishori Lal Mehra: Then I make a submission regarding the samples which are taken at the time when the inspector comes. Under the Act, three samples are taken. Our submission is that four should be taken instead of three. Two samples should be left with the trader so that they will be given an opportunity to get these independently tested.

Dr. Sushila Nayar: You want us to believe the report that you will get from your analyst which we are not going to do. If you want to get it checked yourself, the sack or the can from which the inspector takes out the sample, the remaining portion, is there and you get it analysed. Where is the need for the fourth sample?

Shri Kishori Lal Mehra: How will the court believe it that this is out of the same stock.

Dr. Sushila Nayar: In any case the court is not going to believe the report that you get from your analyst

unless it is an independent body the testimony of which can be accepted.

Shri Kishori Lal Mehra: We may have it tested from some other laboratory in some other province.

Dr. Sushila Nayar: That will not be acceptable.

Shrimati C. Ammannna Raja: Government laboratories are all the same everywhere.

Shri Kishori Lal Mehra: The person who is testing it is not the same.

Chairman: When the person can get it tested from his own laboratory, why can't he get it tested at the source itself?

Shri Kishori Lal Mehra: We can have different opinions from different analysts.

My next submission is that some arrangements should be provided to the traders for storing the articles because so far there is no arrangement made for storing these articles where they can be kept safe from insects and climatic effects.

Chairman: Now go to your next point.

Shri Kishori Lal Mehra: Does the hon. Minister agree with me that the whole articles should not be included in the purview of the Act and that it should be made applicable only to the powdered ones where there is a greater chance of adulteration?

Chairman: Are you reopening the first point?

Shri Kishori Lal Mehra: Then certain amendments may be made in the definition of the wording as suggested by me in my Memorandum already submitted.

My next point is regarding section 7 of the Act which reads:

"No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute any adulterated food."

According to the present section which is being adopted in the Bill also, the producer of the article in one place, the wholesaler in Delhi and the retailer in that article at Panipat, are all liable for punishment for the offence of adulteration, if it is proved to be an adulterated stuff. According to an established principle of law, no two persons can be punished for the same offence.

Dr. Sushila Nayar: This is very interesting. A factory run by 100 persons may produce poison which is capable of killing thousands of people, but you say that only one person can be punished and 99 should be set free.

Shri Hari Vishnu Kamath: The established principle of law is the other way round. No man can be punished twice for the same offence. Not the contrary.

Shri Kishori Lal Mehra: Suppose I am the wholesaler here in Delhi. A servant helps me in my business. If the article is found to be adulterated, under this Bill now both can be punished.

Dr. Sushila Nayar: Don't you think that is fair?

Shri Kishori Lal Mehra: It is hardly fair. Only the person who owns the shop and who sells it is punishable and not the servant.

Dr. Sushila Nayar: Is there any other point?

Chairman: We have understood that point. If there is any other point, please put forward. Otherwise, I will now ask the hon. Members to put questions.

Shri Hari Vishnu Kamath: Please turn to page 6 of your written memorandum submitted to the Committee. Here you suggest that four samples should be taken of the suspected

material because you would like to get one of them examined by a Government laboratory of your own choice. Does it mean that by experience your confidence in the Public Analyst has been weakened or shattered?

Shri Kishori Lal Mehra: That is not my point. The point is that analysis can differ in different laboratories by different analysts. This is my point. I have not said that I have lost trust in the Public Analyst. I should be given the right to get the material analysed myself and then it should be left to the Court whether to believe the report of the Public Analyst or my analysis.

Shri Hari Vishnu Kamath: The implication of this is that at the back of your mind there is suspicion of the honesty of the Public Analyst.

Shri Kishori Lal Mehra: It is not like that.

Shri U. M. Trivedi: If that is so, why not admit it?

Shri Kishori Lal Mehra: The point is that the analysis of the sample may differ.

Dr. Sushila Nayar: If they differ, you send it to the appellate authority. The court can ask for an appeal.

Shri Hari Vishnu Kamath: I find that later on in the same paragraph you have said that "cases are brought in the court after lapse of months and even years and by that time the same becomes..." Are you speaking from experience or is it hearsay?

Shri Kishori Lal Mehra: Experience.

Shri Hari Vishnu Kamath: In that case can you give us figures, apart from this kind of vague and random statement?

Shri Kishori Lal Mehra: We can give definite instances with concrete figures.

Shri Hari Vishnu Kamath: Please send the statistics later on.

You have suggested one last point that for powdered spices there should be licensed factories and for whole spices Government should take over the arrangement for distribution—that is procuring them at the source or producing centres and then distributing them.

Shri Kishori Lal Mehra: Inspection should be done at the producing centres.

Shri Hari Vishnu Kamath: If that is done, then I take it, you will hold yourself liable—not you personally, but the wholesaler?

Shri Kishori Lal Mehra: Of course I will be liable, if the certificate by the Government is there to the effect that it is according to specifications. Then, if I am found in possession of adulterated articles which do not conform to the specifications, then surely I will be liable.

Shri Hari Vishnu Kamath: Even after that if you are found guilty of adulteration by the highest court of the land would you agree that the adulterator is a potential murderer and should therefore be publicly hanged in Chandni Chowk?

Shri Kishori Lal Mehra: The adulterator should be punished....

Shri Hari Vishnu Kamath: To stop adulteration, would you agree that he should be publicly hanged in Chandni Chowk provided he is found guilty by the highest court of law?

Dr. Sushila Nayar: Of all the places why show such kindness to Chandni Chowk?

Shri Hari Vishnu Kamath: I am speaking about Delhi. Would you agree that he should be publicly flogged?

Shri Kishori Lal Mehra: Punishment is prescribed here. But if the Parliament so desire it may be done.

Shri P. K. Deo: I could not appreciate paragraph 3 of your memorandum where you say that there should be no chemical analysis for spices. Why should you be against any chemical analysis for spices?

Shri Kishori Lal Mehra: As I have submitted, these powders differ according to the countries where they are produced. The nature, water, atmosphere and the strength of the earth, all these things affect the quality and the substance of the article. Therefore, there cannot be one single specification.

Shri P. K. Deo: In that case what is your concrete suggestion to check adulteration in the case of spices if there is to be no chemical analysis?

Shri Kishori Lal Mehra: There can only be a physical check, no analytical check. A pharmaceutical test cannot be made to apply to this.

Dr. Sushila Nayar: Perhaps if you have some chemist or some persons scientifically trained to represent you, they would have understood us better and we would have understood them better. When you say that no chemical analysis is necessary and only physical check will do, obviously you and the Committee are talking two different languages. We cannot understand each other's ideas.

श्री तुलशीदास जाधव : आप ने अपने मेमोरेण्डम में यह लिखा है :—

“The Government should provide, establish and maintain scientific arrangements for cleaning the whole spices in the producing centres at the time when these commodities are brought by the farmers or growers from the fields, so that the goods according to the specifications are despatched to the distributing centres.

Till such arrangements or institutions are formed the applicability of the Act should be suspended.”

Shri Kishori Lal Mehra: It should not be allowed to come into the market unless....

श्री तुलशीदास जाधव : मेरा कहना यह है कि आप ने इस में जो सुझाव दिया है कि यह चैकिंग का काम उन फील्ड्स में जहाँ कि वह चीजें किसानों द्वारा पैदा की जाती हैं, सरकार करे और इस तरह की चैकिंग की व्यवस्था जब तक सरकार न कर सके तब तक के लिए इस एक्ट पर अमल करना मुलतवी रक्खा जाय, यह सुझाव कुछ आपका उचित व तर्कसंगत नहीं प्रतीत होता है क्योंकि आप बल्क पचेजर्स हैं, किसानों से उत्पादकों से आप भारी मात्रा में चीजें खरीदते हैं और उनको स्टोर करते हैं। आप की एसोसियेशन भी है और इसलिए क्या आप की एसोसियेशन का यह कर्तव्य नहीं होना चाहिए कि वह अपने को सैटिसफाई कर के व चैक आदि कर के अपने मैम्बर्स के वास्ते वह चीजें परचेज करे। आप इस तरह की साइंटिफिक जांच का भार गवर्नमेंट पर क्यों डालना चाहते हैं कि वह हर जगह हर किसान के बेटों पर जाकर उनको प्रड्यूस की चैकिंग करे? आप की अपनी एसोसियेशन क्यों नहीं यह काम करती?

श्री किशोरी लाल मेहरा : दुकानदार अलग अलग फैले हुए हैं और जगह जगह से उनके पास चीजें उत्पादित होकर आती हैं और इस तरह की चैकिंग की व्यवस्था करना उनके वास्ते संभव नहीं है।

श्री तुलशीदास जाधव : आप की एसोसियेशन को यह दायित्व सम्हालने से हिचकिचाना नहीं चाहिए। बहरसाल मैं जानना चाहूंगा कि आप की एसोसियेशन में कितने मैम्बर्स हैं?

श्री किशोरी लाल मेहरा : ४०० मैम्बर्स हैं।

श्री तुलशीदास जाधव : क्या आप बतला सकेंगे कि आप की एसोसियेशन के ४०० मैम्बर्स में अब तक क्या किसी को इस मिलावट करने के अपराध में सजा हुई है ?

श्री किशोरी लाल मेहरा : किसी को सजा नहीं हुई है ।

श्री तुलशीदास जाधव : यह तो बहुत अच्छी बात है । मैं पुनः आप से इस बात के लिए अनुरोध करना चाहूंगा कि यह सोर्स पर चैकिंग करने का भार आप गवर्नमेंट पर न डालने के लिए कहीं अपितु आप की एसोसियेशन को प्रागे बढ़ कर इस दायित्व को सम्हालना चाहिए ताकि ट्रेड का नाम बदनाम न हो ।

श्री किशोरी लाल मेहरा : हर एक दुकानदार के लिए यह पूर्व चैकिंग का इंतजाम करना मुश्किल है ।

श्री तुलशीदास जाधव : मैं ने हर एक दुकानदार के लिए यह नहीं कहा है बल्कि आप की एसोसियेशन के लिए कहा है ।

Shri P. K. Deo: Mr. Mehra, you must have read in the papers some time back that these spices are mixed with horse dung, and it cannot be found out physically just by feeling that there is any mixture by adulteration. The only way is by sending it for chemical examination.

Shri Kishori Lal Mehra: It will differ with different items.

Shri P. K. Deo: Then how do you say that physical examination will do? Horse dung is mixed with powdered spices. So, how can you find it out, unless you send it for chemical analysis in the laboratory?

Shri Kishori Lal Mehra: For powdered articles I have already stated that it could be examined, and it should be examined, and the adulterator should be punished.

Shri P. K. Deo: Therefore para 3 of your written memorandum does not apply to it?

Shri Kishori Lal Mehra: Regarding powder, if at the factory where these

articles are powdered a check is made and if they are agmarked, the adulteration will be reduced to a very great extent.

Shri U. M. Trivedi: You have made one suggestion in the course of your statement. About the various spices you would not like them to be treated as adulterated if insects are found inside the spices. I would like to know from you whether you want to make this suggestion in respect of storing or when you are trying to sell also.

Shri Kishori Lal Mehra: For the purpose of storing.

Shri U. M. Trivedi: Your objection is mainly that if you have merely stored the article and if it is found to contain any insects inside you should not be held responsible for it. Is that your contention?

Shri Kishori Lal Mehra: My contention is, that if these things occur due to the climatic conditions and the atmosphere etc., we request that we may be helped in making them stored at places where these conditions may not occur.

Shri U. M. Trivedi: Please listen to the question. If an article stored in your possession only is in any manner found damaged, should you be held responsible for adulteration or not?

Shri Kishori Lal Mehra: Obviously I think we should be.

Shri U. M. Trivedi: Even if it is stored only and you are not selling?

Shri Kishori Lal Mehra: Yes.

Dr. C. B. Singh: On page 2 of your memorandum, you say that 'so far as Delhi like other cities in India is concerned none of the arhaties or commission agents or dealers have got any establishments, arrangements or facilities for adulterating the whole articles....' How do you make this claim?

Shri Kishori Lal Mehra: My association consists of 400 traders and there are no arrangements to get things adulterated.

Dr. C. B. Singh: Can it happen without your knowledge?

Shri Kishori Lal Mehra: It is not possible.

Dr. C. B. Singh: Then, how do we get adulterated things?

Shri Kishori Lal Mehra: These are all what you get in powder form. The passage in page 2 refers to whole articles. Our members do not deal in powders.

Dr. C. B. Singh: On the same page in the third para you say that whole spices brought in the selling centres must necessarily have dust, earth, ash, straws, unripened fruits etc.* We agree that it is not adulteration. Will you agree that they should be classified as class I, II or III commodity.

Shri Kishori Lal Mehra: I agree.

Dr. C. B. Singh: Why not your association classify it?

Shri Kishori Lal Mehra: We cannot do it: we are having no specialised staff for this purpose.

Dr. C. B. Singh: It is an important point. When there is a natural mixture of these things, he agrees for classifying them as class I, II and III.

Dr. Sushila Nayar: We can discuss your opinion later on: at present let us get their advice.

श्री श्री० एम० कोशारिया : अभी यहाँ पर बताया गया है कि एनैलेसिड से पता चला है कि काली मिर्च में पपीया सीड्स और हल्दी में लैड मिलाया जाता है। मैं यह जानना चाहता हूँ कि क्या ये चीजें किसानों के खेत में मिली थीं या दुकानदारों की दुकानों में मिलाई गई थीं।

श्री गोपी चन्द : पाउडर और होल स्पाइसिज में बड़ा फर्क है। इसीलिए हम चाहते हैं कि उन का एग्मार्क कर दिया जाये। ऐसा कोई सबूत नहीं मिला है कि साबुत मसालों में घोड़े की लीड मिली हुई है। जहाँ तक पपीया का सम्बन्ध है, उन का रेट ८ रुपये और काली मिर्च का रेट साढ़े तीन रुपये है। इस हालत में यह कैसे सम्भव है कि काली मिर्च में पपीया सीड्स को मिला दिया जाये? ला के मुताबिक हल्दी में २.५ पार्ट्स पर मिलियन लैड एलाउड है। अगर कहीं लैड ३ पार्ट्स पर मिलियन पाया गया, तो प्रासीक्यूशन हो गया। अगर कहीं पर हल्दी में २.५ पार्ट्स पर मिलियन के बजाये ३ पार्ट्स पर मिलियन लैड पाया जाता है, तो इस का मतलब यह नहीं है कि उस में किसी ने लैड मिलाया है, क्योंकि दस लाख में आधा हिस्सा लैड मिलाना सम्भव नहीं है।

श्री हरि बिष्णु कामत : क्या हल्दी में लैड एलाउड है ?

श्री गोपी चन्द : लैड एलाउड है, लेकिन लैड प्रोबेट एलाउड नहीं है।

डा० सुशीला नायर : नेट्यर में एक खास हद तक ही चीज मिली हुई होती है। हल्दी में २.५ पार्ट्स पर मिलियन ही लैड पैदा हो सकता है। अगर उस से ज्यादा मिलता है, तो वह इन्सान का डाला हुआ है। इसी लिए उसकी सजा होती है।

श्री गोपी चन्द : अगर कोई दुकानदार हल्दी में आधा या एक हिस्सा लैड इन्जेक्ट करने बैठे, तो उस के लिए यह मुमकिन नहीं है।

डा० सुशीला नायर : वह इसलिए मुमकिन है कि कुछ लोग हल्दी की शक्ल को अच्छा दिखाने के लिए और उस के डिफेक्ट्स को ढकने के लिए उस की गांठों की सरफ्रेस को पेंट करते हैं। अगर लैड को सरफ्रेस पर लगाया जाये, तो प्रोपोशन बहुत ज्यादा नहीं होता है।

नेट्बर् में किसी जगह १ पार्ट पर मिलियन लैड या १.५ पार्ट्स पर मिलियन लैड हो सकता है। वाइडरेस्ट माजिन २.५ पार्ट्स पर मिलियन का रख दिये गया है। जब मिलावट होती है, तो लैड उस से ज्यादा बढ़ जाता है और तब प्रासिकयूशन होता है।

आप का कहना है कि पयैया सीड्ज का भाव भाठ रुपये है। वह रेट तो बढ़िया से बढ़िया पयैया सीड्ज का है, जो कि बेत में बोलने के काम में आते हैं। सर्वसामान्य पयैया सीड्ज तो हम लोग फेंक देते हैं। उन को छो कर काली मिर्च में मिला दिया जाता है। इसी तरह जीरे में खस के बीज मिलाये जाते हैं। हमारे एनैलिस्ट के पास कई सैम्पल्स हैं।

आप ने कहा है कि आप के चार सौ मेम्बरों में से किसी को सजा नहीं हुई है। यह गलत है। मैं रिकार्ड निकलवा रही हूँ। अभी आप की बता दिया जायेगा कि कितने लोगों को सजा हुई है

श्री गोपी चन्द : जहाँ तक हल्दी पर पालिस का ताल्लुक है, हमारे पास ऐसी कोरी हल्दी है, जो प्रासेस नहीं हुई है उस में लैड २.५ पार्ट्स पर मिलियन के बजाये चार पार्ट्स पर मिलियन निकला है।

सभापति महीबया : आप वह हम को दे बीजिये। हम उस को लेबोरेटरी में भेज देंगे।

डा० सी० बी० सिंह : उस हल्दी का एग्जामिनेशन किस ने किया था? क्या आप के पास उसकी रिपोर्ट है?

सभापति महीबया : सेंट्रल लेबोरेटरी ने उसका एनैलिसिज नहीं किया। इन की अपनी लेबोरेटरी ने उस को एनैलाइज किया है।

डा० सुशीला नायर : इस कमेटी के सामने आप सही बात करेंगे तो आपको भी लाभ होगा और हमें भी, वरना हम दोनों का बक्त खराब होषा। आपने कहा है कि आपके

मेम्बरों में से किसी के यहां एडल्टेशन नहीं हुआ है, किसी को सजा नहीं हुई है। दिल्ली में स्पाइसिस में १,२२२ सैम्पल लिये गये हैं जिनमें से २२४ में एडल्टेशन पाया गया है जोकि १८.३ बैठता है। सारी की सारी लिस्ट मेरे पास है और अगर आप चाहें तो मैं आपके पास उसकी नकल भिजवा सकती हूँ।

श्री क० एल० बाल्मीकी : सजा वाली बात अलग है। कमीशन एजेंट्स का काम यह है कि वे माल को इधर से उधर पास करते हैं और अपना कमिशन लेते हैं। कितनी लेते हैं इससे मैं कोई मतलब नहीं हूँ। जब काली मिर्च या कोई भी और मसाला आप पास करते हैं तो क्या आप यह भी देखते हैं या नहीं कि वह अनएडल्टेटिड है?

श्री गोपी चन्द : इसका हमारे पास कोई प्ररंजमेंट नहीं है।

श्री क० एल० बाल्मीकी : यह लिखा गया कि आउटवर्डली देखा जा सकता है। यह देखा जा सकता है कि दालचीनी में यह मिल सकता है, मिर्च में यह मिल सकता है। वैसे ही आंखों से इसे देखा जा सकता है। एक जगह से दूसरी जगह देख कर जब आप माल को पास कर रहे होते हैं तो उसके बीच में आपको सजा हो सकती है या नहीं?

श्री गोपी चन्द : इंडियन स्टैंडर्ड इन्स्टी-ट्यूशन ने स्पाइसिस के बारे में स्टैंडर्ड बनाये हैं।

डा० सुशीला नायर : वह तो ग्रेडिंग की बात है।

श्री गोपी चन्द : जो स्पेसिफिकेशन रखे हैं वे फिजिकल स्पेसिफिकेशन हैं।

डा० सुशीला नायर : जब टेस्ट करते हैं तब एनैलिसिस होता है।

श्री क० एल० बाल्मीकी : दालचीनी दालचीनी न हो करके दूसरी जो कोई लकड़ी

होती है उसको ही शेष दे दी जाती है, ऐसी चीज भी क्या आपके नोटिस में है ?

श्री गोपीचन्द्र : दालचीनी का इम्पोर्ट बन्द है बाहर से लाने का लाइसेंस नहीं मिलता है। वह बाहर से ही आती है जब आती ही नहीं है तो हिन्दुस्तान में कहां से वह चीज मिल सकती है ? यहां पर हिन्दुस्तान में उसका मैन्युफैक्चर नहीं होता है इस वास्ते इसके बारे में हम क्या कह सकते हैं ?

Chairman: Just as Dr. C. B. Singh said, it is grading—A, B, C and so on. It is not adulteration.

डा० सुशीला नायर : जिस चीज की जितनी स्केरसिटी होती है उस में उतना ही ज्यादा एडलट्रेशन का स्कोप बढ़ जाता है।

श्री गोपी चन्द्र : टोटल बैन है कैसे बेच सकते हैं।

Chairman: Scarcity is no justification for adulteration.

श्री के० एल० बाल्मीकी : जहां तक मसालों का ताल्लुक है वह होलसेल में भी बिकते हैं और रिटेल में भी। कुछ लोग ऐसे भी हैं जो बस्तियों में और गांवों में सिरों पर टोकरे लिये फिरते हैं और मसाले बेच कर अपना पेट भरते हैं। उस मसाले में अगर एडलट्रेशन पाया जाता है तो उस में उसकी जिम्मेदारी नहीं हो सकती है, जिससे वह माल लाता है उसकी जिम्मेदारी हो सकती है या नहीं ?

डा० सुशीला नायर : सभी की है। जो बनाता है, जो प्रोड्यूस करता है, उसकी है, होलसेलर की है, रिटेलर की है। हर एक की यह जिम्मेदारी है। वह इस तरह की बात में हिस्सेदार न हो, ऐसी उसको कोशिश करनी चाहिये।

श्री के० एल० बाल्मीकी : साधारण लोगों का जहां तक ताल्लुक है, वे इसको जानते

नहीं हैं। उनको तो बचाने की जरूरत है या नहीं ?

सभापति महोदय : इस पर हम आपस में बाद में बहस कर सकते हैं।

श्री गोपी चन्द्र : यहां पर एक गलतफर्मी पैदा करने की कोशिश की जा रही है। कहा जा रहा है कि काली मिर्च में पपीते के बीज मिल जाते हैं। पपीते के बीज तो काली मिर्च से बहुत महंगे हैं।

Shrimati Jyotsna Chanda: From the statement supplied to us, it is found that during 1963 so many samples were analysed and they were found to be adulterated. But the witness said that though they have 400 members in their association, none of them has been penalised for adulteration.

Chairman: So many adulteration cases were found out in 1963 in Delhi. For your information, one Mr. C. K. Satyanath, A 3, Defence Colony, New Delhi was punished in May 1963 for adulteration in jeera. He was fined Rs. 275 and given some nominal imprisonment also.

Shri Tulshidas Jadav: He might not be a member of their association.

Shri Shiv Charan Gupta: There is no denying the fact that there is adulteration in spices in the wholesale trade in Delhi. Can they suggest any measures to check this adulteration?

Chairman: Don't say that the Government should supply these materials.

श्री बेषकीनंदन नारायण : इन्होंने जो भाव बताये हैं और कहा है कि पपीते के बीज काली मिर्च से महंगे हैं वे वे भाव हैं जो कि बीज दूकानों पर मिलते हैं और जो अच्छी किस्म के सीड होते हैं। जो खेती करने वाले हैं या खाने वाले हैं और जो बीज सुखा

कर बेचते हैं वे बारह आने सेर या एक रुपये सेर मिल जाते हैं ।

सभापति श्रीबया : घर में पपीते का पेड़ है तो बिना पैसे मिलते हैं ।

श्री तुलशीदास जाखन : आपकी एसोसियेशन में चार सौ मेम्बर हैं । उन मेम्बरों से आप सबस्क्रिप्शन लेते हैं, उनकी तकलीफों को दूर करने की कोशिश करते हैं । क्या आप उनको यह नहीं बतलाते कि जब वे माल लें तो शुद्ध माल लें ? क्या इस तरह की कोई बात आपकी एसोसियेशन ने कही है, और अगर नहीं तो फिर कैसे यह काम होगा ?

श्री गोपी चन्द : काली मिर्च में ६० पर सेंट सब-स्टैंडर्ड होती है, तो क्या इतने बड़े हिस्से को आप फेंक देंगे । यहां एक बार ऐसा मामला हुआ था । आंध्र से पांच ६ हजार बोरियां काली मिर्च की आई थीं जो कि सबस्टैंडर्ड थीं । वह मामला हेल्थ आफिसर के सामने भी गया था । तो मेरा कहना यह है कि जो चीज दूसरी जगह से सबस्टैंडर्ड आती उसके लिए हमको क्यों सजा दी जाए ।

डा० सुशीला नायर : आपका आरगे-नाइज्ड एसोसियेशन है और आप जहां से चीज लें तो उस को साम्पल करवा सकते हैं । अगर वह सबस्टैंडर्ड है तो न खरीदिये । मैं आपसे कहती हूँ कि ट्रेडर के अलावा आप देश के नागरिक भी हैं और यह आपके भी हित में है कि लोगों को शुद्ध चीजें मिलें । आप भी तो उन चीजों को खाते हैं । आप जहां ट्रेडर हैं वहां कनज्यूमर भी हैं । आप दूसरों के लिये कुछ लोगों से चीज खरीदते हैं । हम खराब चीज के लिये प्रोड्यूसर पर भी मुकदमा चलाते हैं, लेकिन आप भी तो कह सकते हैं कि यह चीज सबस्टैंडर्ड है हम नहीं खरीदेंगे और अगर आप न खरीदें तो आप

देश की सेवा कर सकते हैं । लेकिन आप जान बूझ कर सबस्टैंडर्ड चीज खरीदते हैं यह सोच कर कि सस्ती मिल जायेगी और इसमें ज्यादा मुनाफा हो जाएगा ।

श्री गोपी चन्द : क्या आप ६० परसेंट चीज को फेंक देंगे ?

डा० सुशीला नायर : अगर वह पायजनस है तो जरूर फेंक देंगे ।

श्री गोपी चन्द : लेकिन वह चीज सबस्टैंडर्ड है मिलावटी नहीं है ।

सभापति श्रीबया : अगर स्टैंडर्ड गलत है तो आप उसकी सूचना दे सकते हैं और उस पर विचार किया जा सकता है ।

Dr. G. S. Melkote: May I know from Shri Mehra whether they are not an organised association?

Shri Kishori Lal Mehra: We are an organised association.

Dr. G. S. Melkote: You said just now that because of the nature of the climate, soil, water and other things there are variations and it is due to the variations that grading takes place and not due to adulteration. Nowhere so far as I am aware does this occur in the world. There the organisation sees to it that if goods are adulterated they get refused. How many times have you refused the adulterated material?

Shri Kishori Lal Mehra: We hardly know that it is adulterated. We deal only in whole spices and therefore there is no occasion for us to see that.

Dr. Sushila Nayar: From the look of it you can know. Then, you can know by sending it to the chemical analyst.

Chairman: When the common man can know, when the housewife can know, it is strange that you do not know it.

Shri Kishori Lal Mehra: We buy in bulk.

Chairman: You must be in a better position to know this.

Shri Kishori Lal Mehra: There is no difference in the price.

Dr. G. S. Melkote: That you have not refused it even once shows that you are continuously purchasing adulterated stuff and are passing that on to the public.

श्री गोपी बन्द : हमें पता नहीं होता कि वह चीज सबस्टैंडर्ड है या नहीं ।

डा० जी० एस० मेल्कोट्टे : हम बतला सकते हैं, तो आप नहीं बतला सकते क्या । जब हम मिलावट को जान सकते हैं तो आप नहीं जान सकते ।

श्री राम बन्द अमर : होल मसाले के बारे में तो जान सकते हैं, लेकिन पिसे हुए के बारे में नहीं जान सकते । ज्यादातर शिकायत पिसे मसाले के बारे में है, होल मसाले के बारे में नहीं है ।

Dr. G. S. Melkote: I asked this question because in other countries the organisation does this as a matter of duty in the national interest except in India. Why does this organisation not accept this challenge?

श्री गोपी बन्द : हमारे लिये यह पासिबिल नहीं है ।

श्री तुलसी दास जाबब : एक हाउस बाइफ बाजार में जाती है तो वह देख सकती है कि यह मिलावटी चीज है, आप नहीं जान सकते ?

श्री राम बन्द अमर : जो सबस्टैंडर्ड माल है उसको जान सकना कठिन है ।

डा० सुशीला नायर : मैं आपको मिलावट की परिभाषा बता दूँ । वह इस प्रकार है :

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

(b) If the article contains any substance which affects or if the article is so processed as to affect injuriously the nature, substance or quality thereof;

(c) If any inferior or cheaper substance has been substituted wholly or in part with the article so as to affect injuriously the nature, substance or quality thereof;"

मैं आप से प्रार्थना करती हूँ कि आप यह सोचें कि ट्रेडर के भलाबा एक नागरिक भी हैं । आप इस बात का इन्तिजाम अपने एसोसियेशन के द्वारा कर सकते हैं कि आपके जो चार सौ मेम्बर हैं उनको अच्छा माल मिले । आप स्टोरेज करवा सकते हैं, आप एनेलिसिस करवा सकते हैं, अपनी लेबोरेटरी रख सकते हैं । अगर आपके दिल में हाउसबाइफ जैसी लगन हो तो आप ये सब चीजें कर सकते हैं । अगर आप कनज्युमर को गन्दगी नहीं खिलाना चाहते तो आपको इन चीजों का ध्यान रखना चाहिए जैसा कि आप अभी तक नहीं रखते । कानून तो जो बनेगा सो बनेगा, लेकिन कानून के भ्रम भलाबा हम आपका सहयोग चाहते हैं । इतनी प्रार्थना करके मैं आपकी धन्यवाद देती हूँ ।

Dr. G. S. Melkote: Gradation in India means gradation according to quality and according to adulteration. This is how our merchants are acting. Is it not a fact?

श्री गोपी बन्द : व्यापारी लोग इस तरह से मिलावट करते हैं यह कहना सही नहीं होगा बल्कि असलियत यह है कि किसान लोग जो उत्पादन करते हैं वह जब साफ नहीं होता है तो वह सब स्टैंडर्ड हो जाता है और

मेरी राय में उसको ऐडल्टेरेटड कहना दुस्त नहीं होगा ।

Chairman: Now, we will take up Delhi Provision Merchants' Association,

Shri G. C. Khanna: I represent the Delhi Provision Merchants' Association and I would like to assure the honourable Members that we are citizens first, consumers second and traders third.

We have already put down in the paper before you our points regarding the Prevention of Food Adulteration (Amendment) Bill, 1963. Besides this, I would like to reiterate a few points that have been mentioned and which may need a little emphasis.

We deal only in sealed and packaged foodstuffs which are bottles tins and sealed packages. We would like that these are made foolproof so that the consumer feels, when he is getting an article, that he is getting a tin in the original condition. We would like that the labels should contain the batch number and code number so that there is no misapprehension on the part of the retailer and the consumer that the foodstuff is not what it should be. When we sell something, it may be that it has been manufactured a long time back or it may have been put on the shelf for a long time or it may also have been adulterated during the process of manufacture itself or it may be a substandard item. Neither the retailer nor the consumer can judge the purity from the appearance of the container or the package. The retailer buys his requirements from the licensed manufacturer or their agents. So the manufacturers and producers alone should remain responsible under the law. The batch numbers and code numbers should be mentioned in all cash memos.

Chairman: Is it not mentioned in the cash memo?

Shri G. C. Khanna: No. The manufacturer or the wholesaler can deny at any stage that that particular item was sold by him.

Chairman: It is in the rules.

Shri G. C. Khanna: I am telling you what happens in general practice of the trade.

Dr. Sushila Nayar: It should be on the label.

Shri G. C. Khanna: If it is mentioned on the cash memos, it will make the retailers safe because the wholesalers will not deny that that particular batch was not sold by them, if that batch is found to be adulterated. For no fault of the retailer he should be prosecuted. Some of the containers are such they can be tampered with easily. The manufacturers should see that their names are embossed on the containers.

Dr. Sushila Nayar: Cannot you refuse to buy unless they give you the necessary information?

Shri G. C. Khanna: If we do that, this would hold back much stocks and the consumers will be put to a great deal of difficulty. 90 per cent of the items will not be available on the shelf. That is why we insist that it should be made compulsory that every supplier should issue necessary letter of warranty as prescribed under the Act. It should also be made compulsory that all labels contain the warranty clause and it should indicate Batch or Code number on it along with details of ingredients used. At present it does not contain the batch number and code number.

Dr. Sushila Nayar: If it can be opened by the retailer, the wholesaler cannot hold himself responsible for that.

Shri G. C. Khanna: We are talking only of tinned foodstuffs. We would like to say that rigid inspection of factories and analysis of samples taken at the manufacturers premises can only help to curb this malady.

Dr. Sushila Nayar: You want letter of warranty.

Shri G. C. Khanna: Previously warranty was not forthcoming. Then it was stressed that the warranty should be on the label itself. Firstly warranty comes in the cash memo. Then, all manufacturers should put their batch number/code number on the articles they sell, so that if adulteration is found then the retailer can be able to explain himself and also the authorities can further check up the source at all the levels.

Dr. Sushila Nayar: Batch number or code number either in Hindi or English numericals or alphabets is put on the label. It is also provided in the rules. If in implementation some people are failing to put it, that is a matter to be brought to the State authorities to look into. I want to know about the warranty. We have two views before us. One is that everybody who sells or who buys has the right to expect a warranty from the man he buys from. That is to say, wholesaler to the bigger retailer and the bigger retailer to small retailer, the letter of warranty must be given. You have put the other view point that the cash memo itself may be treated as a letter of warranty and there is no need for a separate letter of warranty.

Shri G. C. Khanna: I would further say that the licence or the authorisation to manufacture is by itself a guarantee that the Government is seeing that the manufacture is according to the specification or not.

Dr. Sushila Nayar: That is, of course, understood. But the factory fellow says—I supplied this stuff to this man and he has tampered with it after the stuff left my hands.

Shri G. C. Khanna: We could check the batch number both at the manufacturers' level and at the wholesalers' level to see what he says is right or wrong. We suggest that the label itself be considered as warranty in

terms of purity. All cases which are found to be adulterated or which are prosecuted, they all need not be sent to the Courts of Law immediately. First of all they should go to health authorities who should go to health and the cases which are worth pursuing should be sent to the courts of law; otherwise, there is a lot of harassment and a lot of delay. The health authorities should look into this.

Dr. Sushila Nayar: The health authorities are being blamed for all kinds of ways. All kinds of wild charges that they are corrupt, that they are prosecuting some and they are not prosecuting others are made. As a Health Minister, I am not prepared to expose the Health Department to these charges. Let the court decide what is what and we finish with that.

Shri G. C. Khanna: Now I won't take much time.

Chairman: When the article is sent for analysis and when there exist only technical defects, I don't think the court proceeds to punish a person to that extent that it is an intentional adulteration.

Shri U. M. Trivedi: The law does not allow a person to adulterate. Before the Court we will consider these. Dr. Mahishi says that if there is a question of intentional adulteration, then the court proceeds on some grounds and makes the position clear.

Chairman: This is an amendment which we have to consider.

Shri U. M. Trivedi: That is what I say.

Shri G. C. Khanna: I would like to stress one more thing. In our particular industry, there are three or four items which are often found to be adulterated. Large samples are always taken for analysis. You have mentioned ghee tins. I would suggest that samples are taken at source in this particular industry as it would

more often help. This is our feeling in checking the adulteration.

Dr. Sushila Nayar: Yesterday some people came over here and said that tomato sauce is made up of pumpkin. This is one of the things mentioned by them.

Shri G. C. Khanna: There are certainly many sauces in the market which do contain a lot of pumpkins and things of that kind.

Shri U. M. Trivedi: May I put a question to this gentleman? Is there any suggestion on your part to bring in for giving effect to the amendment connected with the sub-standard articles?

Shri G. C. Khanna: Since our sister associations have already covered this, I have nothing to say.

Shri U. M. Trivedi: I am asking you a question with regard to the amendment.

Chairman: He says that the other sister associations have covered this.

Shri U. M. Trivedi: As a humble citizen, does he agree that if the offence is of the nature of uncleanness of utensils thereby breaking the rules, the man concerned should be punished?

Shri G. C. Khanna: I don't think that uncleanness of utensils is a big offence under the Food Adulteration Act.

Chairman: It does come under Sec. 16 of the Act.

Shri G. C. Khanna: I should make it clear that I am dealing with the packed foodstuffs.

Dr. C. B. Singh: Mr. Khanna, on page 1 of your memorandum, you have mentioned the proposed amendment to clause 1 regarding sealed and package foodstuffs. There are very many ingenious ways of adulterating things. Probably you know that. People buy some foodstuff and draw out with a pin and then substitute

them by false products. Now if somebody has done that sort of a thing—it is a wellknown fact—how would you expect the Government or the Inspector to know that this has been done by such and such an individual? What do you suggest for this?

Shri G. C. Khanna: I am sure you will appreciate that the individual trader may not do this on his own as it cannot be economically worthwhile doing.

Dr. C. B. Singh: I am sure that it would be more economical.

Shri G. C. Khanna: I would suggest to the Committee that those who have bought the articles should insist on the trader to mention in the cash memos their batch number and code number so that this would be useful in tackling this problem as to whether the adulteration is taking place at the manufacturing stage. One can make sure about this.

Dr. C. B. Singh: You said something about 'economical part of doing a thing'. What about a bottle of Scotch Whisky which is substituted by something else? This is a known fact. It may be uneconomical in some cases but it may be very economical in certain cases.

Shri G. C. Khanna: I am talking about the provisions.

Dr. C. B. Singh: What do you suggest for this?

Shri G. C. Khanna: I certainly suggest that whoever may be the culprit and wherever he may be should be accorded a severe punishment.

श्री तुलसीदास जाधव : किसी फैक्टरी में कोई चीज मैनुफैक्चर होती है और आप उसकी सील देख कर अपने यहां लाते हैं। क्या ऐसी चीज बेचने पर आपको कभी सजा हुई है ?

श्री जी० सी० खन्ना : गुरु में टेक्निकल ग्राउंड पर ऐसा हुआ ।

Shrimati Jyotsna Chanda: You said that failure of mustard crops is partly responsible for adulteration of oil in Bengal.

Chairman: Now we shall proceed to examine All Delhi Parchoon Dukandar Association, Delhi.

श्री राम लाल : मैं उन छोटे छोटे परचून दुकानदारों की तरफ से बोस रहा हूँ, जो कि होल सेलर्ज से पांच पांच सेर सामान खरीद कर लाते हैं और गली कूचों में बेचते हैं।

आज इस ऐक्ट पर इस तरह से अमल किया जा रहा है कि सैम्पल छोटे छोटे दुकानदारों से लिये जा रहे हैं और बड़े दुकानदारों से नहीं लिये जा रहे हैं। इसका नतीजा यह है कि जितने सैम्पल पकड़े जाते हैं, जो भी सजायें होती हैं, वे छोटे दुकानदारों को होती हैं। दूसरी एसोसियेशन ने अभी आपके सामने जो कुछ कहा है, उस के बारे में मैं कुछ नहीं कहना चाहता हूँ। लेकिन मैं अर्ज करना चाहता हूँ कि अभी हालसेलर्ज की एसोसियेशन की तरफ से कहा गया कि उनके यहां हल्दी एडल्टेड नहीं होती है, लेकिन उनके यहां लाखों रुपये की हल्दी और दूसरा माल होता है। हम लोग तो उसमें से दो दो, तीन तीन सेर माल लाते हैं। लेकिन सैम्पल हमारे यहां से ही लिये जाते हैं, हम लोगों को ही सजा दी जाती है और उनको छुआ तक नहीं जाता है।

डा० सुशीला नायर : इसका मतलब यह है कि कानून से आपको शिकायत नहीं है। आपको कानून को इम्प्लीमेंट करने वालों से शिकायत है।

श्री राम लाल : हमें कानून से भी शिकायत है।

सैक्शन 19 के पार्ट 1, 2 और 3 में कुछ बातें कही गई हैं। सैक्शन 18 के दूसरे हिस्से में लिखा हुआ है :

For sub-clauses 2 and 3, the following sub-section shall be substituted, namely,

(2) A vendor shall not be deemed to have committed offence pertaining to the sale of any adulterated or mis-branded article if he proves to the satisfaction of the Health authorities.

यह लिखी हुई चीज कोई दुकानदार साबित करेगा तो उसको मुल्जिम नहीं समझा जाएगा। इस चीज को साबित करने के लिए उसको अदालत में जाना पड़ता है। वहां पर उसका बहुत खर्चा हो जाता है। उसकी कुल पूंजी पांच या सात सौ रुपये की होती है। उसका जब चालान हो जाता है तो उसको अदालत में जाकर ये जो बातें लिखी हुई हैं ये सब की सब साबित करनी होती हैं। उसको इसके लिए वकील करना पड़ता है, साल डेढ़ साल तक अदालतों के चक्कर काटने पड़ते हैं, उसका सारा बिजनेस तबाह हो जाता है और यही उसके लिए सब से बड़ी सजा हो जाती है मेरा कहना यह है कि अगर वह दूध कंडिगंज को पूरा कर देता है तो उसको अदालत में न भेजा जाए बल्कि उनको भेजा जाये जिन्होंने माल बनाया होगा है, जो मिलावट करने के जिम्मेदार होते हैं और अगर रिटेलर ने कोई मिलावट की हो तो उसको आप सख्त से सख्त सजा दें मुझे कोई प्तेराज नहीं है।

डा० सुशीला नायर : इसको कौन प्रूव करेगा ?

श्री राम लाल : आपकी हेल्थ अथॉरिटी है। वह कर सकती है। आप समरी ट्रायल मैजिस्ट्रेट के यहां रख सकते हैं जिससे पहली स्टेज पर ही पता चल जाए कि कौन सख्त गुनहवार है। अगर तब यह साबित हो जाए कि रिटेलर का कोई दोष नहीं है तो उसके खिलाफ प्रोसीड न किया जाए बल्कि उसके खिलाफ कार्रवाई की जाए जिसने मिलावट की है।

डा० सुशीला नायर : हमने यह लिखा हुआ है :

“(i) in a case where a licence is prescribed for the sale from a

duly licensed manufacturer, distributor or dealer;

(ii) in any other case, from any manufacturer, distributor or dealer;

(b) that he did not know and could not, with reasonable diligence, have ascertained that the article of food was adulterated or misbranded; and

(c) that the article of food while in his possession was properly stored one remained in the same state as when he purchased it."

आप कहते हैं कि आप खुली चीज लाते हैं। खुली लाते हैं तो कैसे साबित करेंगे कि उनमें किसी दूसरे ने गड़बड़ी नहीं की लेने के बाव ?

श्री राम लाल : 90 पर सेंट माल जो रिटेलर के पास होता है वह या तो कनस्तर में रहता है या बोरी में रहता है। रूल 32 के अन्दर आपने पैकिंग रूल बनाये हैं। उसके अन्दर आपने लिखा है कि हर मैन्युफैक्चरर को पैकिंग में बैच नम्बर देना चाहिये। बैच नम्बर न देना एक जुर्म है। यह हमारी बदकिस्मती है कि इस मुल्क में आज तक उन लोगों का चालान नहीं किया गया है जो जान बूझ कर एक भी बैच नम्बर नहीं देते हैं। मैंने दिल्ली म्यूनिसिपल कारपोरेशन में पिछले ढाई साल से लगातार यह बात कही है। उस के रूल बनाने के लिए का है और चेयरमैन हेल्थ कमेटी ने बाकायदा उनके ...

डा० सुशीला नायर : तब तो आप खुद कारपोरेटर हैं।

श्री राम लाल : इस सब के बावजूद कि हेल्थ आफिसर ने रूल बनाये हैं, कमेटी के चेयरमैन ने कंडिशनज लगाई हैं कि आप जाकर बाजार में माल पकड़ें जिसके ऊपर बैच नहीं लगे हैं, लेकिन कुछ भी कार्रवाई इस पर नहीं हुई है। बैच नम्बर न लिखना उतना ही बड़ा जुर्म है जितना बड़ा जुर्म एडल्ट्रेशन करना है। दिल्ली में आज तक शायद एक केस ऐसा हुआ है जिसमें बैच

नम्बर न लिखने की वजह से चालान हुआ है जब कि दिल्ली में 90 परसेंट चीजें ऐसी हैं जिन पर बैच नम्बर नहीं लिखे जाते हैं। इसका कारण यह है कि अगर बैच नम्बर लिख दिया जाए तो मैन्युफैक्चरर सीधा पकड़ा जा सकता है, यह पता चल सकता है कि किसने एडल्ट्रेशन किया है।

एक और बात है। जब किसी का माल पकड़ा जाता है तो माल बनाने वाला कहता है कि यह मेरा माल नहीं है। उस सूरत में अदालत में यह साबित करना कि फलां का माल है बहुत मुश्किल हो जाता है और केस फेल हो जाता है। छोटे छोटे आदमी इसमें पिस जाते हैं और बड़े बड़े साफ बच निकलते हैं। ये बड़े बड़े आदमी ही एडल्ट्रेशन करते हैं। मैं यह प्लीड नहीं करता हूँ कि छोटे दुकानदारों को आप छोड़ दें। अगर छोटा दुकानदार मिलावट करने का जिम्मेदार पाया जाए तो उसको पकड़ा जाए, सख्त से सख्त उसको सजा दी जाए, चांदनी चौक में खड़े करके उसको हँग कर दिया जाए, मुझे कोई ऐतराज नहीं है।

हमारी एसोसियेशन ने अपने मेमोरेण्डम में यह भी कहा है कि न सिर्फ उसको आप फांसी की सजा दें बल्कि जितना उसका माल है, जितनी उसकी प्रापर्टी है जो कि एडल्ट्रेशन करके उसने कमाई है, उसको भी सीज कर लिया जाए। आज तक हिन्दुस्तान भर में ऐसा केस नहीं हुआ है जहां पर लाखों रुपये का माल इस बिना पर सीज किया गया हो कि वह एडल्ट्रे-टिड था। आप जिसके पास दो तीन टिन माल होता है, उसको पकड़ लेते हैं। इससे एडल्ट्रेशन दूर नहीं हो सकता है। इससे तो एडल्ट्रेशन और भी फैल सकता है।

डा० सुशीला नायर : आप सेशन 19 के बारे में कह रहे हैं। आपका हेतु यह प्रतीत होता है कि अगर यह तय हो जाता है कि उसने टैम्पर नहीं किया है तो फिर सीधा जहां से वह माल आया है उसको उसका जिम्मेदार ठहराया जाये। आपसे पहले विटनेस यह कह रहे थे कि कौन मेमो के ऊपर बैच

नम्बर हो और इसको वह इसलिए जरूरी समझते हैं कि पीछे वह इन्कार न कर सके। जो चीज उस वृत्त में आपको दी जाती है अगर वह स्पूरियस हो सकती है तो बीच नम्बर भी जाती हो सकता है।

श्री राम लाल : मैंने कुछ एमेंडमेंट बिये हैं जब मैंने पार्ट 1 में कहा है।

Chairman: For your information I may read out to you clause 19(4) of the Act. It says:

"If any article intended for food appears to any food inspector to be adulterated or misbranded, he may seize and carry away. . . ."

So, there is such a provision already existing.

श्री राम लाल : तमाम हिन्दुस्तान के आप स्टेटिसटिक्स इकट्ठे कर लें

Chairman: We have got your point.

श्री राम लाल.: कुछ कंडिशन आपने सैक्शन 19 में लगाई हैं। आपने पूछा था कि कैसे साबित करेंगे कि उसने ये कंडिशन पूरी कर दी हैं। इसके बारे में मैं कुछ प्रश्न करना चाहता हूँ। सैक्शन 19(2), पेज 1 पर जहाँ मैंने एमेंडमेंट दी है, उस में पैरा 2 में लिखा है :

"A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves to the satisfaction. . . ."

अगर हेल्थ आथोरिटी के मुताबिक कोई बिकता है या उसके ऊपर रिपोर्ट नहीं किशा जाना है तो इसके बजाय समरी डायरी आप कर लें ताकि पहली कोर्ट के अन्दर ही, पहली पेसी के अन्दर ही यह साबित हो जाए कि उस शख्स ने किया है या नहीं ताकि उसकी छुट्टी हो जाए, अगर उसका कोई कसूर

न हो। उनमें से पक्की कंडीशन जो आपने कही है, यह है :

"(i) In a case where a licence is prescribed for the sale from a duly licensed manufacturer. . . ."

I entirely agree with it.

जो छोटा दुकानदार माल खरीदे व लाइसेंस वाले मेनुफैक्चरर या होल सेलर से खरीदे। उसके लिए उसके पास उसका कैश भीमो सबूत रहेगा। राज्य सरकार को और लोकल बाडीज को प्रिवेंशन ऑफ एडल्टरेशन टु फूड आर्टिकल्स के कानून के मातहत लोगों को लाइसेंस देने का अधिकार है और वे ऐसे लाइसेंस देती हैं। ऐसे लोगों से छोटा दुकानदार खरीदे। अगर माल खराब होगा तो उस दुकानदार को पकड़ा जा सकता है जिससे खरीदा गया है।

डा० सुशीला नायर : य बात तो आप उन चीजों के बारे में कह सकते हैं जो बन्द डब्बों में मिलती हैं। लेकिन बाजार में जो घाटा मिलता है उसमें तो छोटा दुकानदार मिलावट कर सकता है। चावल में मिलावट पायी गयी है। चीनी में मिलावट पायी गयी है। इसको कैसे रोका जाए।

श्री राम लाल : घाटा भी गीनों में घाता है और उस पर मिल वाले को लाट नम्बर आदि देना चाहिए और उसको पैकिंग रूल नम्बर 32 का पालन करना चाहिए।

डा० सुशीला नायर : यह घाटा और चावल तो गांव गांव में बिकता है। और वहाँ इस कानून की पाबन्दी कौन करता है। वहाँ मिलावट की जाती है। उसको रोकना है।

श्री राम लाल : घाज गांव गांव से यह शिकायत आ रही है और इससे फायदा मिल वाले उठ रहे हैं। मिस्र वालों को पैकिंग रूल के सैक्शन 32 का पालन करना चाहिए, तो वे पकड़े जा सकते हैं क्योंकि कोई दुकानदार अपने घर में घाटा नहीं पिसवाता, व मिल से लेता है।

डा० सुशीला नायर : वह बाहर से भी लेता है ।

श्री राम लाल : मैं दिल्ली की बात कहता हूँ ।

श्री यू० एम० त्रिवेदी : आपने जो कहा कि हेल्थ आफिसर को सर्टिफाई करे और ट्राइल समरी हो, इससे आपका क्या मतलब है । क्या आपका यही मतलब है कि वह समरी ट्राइल मजिस्ट्रेट के सामने हो ।

श्री राम लाल : जी हाँ ।

श्री यू० एम० त्रिवेदी : आपने जो एसोसिएशन बनायी है उसके मेम्बरों के अब तक कितने प्रासिडियम हुए हैं ।

श्री राम लाल : हमने जो सोसाइटी बनायी है उसके किसी मेम्बर को सजा नहीं हुई । हम लोग अपना खुद मसाला तैयार करते हैं और हमारे साम्पल कई बार किए गए मगर ठीक पाए गए । दो साल से हम यह काम कर रहे हैं । हमने घाटे और लेन का काम तो नहीं कर सकते लेकिन मसाले का काम कर सकते हैं । हमने पहले हेल्थ मिनिस्टर करमरकर सा ब को अपना काम दिखाया था । हम तो यह चाहते हैं कि जो ईमानदार दुकानदार है उसको सजा न हो ।

आपने दूसरी बात यह लगी है कि :

"that he did not know and could not, with reasonable diligence, have ascertained that the article of food was adulterated or misbranded. . ."

हाईकोर्ट से रीजनेबिल डिस्चिजर्स का मतलब यह निकलता है कि किसी प्रोडक्ट सेक्टरेटरी से टेस्ट करा ले । लेकिन छोटे दुकानदार के लिए यह सम्भव नहीं है ।

डा० सुशीला नायर : यह चीज तो हमने उसके प्रोटेक्ट करने के लिए ही रखी है ।

श्री राम लाल : मेरा निवेदन है कि "रीजनेबिल डिस्चिजर्स" को निकाल दिया

जाए और यह रखा जाए कि वह अपने यहाँ मिलावट न करे ।

डा० सुशीला नायर : अगर ऐसा करेंगे तो वह दूसरे भादमी को कहेंगे कि वह मिलावट कर दे, और उस भादमी का पता नहीं होगा ।

श्री राम लाल : मैं ने पहले ही कहा है कि उसके भादमोंस वाले दुकानदार से खरीदना, चाहिए । अगर यह सच रखा जाएगी तो लाइसेंस वाला दुकानदार मिलावट नहीं करेगा क्योंकि वह भी तो पकड़ा जा सकता है । इसलिए मेरा निवेदन है कि "रीजनेबिल डिस्चिजर्स" को इसमें से निकाल दिया जाए ।

डा० सुशीला नायर : हम और आप भी जब अपने घर के लिए चीजें खरीदते हैं तो यह देखते हैं कि हम जो चीज घर में खपत के लिए ले जा रहे हैं वह ठीक और शुद्ध है तो क्या यह उचित नहीं होगा कि दुकानदार लोग अन्य जनता के लोगों को भी शुद्ध और ठीक चीजें बेचें और वह इसके लिए पूर्व चीकिंग की व्यवस्था अपनी एसोसियेशन के द्वारा करवा सकते हैं ।

श्री राम लाल : आप का कहना बजा है लेकिन हमारा तो कहना यही है कि टेक्निकल प्राउन्डिस पर डीलर्स को विफिटमाइज न किया जाय बल्कि स्टैंडर्ड वी टेकन टु चेंज वी मंगुफेन्चरिभ एंड मंगुफेन्चरर्स इस्ट बलिगमेट्स ।

फुड ऐडल्टरेशन बिल के बारे में हमारा सुझाव यह है कि ऐक्सप्लेनेशन में से ड्यू डिस्चिजर्स यह शब्द निकाल दिये जायं । लेकिन अगर इनको आप ने रखना ही है तो इतना सम्भव संभव कर दें कि उसका मतलब सेक्टरेटरी टेस्ट नहीं होगा ।

डा० सुशीला नायर : आप एक बड़े लिमिटेड दायरे की बात करते हैं क्योंकि 90 प्रतिशत जगहें ऐसी होंगी जहाँ कि सील्ड टिन्स नहीं मिलते होंगे ।

श्री राम लाल : तीसरी कंडीशन आपने उस के लिए यह डाल दी है :

“that the article of food while in his possession as properly stored”.

अब यह बड़ा बेग टर्म है और यह हम से कैसे ऐक्सपैक्ट किया जाता है कि हम यह जानें कि यह प्रापरली स्टोर्ड है और यह प्रापरली स्टोर्ड नहीं है । So I want after that: “as prescribed by the licensing authorities”.

डा० सुशीला नायर : आप जानते हैं कि अमुक चीज किस किस तरह से प्रापरली स्टोर की जानी चाहिए । उसमें कोई ऐसी दिक्कत की तो बात है नहीं ।

श्री राम लाल : उसमें दिक्कत यह हो जाती है कि सारे आर्टिकल्स के स्टोर करने का अलग अलग ढंग होगा और हो सकता है कि उन सब स्टों की सुबिधा उस डीलर को प्राप्त न हो ।

सभापति महोदय : जाहिर है कि बटर को रखने के लिए रेफ्रिजरेटर चाहिए जब कि आटा के लिए स्टोरेज की वूसरी सहूलियत चाहिए ।

Storage and other things may differ from part to part. A refrigerator may be necessary in Delhi, it may not be so in Ahmedabad.

Shri Ram Lal: That is why I said “as prescribed by the authorities.”

Chairman: It is meant to give protection to the dealers who are honest.

श्री राम लाल : वही मैं ने अर्ज किया है । इस के ऊपर भी बहुत सारे क्लेइम जो चले हैं उन में बहुत डिफेंस आफ प्रोपीनियन है । अब रिमेंड इन बी सेम स्टैंड के शब्द इस्तेमाल किये गये हैं तो जाहिर है कि तिल का तेल अगर 6 महीने रक्खा रहे तो उस में कैमिकल ऑक्ज हो जायेंगे ।

डा० सुशीला नायर : हम चाहते हैं कि डीलर्स तिल का तेल पुराना रक्खा हुआ न बेचें । उनको ताजा तिल का तेल बेचें । कंज्यूमर्स को प्रोटैक्ट करने के वास्ते हमने यह प्राविजन रक्खा है ।

श्री राम लाल : अब हम परचून वाले तो एक कनस्तर तेल लाकर बेचते हैं हमें कैसे पता हो सकता है कि मिल वालों ने इसे कितने दिन अपने वहां रख कर हमें बेचा है ?

डा० सुशीला नायर : आप को एक डीलर होने के नाते पता होना चाहिये कि तेल ताजा है या पुराना हो गया है । उसकी सुगंध और रंग आदि से आप पता लगा सकते हैं ।

श्री राम लाल : उचित यह होगा कि मैन्युफैक्चरर्स ऐंड पर इस तरह की पाबंदी लगाई जाय और जिस तरह से दवाइयों और इंजेक्शनों आदि पर दवाइयों पर लिखा रहता है कि फलां तारीख के पहले पहले इसको इस्तेमाल कर लेना चाहिए उसी तरह से तेल आदि के टीनों को सील बंद कर के उस पर यह लेबल लगवा दिया जाय कि यह तेल आदि पदार्थ इतने दिन के बाद खराब हो जायेंगे । उस तारीख के बाद इसे न बेचा जाय और अगर उसे कोई बेचता हुआ पकड़ा जायेगा तो उसे दंडित किया जायेगा । तमाम लेबल्स में वारंटी क्लेज होना चाहिए ।

Dr. Sushila Nayar: We can suggest that they should put the date of manufacture.

Shri U. M. Trivedi: Provided it is manufactured in a big mill. If it is manufactured in a ghani, what will happen?

श्री राम लाल : आप इतना तो कर दें कि मैन्युफैक्चरर्स उसके उत्पादन की डेट लिख दें और उसमें साथ ही यह भी स्पैसिफाई कर दें कि इतने दिन के बाद इसे इस्तेमाल न किया जाय ।

नेट्बल में किसी जगह १ पार्ट पर मिलियन लैड या १.५ पार्ट्स पर मिलियन लैड हो सकता है। वाइडस्टे माजिन २.५ पार्ट्स पर मिलियन का रख दिये गया है। जब मिलावट होती है, तो लैड उस से ज्यादा बढ़ जाता है और तब प्रासिकयूशन होता है।

आप का कहना है कि पयैया सीड्ज का भाव भाठ रुपये है। वह रेट तो बढ़िया से बढ़िया पयैया सीड्ज का है, जो कि बेत में बोलने के काम में आते हैं। सर्वसामान्य पयैया सीड्ज तो हम लोग फेंक देते हैं। उन को धो कर काली मिर्च में मिला दिया जाता है। इसी तरह जीरे में खस के बीज मिलाये जाते हैं। हमारे एनैलिस्ट के पास कई सैम्पल्स हैं।

आप ने कहा है कि आप के चार सौ मेम्बरों में से किसी को सजा नहीं हुई है। यह गलत है। मैं रिकार्ड निकलवा रही हूँ। अभी आप की बता दिया जायेगा कि कितने लोगों को सजा हुई है

श्री गोपी चन्द : जहाँ तक हल्दी पर पालिस का ताल्लुक है, हमारे पास ऐसी कोरी हल्दी है, जो प्रासेस्ड नहीं हुई है उस में लैड २.५ पार्ट्स पर मिलियन के बजाये चार पार्ट्स पर मिलियन निकला है।

सभापति महीबया : आप वह हम को दे बीजिये। हम उस को लेबोरेटरी में भेज देंगे।

डा० सी० बी० सिंह : उस हल्दी का एग्जामिनेशन किस ने किया था? क्या आप के पास उसकी रिपोर्ट है?

सभापति महीबया : सेंट्रल लेबोरेटरी ने उसका एनैलिसिज नहीं किया। इन की अपनी लेबोरेटरी ने उस को एनैलाइज किया है।

डा० सुशीला नायर : इस कमेटी के सामने आप सही बात करेंगे तो आपको भी लाभ होगा और हमें भी, वरना हम दोनों का बक्त खराब होषा। आपने कहा है कि आपके

मेम्बरों में से किसी के यहां एडल्ट्रेशन नहीं हुआ है, किसी को सजा नहीं हुई है। दिल्ली में स्पाइसिस में १,२२२ सैम्पल लिये गये हैं जिनमें से २२४ में एडल्ट्रेशन पाया गया है जोकि १८.३ बैठता है। सारी की सारी लिस्ट मेरे पास है और अगर आप चाहें तो मैं आपके पास उसकी नकल भिजवा सकती हूँ।

श्री क० एल० बाल्मीकी : सजा वाली बात अलग है। कमीशन एजेंट्स का काम यह है कि वे माल को इधर से उधर पास करते हैं और अपना कमिशन लेते हैं। कितनी लेते हैं इससे मैं कोई मतलब नहीं हूँ। जब काली मिर्च या कोई भी और मसाला आप पास करते हैं तो क्या आप यह भी देखते हैं या नहीं कि वह अनएडल्ट्रेटिड है?

श्री गोपी चन्द : इसका हमारे पास कोई प्ररंजमेंट नहीं है।

श्री क० एल० बाल्मीकी : यह लिखा गया कि आउटवर्डली देखा जा सकता है। यह देखा जा सकता है कि दालचीनी में यह मिल सकता है, मिर्च में यह मिल सकता है। वैसे ही आंखों से इसे देखा जा सकता है। एक जगह से दूसरी जगह देख कर जब आप माल को पास कर रहे होते हैं तो उसके बीच में आपको सजा हो सकती है या नहीं?

श्री गोपी चन्द : इंडियन स्टैंडर्ड इन्स्टी-ट्यूशन ने स्पाइसिस के बारे में स्टैंडर्ड बनाये हैं।

डा० सुशीला नायर : वह तो ग्रेडिंग की बात है।

श्री गोपी चन्द : जो स्पेसिफिकेशन रखे हैं वे फिजिकल स्पेसिफिकेशन हैं।

डा० सुशीला नायर : जब टेस्ट करते हैं तब एनैलिसिस होता है।

श्री क० एल० बाल्मीकी : दालचीनी दालचीनी न हो करके दूसरी जो कोई लकड़ी

डा० सुशीला नायर : वह बाहर से भी लेता है ।

श्री राम लाल : मैं दिल्ली की बात कहता हूँ ।

श्री यू० एम० त्रिवेदी : आपने जो कहा कि हेल्थ आफिसर को सर्टिफाई करे और ट्राइल समरी हो, इससे आपका क्या मतलब है । क्या आपका यही मतलब है कि वह समरी ट्राइल मजिस्ट्रेट के सामने हो ।

श्री राम लाल : जी हाँ ।

श्री यू० एम० त्रिवेदी : आपने जो एक्सोसिएशन बनायी है उसके मेम्बरों के अब तक कितने प्रासिडियम हुए हैं ।

श्री राम लाल : हमने जो सोसाइटी बनायी है उसके किसी मेम्बर को सजा नहीं हुई । हम लोग अपना खुद मसाला तैयार करते हैं और हमारे साम्पल कई बार किए गए मगर ठीक पाए गए । दो साल से हम यह काम कर रहे हैं । हमने घाटे और लेन का काम तो नहीं कर सकते लेकिन मसाले का काम कर सकते हैं । हमने पहले हेल्थ मिनिस्टर करमरकर सा ब को अपना काम दिखाया था । हम तो यह चाहते हैं कि जो ईमानदार दुकानदार है उसको सजा न हो ।

आपने दूसरी बात यह लगी है कि :

"that he did not know and could not, with reasonable diligence, have ascertained that the article of food was adulterated or misbranded. . ."

हाईकोर्ट से रीजनेबिल डिस्चिजर्स का मतलब यह निकलता है कि किसी प्रोडक्ट सेक्टरेटरी से टेस्ट करा ले । लेकिन छोटे दुकानदार के लिए यह सम्भव नहीं है ।

डा० सुशीला नायर : यह चीज तो हमने उसके प्रोटेक्ट करने के लिए ही रखी है ।

श्री राम लाल : मेरा निवेदन है कि "रीजनेबिल डिस्चिजर्स" को निकाल दिया

जाए और यह रखा जाए कि वह अपने यहाँ मिलावट न करे ।

डा० सुशीला नायर : अगर ऐसा करेंगे तो वह दूसरे भादमी को कहेंगे कि वह मिलावट कर दे, और उस भादमी का पता नहीं होगा ।

श्री राम लाल : मैं ने पहले ही कहा है कि उसके भादमीस वाले दुकानदार से खरीदना, चाहिए । अगर यह सच रखा जाएगा तो लाइसेंस वाला दुकानदार मिलावट नहीं करेगा क्योंकि वह भी तो पकड़ा जा सकता है । इसलिए मेरा निवेदन है कि "रीजनेबिल डिस्चिजर्स" को इसमें से निकाल दिया जाए ।

डा० सुशीला नायर : हम और आप भी जब अपने घर के लिए चीजें खरीदते हैं तो यह देखते हैं कि हम जो चीज घर में खपत के लिए के जा रहे हैं वह ठीक और शुद्ध हैं तो क्या यह उचित नहीं होगा कि दुकानदार लोग अन्य जनता के लोगों को भी शुद्ध और ठीक चीजें बेचें और वह इसके लिए पूर्व चेकिंग की व्यवस्था अपनी असोसियेशन के द्वारा करवा सकते हैं ।

श्री राम लाल : आप का कहना बजा है लेकिन हमारा तो कहना यही है कि टेक्निकल प्राउन्डिस पर डीलर्स को विफिटमाइज न किया जाय बल्कि स्टैंडर्ड भी टेकन टु चेक भी मैन्युफैक्चरिंग एंड मैन्युफैक्चरर्स इस्टैबलिशमेंट्स ।

फुड ऐडल्टरेशन बिल के बारे में हमारा सुझाव यह है कि ऐक्सप्लेनेशन में से ड्यू डिस्चिजर्स यह शब्द निकाल दिये जायं । लेकिन अगर इनको आप ने रखना ही है तो इतना सम्भव संभव कर दें कि उसका मतलब सेक्टरेटरी टेस्ट नहीं होगा ।

डा० सुशीला नायर : आप एक बड़े लिमिटेड दायरे की बात करते हैं क्योंकि 90 प्रतिशत जगहें ऐसी होंगी जहाँ कि सील्ड टिन्स नहीं मिलते होंगे ।

मैं चाहता हूँ कि रूल बारह यह चीज कम्पलसरी कर दे कि तमाम लेबुल वारंटी क्लाइ रक्खें। यह लेबुल बखुद नोटिस समझा जाय और इनप्रीडिएट्स की डिटेल्स के साथ साथ वह बैच और कोड नम्बर भी इंडिकेट करे। हर एक सप्लायर के लिए लैटर आफ वारंटी ईश्यू करना कम्पलसरी कर दिया जाय।

सिर्फ डीलर्स और दुकानदारों को ही खराब साबित होने वाले माल के लिए दंडित न किया जाय क्योंकि वह बेचारा डीलर रिटेलर मैन्युफैक्चरर्स की नैगलीजेंस के कारण सफर करता है। रिटेलर तो अपनी ज़रूरत का सामान मैन्युफैक्चरर्स और प्रोड्यूसर्स से खरीदता है और जॉ के नीचे उनको भी जिम्मेदार ठहराना चाहिए। मैं ने कारपोरेशन में भी इस चीज के लिए कोशिश की कि फूड इंस्पैक्टर्स केवल दुकानदारों के वहाँ ही नमूने इकट्ठे कर के बैठे न रहें बल्कि सैक्शन 14 को भ्रमंड ही इसलिए किया है और उसके मुताबिक वह दुकानदार यह डिक्लेयर करे कि वह माल उसने कहां से प्राप्त किया है, वह सोर्स डिक्लेयर करे और उस इनफार्मेशन को लेकर इंस्पैक्टर सोर्स पर जाय और मैन्युफैक्चरर्स प्रीमिसीज पर भी उस माल के सैम्पुल भरे जाये। फैक्टरीज का रिजिड इंस्पैक्शन किया जाय।

डा० सुशीला नायर : यह भ्रमंडमेंट इसी मंशा से किया गया है।

श्री राम लाल : यह भ्रमंडमेंट बड़ा अच्छा है। इसका आशय वैडर के जरिए सोर्स को ट्रेंस करना है और यह आवश्यक है कि सरकार उस मिलावट वाले सोर्स को ही समाप्त कर दे। यह बहुत जरूरी है कि फूड इंस्पैक्टर, होलसेलर्स, डिस्ट्रिब्यूटर्स और मैन्युफैक्चरर्स के वहाँ से सैम्पुल इकट्ठा करे जहाँ से कि वैडर ने वह पदार्थ खरीदे हैं और यह प्रोसेस सैक्शन 14 के मातहत बनाये जाने वाले रूल्स में भाना उचित ही होगा। बोलों जगहों के सैम्पुल्स की टेस्ट रिपोर्ट मिलने पर अगर यह पाया जाय कि

वैडर का कोई कसूर नहीं है तो उस को सजा न दी जाय बल्कि दरअसल वह व्यक्ति जो कि इस मिलावट के जिम्मेदार हैं, उनको सजा दी जाय।

मैं चाहूँगा कि रूल 17 के बाद एक रूल 17(ए) रक्खा जाय ताकि फूड इंस्पैक्टर वैडर को उस व्यक्ति का पता बतलाये जिससे कि उसने वह खाद्य पदार्थ खरीदे हैं। अगर वैडर और मैन्युफैक्चरर्स के वहाँ के सैम्पुल्स ग्राइडेंटिकल पाये जायें तब वैडर को बेगुनाह समझा जाय और उस हालत में मैन्युफैक्चरर, होलसेलर या डिस्ट्रिब्यूटर को प्रीसीक्यूट किया जाय।

सैक्शन 16 में एक दूसरा सब क्लाइ (एच) जोड़ा जाय जहाँ कि खाद्य पदार्थ पैकेज के डिक्लेरेशन से लोअर ग्रेड के पाये जायें। दूसरे अभी तक माल का बेचने वाला डीलर ही इस बारे में पकड़ा जाता है। ज़रूरत इस बात की है कि मिलावट सोर्स पर टैकिल की जाय और आवश्यकता इस बात की है कि मैन्युफैक्चरर्स के वहाँ से सैम्पुल भरे जायें और मिलावट पाने पर उनका प्रासीक्यूशन लांच किया जाय। जब तक आप यह नहीं करेंगे तब तक मिलावट की समस्या पर सरकार काबू नहीं पा सकेगी। मिलावट को सोर्स पर खत्म करना होगा।

श्री तुलशीदास जाधव : आप परचून दुकानदार कहां कहां से और कौन कौन सी चीजें अपने वहाँ रखते हैं।

श्री राम लाल : हम सभी खाने, पीने का सामान अपनी दुकानों पर रखते हैं और वह हम विभिन्न प्रोड्यूसर्स और मैन्युफैक्चरर्स से खरीदते हैं।

श्री तुलशीदास जाधव : आप लोग तो व्यापार में लगे हैं और आपको पता होगा कि किन किन चीजों में मिलावट होती है और मिलावट के लिए उन में क्या क्या मिलाया जाता है ?

श्री राम लाल : आज मिलावट की समस्या हमारे सामने गम्भीर रूप से उपस्थित है। जहाँ तक दिल्ली का ताल्लुक है शायद ही कोई ऐसी चीज हो जिसमें मिलावट न की जाती हो। यहाँ कोई चीज खालिस नहीं मिलती है। घी के अन्दर बेजिटेबुल आयल मिलाया जाता है, बनस्पति तेल के अन्दर मूंगफली का तेल मिलाया जाता है और मूंगफली के तेल के अन्दर व्हाइट आयल मिलाया जाता है। अगर यह कहा जाय कि यहाँ दिल्ली में हवा भी खालिस नहीं मिलती तो गलत नहीं होगा।

Dr. C. B. Singh: The information being given by the witness is very useful. Will you please request him to give information about all the articles of mixture that he knows of? I will be grateful to him for that information.

Shri Ram Lal: I have not brought it today, I am sorry. I can send you.

सभापति महोदय : आप कल दे दीजिए।

श्री राम लाल : मैं कल दे दूंगा।

डा० सी० बी०-सिंह : गुड़ में क्या मिलाया जाता है ?

श्री राम लाल : गुड़ की एक नई वैरायटी आई है। मोलैसिज से गुड़ बनाया जाता है, जिसको रसकट कहा जाता है। असली गुड़ और उस में कोई फर्क नहीं है। वह मवेशियों के काम में आ सकता है। उसको गुड़ में मिलाया जाता है।

श्री तुलसीदास जाधव : हम लोग नहीं जानते कि बाजार में क्या क्या मिलावट की जाती है। इसी लिए हम आप से इस बारे में कुछ जानना चाहते हैं।

श्री राम लाल : आजकल कच्चा, हींग वगैरह सब चीजों में मिलावट की जा रही है। हींग के दो स्टैंडर्ड रखे गए हैं। एक अफ़गानिस्तान की हींग का स्टैंडर्ड है और दूसरा यहाँ की हींग का स्टैंडर्ड है। पिछले दिनों हमने एयर पोर्ट पर पांच लाख रुपये

की अफ़गानिस्तान की हींग पकड़वाई। वह हींग एडल्ट्रेटिड थी और इसलिए उस को डेस्ट्रॉय कर दिया गया। अगर वह पांच लाख रुपये की हींग रीटेलर्स में बांट दी गई होती, तो कई रीटेलर्स का बिजिनेस खत्म कर दिया गया होता। दिल्ली में हींग बनाई जाती है, जो कि बहुत बिकती है। उन लोगों की तरफ़ तो कोई ध्यान नहीं दिया जाता है, जो कि हजारों लाखों रुपये का सामान अपने कब्जे में रखते हैं, लेकिन छोटे छोटे दुकानदारों से सैम्पल ले लिये जाते हैं, जो कि सिर्फ़ दो तीन तोले हींग रखते हैं। फिर कहा जाता है कि हमने दस हजार सैम्पल पकड़ लिये हैं।

डा० तुलसीदास नायर : आपका कहना है कि कानून का इम्प्लीमेंटेशन ठीक तरह नहीं होता है।

श्री के० एल० बाल्मीकी : जहाँ तक जन-साधारण का ताल्लुक है, वे ज्यादातर आप लोगों से ही चीजें खरीदते हैं। आप लोगों का बिजिनेस सोलह घाने उधार होता है—नकद बहुत कम होता है। साधारण आदमी एडल्ट्रेटिड चीजें आपके यहाँ से ही पाता है। वह कुछ कच्ची नहीं सकता है। अगर वह ज्यादा कहे, तो उधार बन्द हो जाता है। जहाँ पर माल बनता है, वहाँ एडल्ट्रेशन होती होगी। उन पर निगाह रखी जा रही है। लेकिन आपके यहाँ भी एडल्ट्रेशन हो जाता है। हो सकता है कि घी की इन्डस्ट्री में कैमिकल प्रासेस से एडल्ट्रेशन दिया जाता हो, लेकिन आपन घी में शकरकन्दी और बहुत सी चीजें मिलाई जाती हैं। वह प्रासेस उतनी बुरी नहीं होती है, जितनी कि आपके यहाँ होती है।

डा० तुलसीदास नायर : उनका कहना है कि रीटेलर्स के लेबल पर होल्सेलर्स के लेबल से ज्यादा एडल्ट्रेशन होती है।

श्री राम लाल : आनरेबल मेम्बर की इन्क्वायरीका बावद कुछ समझता हूँ।

श्री के० एल० बाल्मीकी : वालों मैं भी ऐसा ही हूँ।

श्री राम लाल : भ्राज एडल्ट्रेशन एक साइंटिफिक आर्ट बन गया है। वह बर्टीज की तरह का कोई कूड आर्ट नहीं है, जबकि घी में चरबी मिलाने के बारे में कहा जाता था कि एडल्ट्रेशन किया जाता है। भ्राज बड़ी बड़ी फैक्टरियों में मशीनों से एडल्ट्रेशन किया जाता है, जिस से कुछ पता नहीं चलता है।

श्री कॅ० एल० बाल्बर्गीकी : आपके यहां जो मिलावट की जाती है, उसके लिए आप क्या कर रहे हैं ?

श्री राम लाल : मैं सब के बारे में कैसे कह सकता हूँ कि कोई मिलावट नहीं करता है। कुछ ब्लैक शीप होंगे।

Shrimati V. Vimala Devi: If they know English, I would ask them to speak in English.

Dr. C. B. Singh: What are the articles which are mixed with *hing*?

Shri Ram Lal: Nobody mixes anything in *hing* here; what happens is that *hing* is produced adulterated; the chemical contents are not pure *hing* but it contains certain things which are passed on as *hing*. It is a capital compound by itself.

Dr. Sushila Nayar: We have ourselves circulated a list of the common adulterants in various articles of foods and in *hing* the adulterants are excessive sand and grit, excessive chalk, foreign resins, deficiency in alcoholic extract, coaltar dyes in bandhani *hing*, etc.

Chairman: We thank you for giving us information on these matters.

श्री हरि किशन : हमारी दुकानें खारी बावली में हैं। हमारी दुकानों पर जो माल बिकता है, वह मण्डियों से आकर बिकता है।

श्री तुलसीदास जायस : आपकी एसोसिएटिड के कितने मंत्र हैं ?

श्री हरि किशन : इसके १४ मंत्र हैं। लेकिन हम लोग चालीस के करीब हैं। वे सब खारी बावली में ही हैं।

हमारी सबसे बड़ी विकलत यह है कि कि हमारे पास जो माल आता है, वह ऐसा होता है, जिसको हम अपने यहां साफ करते हैं। मण्डियों में बेतों से माल आता है। मंडियों में उसकी बोली लगाई जाती है। जिसकी बोली ऊंची होती है, वह उसको खरीद कर दिल्ली की मण्डी में बेचता है। उससे हम खरीदते हैं और फिर उसको साफ करके ग्राहकों को, खाने वालों को, बेचते हैं। बहुत सी हालतों में ऐसा होता है कि हमने पांच बोरी किसी चीज की ले ली। ग्राम तौर पर हम पांच बोरियां एक दम साफ नहीं करते हैं। हम एक एक बोरी साफ करके बेचते हैं। इसंपैक्टर उन बोरियों में में भी सैम्पल लेने का हक रखते हैं, जो उसी हालत में पड़ी रहती है, जैसे कि वे मंडियों से आती हैं। उस हालत में हमको कसूरवार, हमको गुनहगार समझ लिया जाता है। जबकि उस गन्दे माल को हम किसी ग्राहक को बेचने के इच्छुक नहीं होते हैं। वास्तव में हमने उसको साफ नहीं किया हुआ होता है। जो माल होता है उसकी कितनी ही क्वालिटीज होती है। जीरे की सात आठ किस्में होती हैं। कोई जीरा होता है जो बहुत मोटा होता है। वह मौसम पर बहुत कुछ निर्भर करता है। फाल्गुन में जब बिजली कड़कती है तो उस कड़क से जीरा बराब होता जाता है और उसका अगर एनेलेसिस किया जाए तो वह घटिया उतरता है और उसके लिए हमको गुनहगार करार दे दिया जाता है।

समापति महोदया : हर एक वस्तु का विस्तार से वर्णन करने की जरूरत नहीं है।

श्री हरिकिशन : बात यह है कि जितना माल हम लेते हैं उस सब को एक दम साफ नहीं कर देते हैं। भाई साहब आहिस्ता जितना हमें बेचना होता है, हम साफ करके बचने

रहे हैं। हमारे ग्रन्थरजितना माल पड़ा होता है और जो साफ किया हुआ नहीं भी होता है, उसका भी आपके इंस्पेक्टर आते हैं और सम्पल ले जाते हैं। यह एक जुलम है जो हमारे ऊपर नहीं होना चाहिये। गोडाउन में भी उसको हक है कि जाकर देख ले।

सभापति महोदय : इंस्पेक्टर कैसे समझ ले कि आपको वे बेचना नहीं हैं या बाद में आप उसको बेचेंगे नहीं ?

श्री हरि किशन : बहुत मामूली सी बात है। किसी भी गैर-प्रादमी को भेज कर पूछा जा सकता है कि फलां चीज हमारे यहां हैं...

डा० सुशीला नायर : जीरे का स्टैण्डर्ड बहुत सीधा सादा है कि पांच परसेंट से ज्यादा फारेन सीड नहीं होना चाहिये। चार परसेंट से ज्यादा टोटल एश नहीं होना चाहिये। १.५ जो इनसाल्यूबल एश होता है, वह नहीं होना चाहिये। इस तरह से यह सब जो आप कह रहे हैं इसका कोई अर्थ नहीं है। कोई दूसरी प्रकार का दाना हो सकता है। पांच परसेंट तो हमने एलाउ ही कर दिया दूसरा किस्म का दाना। तकलीफ तब होती है जब पांच परसेंट जीरा डाल कर ६५ परसेंट दूकानदार उसमें दूसरी चीज डाल देता है। पांच परसेंट दाना स्वाभाविक तौर पर उस में आ जाएगा इस वास्तु यह पांच परसेंट की लिमिट रखी गई है। पांच परसेंट भी बहुत होता है ? अधिक से अधिक जो नामल मिक्सचर हो सकता है वह पांच परसेंट का हो सकता है, इससे अधिक नहीं हो सकता है।

सभापति महोदय : पहले जिन विट-नैसिस को एग्जैमन किया गया था उन्होंने इसी प्वाइंट को रेख किया था और उनकी बात को आपने सुन लिया था। प्रश्न भी पूछ लिये गये हैं और उनका स्पष्टीकरण भी मिल गया है।

श्री हरि किशन : काली मिर्च के बारे में आपने पहले पांच परसेंट की लिमिट रखी थी और बाद में चल कर इसको रेख करके आपको

दस परसेंट करना पड़ा। काली मिर्च में अंगूर की तरह का जो गुच्छा होता है, उस गुच्छे में जो सब से पहले दाना पैदा होता है वह सब से मोटा होता है।

डा० सुशीला नायर : उस में फारेन मीटर नहीं किया है, कि हो सकता है। एक सैमीनार हुआ था उस में मैंने कहा था कि काली मिर्च स्टार्च के लिए नहीं खाई जाती है, तीखेपन के लिए खाई जाती है अधिक से अधिक जितना हो सकता है, उसको बढ़ा दिया है। फारेन मीटर नहीं उस में हो सकता है। अगर कोई यह कहे कि पांच परसेंट से अधिक मिलावट ज्यादा हो सकती है तो हम कहेंगे नहीं हो सकती है।

श्री हरि किशन : पांच परसेंट पपीते के सीड अगर कोई मिलाता है तो उसको सजा सजा मिलनी चाहिये।

डा० सुशीला नायर : अगर आप सारा कूड़ा करकट रख लें तो क्या कहा जाये और अगर आप वही दिखा दें तो क्या किया जाये...

श्री हरि किशन : बोरियों की बोरियां होती हैं और बोरियों की बोरियां बिकती हैं। ऐसी बात नहीं है कि कूड़ा करकट ही बिकता हो

डा० सुशीला नायर : बोरियों की बोरियां जो कचरे की होती हैं उसको आप यह कह कर कि काली मिर्च नहीं है क्या आप लेने से इन्कार नहीं कर सकते हैं ? दिल्ली में तो यह पैदा नहीं होती है। दिल्ली में एक पेड़ भी इसका नहीं है मेरा तो दिमाग खराब हो गया है दोनों तरफ की बातें सुनते सुनते एक तरफ कहा जाता है कि सस्ती चीज लाते हैं इसलिए खराब होती है। मैं नहीं जानती हू कि सस्ती लाते हैं इसलिए खराब होती है या नहीं। दूसरी तरफ कहे जाते हैं महंगी भी देते हैं और खराब भी देते हैं मैं यह कहती हू कि आप इन्कार कर सकते हैं गंदी चीज खरीदने से। एक बार आप इस तरह से करके देखिये,

तब उनके भी कान खड़े हो जायेंगे उनके सैम्पल भी लिये जाने चाहियें, उनको भी सजा मिलनी चाहिये लेकिन आपका भी फर्ज है कि आप घटिया चीज न खरीदें ।

श्री हरि किशन : घटिया चीज का सवाल नहीं है हम तो जो चीज हमारे पास आती है उसको हम साफ करके बेचते हैं जितना भी माल हमारे अन्दर होता है उसको हम एक दम से साफ नहीं कर सकते हैं अगर साफ कर भी लें तो जो बोरियां होती हैं उनके अन्दर कूड़ा आ जाता है । जीरे के बोरे को एक दम साफ करवा लें तो फिर उसके बाद वह खराब हो जाता है ।

श्री यू० एम० त्रिबेदी : स्टोर किये हुए माल के बारे में आप कह रहे हैं ?

श्री हरि किशन : हम यह कह रहे हैं कि स्टोर किये हुए माल के ऊपर आफेंस नहीं होना चाहिये ।

डा० सुशीला नायर : कौन कह सकता है कि माल बेचने के लिए नहीं है ? कौन उसको पकड़ेगा ?

Shri J. L. Duggal: It is a national problem. Instead of emphasising merely on punishing the traders, why don't you open some manufacturing centres with the help of Government? At the producing centre, there should be strict checking.

Dr. Sushila Nayar: Do you want the Government to take over the whole trade of manufacturing and also analysing? This committee at any rate is not prepared to say that everything in regard to consumers goods should be Government-controlled.

Shri J. L. Duggal: Even if it is not controlled by Government, at least some processing centres can be established where the things are produced.

Dr. Sushila Nayar: Why can you not have your own processing centres? I related my experience to

some of the friends who came yesterday of how a man who went to Patna started selling karijana with the help of his wife and daughters. His wife and daughters cleaned them and put them in neat packets. He became so popular that he started a chain store. He was determined to give clean stuff. Why can you not do that?

Shri J. L. Duggal: Of course, that is correct.

डा० सुशीला नायर : आप चाते हैं कि सरकार रोटी पका कर आप के मुंह में डाल दिया करे ।

Shri J. L. Duggal: We do not want that. But Government can help a lot. Government can take the help of the different associations.

Chairman: That is why we are seeking your co-operation.

Shri J. L. Duggal: For powdered spices. I would suggest that it should be a trademark.

Chairman: About powdered spices the point has already been made and you have heard that. Any other point?

Shri J. L. Duggal: That is all.

श्री फतेह चन्द नसीम : सबसे बड़ा प्राबलम स्टैंडर्ड का है । स्टैंडर्ड तो एक बना दिया जाता है और मुक्तलिफ जगहों की पैदावार मुक्तलिफ किस्म की होती है । तो इन नेचुरल चीजों के लिए हमारा प्रासीक्यूशन न होना चाहिए । जहां तक मिलावट का सवाल है सब इसके हक में हैं कि इसको मिटाया जाये लेकिन नेचुरल चीजों के बारे में हमको प्रोसीक्यूट न किया जाये ।

डा० सुशीला नायर : आप जो फरमा रहे हैं वह बुरस्त नहीं है चीजों को जान बूझ कर गीला कर दिया जाता है ताकि बजन बढ़ जाये और उसका दूसरा नतीजा यह भी होता है कि जो ग्राहमी उस चीज को खरीद कर ले जाता है उसके यहां जा कर वह सड़ जाती है ।

श्री कनेह चन्व नसीम : कुछ समय पहले दिल्ली में नमक का सम्पल लिया गया था जो ठीक नहीं था लेकिन उसके लिए कहा गया कि बारिश न होने से उसमें नमकीनपन कम है, इसलिए प्रासीक्यूशन नहीं हुआ ।

डा० सुशीला नायर : उसका स्टैंडर्ड कम था इसलिए हमने प्रासीक्यूशन रकबा दिया जहाँ आप के हाथ की बात नहीं है वहीं हम आपकी रक्षा के लिए तैयार हैं लेकिन बहुत सी बातें आपके हाथ की हैं उनको रोका जाना चाहिए ।

श्री कनेह चन्व नसीम : साल्ट के प्रलावा मिर्च में तेल की बात है ।

डा० सुशीला नायर : अगर आपको किसी चीज के स्टैंडर्ड के बारे में शिकायत है तो आप हम को लिखिये उसकी जांच कर ली जायेगी लेकिन जो स्टैंडर्ड कायम किया जाता है वह देश के कोने कोने की चीजों का सम्पल लेने के बाद किया जाता है और उसका एक रेंज रखा जाता है या उसका कम से कम वाला स्टैंडर्ड रखा जाता है । एक दूध वाला था वह इसलिए दूध में पानी मिलाता था कि उसकी भंस के दूध में घी ज्यादा होता था तो एक दूध तक हम रेंज रखते हैं हम कम से कम वाला स्टैंडर्ड रखते हैं लेकिन अगर आपको किसी स्टैंडर्ड के बारे में शिकायत है तो उसके बारे में लिखें ।

श्री कनेह चन्व नसीम : अगर स्टैंडर्ड बदल जाये तो सब ठीक हो सकता है ।

श्री तुलसीदास जायस : आपका एसो-सिएशन तो ड्राई फूट का है । उसके बारे में आपने कुछ नहीं कहा ।

श्री हरि किशन : हमारा किरामा से भी सम्बन्ध है । ज्यादा दिक्कत हमें किराने के लीदे में आती है । एक हमारी प्रार्थना है कि जो 5 म माल स्टोर करते हैं उस पर हमको प्रासीक्यूट न किया जाये । उस माल में कभी कीड़ा भी लग सकता है, बरसात में वह

खराब भी हो सकता है । हम उसको साफ करके बेचते हैं । खारी बावली में अच्छा माल बिकता है । वहाँ से छोटे दुकानदार भी ले जाते हैं ।

डा० महादेव प्रसाद : आप मेवे में क्या मिलते हैं ?

श्री हरि किशन : उसमें कुछ नहीं मिलते ।

डा० सुशीला नायर : स्टोर में सड़ी चीजें रखी जाती हैं और उनको थोड़ा थोड़ा अच्छी चीज में मिला कर बेच दिया जाता है । हम उसकी रोकथाम कैसे करें । अगर एक आदमी ईमानदार है तो उसके साथ दस बेईमान बैठे हैं । हमारी यह दिक्कत है । हमको बताया गया कि मुजफ्फरपुर में बाढ़ से चना भीग कर खराब हो गया और उसके बारे में कहा गया कि जानवरों को खिलाने लायक भी नहीं है । लेकिन दुकानदारों ने उसको थोड़ा थोड़ा अच्छे चने में मिला कर बेच दिया । ऐसा हो रहा है । इसको रोकने का आप उपाय बतायें तो हम आपकी बात का जवाब दे सकते हैं । आप ने जो यह फरमाया कि जब मजिस्ट्रेट ने यह कह दिया कि वह सब चीज फेंकने लायक है, जानवरों के खाने के भी काबिल नहीं है तो उन्होंने उसे ज्वल बयों नहीं किया ? मजिस्ट्रेट को वह सारा सामान अपने कब्जे में लेकर उसको नष्ट कर देना चाहिए था । आपका यह कहना सही है । लेकिन ऐसा भी अक्सर देखने में आता है कि जो चीज सड़ी हुई आप के पास में रहती है उस सड़ी चीज को अच्छी चीज में मिला कर बेचते हैं ।

श्री हरि किशन : हमारे सामने प्रायः मुख्य समस्या मिलावट रोकने की है । बहुत से मिलावट करने वाले लोग बगैर सजा पाये हुए बच जाते हैं उसको कैसे रोका जाय इस बारे में हम सब सोच रहे हैं । मेरा कहना यह है कि सरकार प्रभावशाली ढंग से इसे तभी रोक सकने में समर्थ हो सकती है जब हम व्यापारियों का आप सक्रिय सहयोग हासिल करें । हम से सम्पर्क स्थापित करें और हमें अपने विरवास

में लें । उनको अपने पास बुलायें, उनसे विचार विमर्श करें और उनकी इस बुराई को खत्म करने के लिए सलाह मांगें । हम भी भारत के वासी हैं और इस व्यापक बुराई को हम भी आप की तरह समाप्त करने के इच्छुक हैं । लेकिन हमारी शिकायत यह है कि हम व्यापारियों को सरकार अपने विश्वास में नहीं लेती और हमारा सहयोग इस दिशा में हासिल करने का प्रयत्न नहीं किया जाता है । हम चाहते हैं कि हमारे देश का नैतिक स्तर ऊंचा उठे ।

डा० सुशीला नायर : पिछले दो, ठाई साल से मैं इस बात के लिए बराबर प्रयत्नशील रही हूँ कि आप व्यापारियों का इसमें सहयोग प्राप्त किया जाय । कई ट्रेडर्स की मीटिंग्स में भी मैं बैठी हूँ और उन से मेरी इस बारे में बातचीत हुई है लेकिन ट्रेडर्स सिर्फ एक बात कहते हैं कि स्टैंडर्ड कम करो, उसको निकाल दो, प्रोसीक्यूशन न हो । एक भी ट्रेडर ने आज तक यह चीज नहीं कही कि हम इसका जिम्मा लेने को तैयार हैं कि इसमें मिलावट नहीं हुई ।

श्री हरिः विशान : साबुत बीजों में मिलावट नहीं होती है बल्कि जैसा मैंने कहा वह सब-स्टैंडर्ड होती है ।

डा० सुशीला नायर : साबुत बीजों में भी कोई जानता है कि मिलावट होती है जैसे कि काली मिर्च में पपीते के बीज मिला दिये जाते हैं । मिलावट कितनी व्यापक है इसके बारे में पब्लिक ऐनालिस्ट कमेटी को कुछ अभी बतलायेंगे ।

Dr. S. N. Mitra: There are two types—whole spice and the ground spice. Spices are prone to adulteration in a number of ways. Adulteration has been detected both in the whole spice and the powdered spice. Let us take the very important spice, turmeric, which is consumed all over India in a large quantity. The whole

turmeric is adulterated in various ways. It may be coloured with lead chromate and also other lead compounds. This makes the stuff highly poisonous. Also, the whole haldi is coloured in various ways by coal tar dyes to make it look fresh and nicer. The whole turmeric is also boiled in cow dung water and then dried. Then, I will take up *kullimrich*. The whole *kallimrich* may be adulterated in various ways. By insect infestation, the starch may decrease and the stuff may be left only with the outer skin and it may be contaminated with insect remains also. Foreign seeds may also be present in the whole black pepper resembling the fruit of black pepper. Also artificial pepper seeds have been detected in the local markets of Calcutta and they have been coloured also. As someone made out in the morning, deficiency of starch in *kallimrich* cannot come in nature; nature does not give less starch. It is one of the important items which comprise the composition of black pepper. If the *kallimrich* is infested with weevils, we cannot see it by chemical analysis. Artificial black pepper is made and then coloured. I have got samples of this from Calcutta Corporation. The whole chilly also can very well be adulterated. For instance, rotten old chillies, are smeared with oil containing oil soluble dyes to make it look nicer and clean. This type of adulteration is very harmful because oil soluble coal dyes are almost toxic.

Chairman: Thank you for the information.

श्री कन्हो चण्ड नसीब : पीस्त के बाने का क्या स्टैंडर्ड है ?

Dr. Sushila Nayar: It is given here.

"It shall not contain more than 5 per cent by weight of other harmless foreign seeds, dust or other foreign or vegetable matter; more than 8 per cent of total ash; less than 40 per cent. of oil.

श्री फतेह चन्द नसीम : आयल तब कम होता है जब उस में कोई दूसरी चीज की मिलावट होती है। जो क्रूरती पीपी-सीड है उस में आयल जरूर होगा। पीपी-सीडस का अगर आयल निकल जायगा तो उसका खलो बन जायेगा। फॉरैन मीटर जो मिलायेंगे उसका भी तो उसमें परसंटेज आयेगा और उसका भी हिसाब बतलाना होगा।

अगर वह फ़ारेन मीटर में आता है, तो आप उसका परसंटेज बतायें। तब आप कहें कि आयल कम है। अगर फ़ारेन मीटर न बताया जाये, तो फिर आयल कम होने के बारे में न कहा जाये।

सभापति महोदय : एकट में सब बातों का प्राविजन है। अगर आप उसके बारे में कोई सूचना दे सकते हैं, तो बतायें।

श्री हरि बिष्णु कामत : आप ने संयुक्त प्रवर समिति को जो स्मृतिपत्र प्रस्तुत किया है, उससे प्रतीत होता है कि आप की संस्था सूबे मेवे, किराना और केमिकल्स के डिस्लर व्यापारियों का कल्याणकारी समाज है।

श्री फतेह चन्द नसीम : हमारी वेलफ़ेयर एसोसियेशन यह देखती है कि व्यापारियों की क्या दिक्कतें हैं और उन को कैसे दूर किया जा सकता है।

श्री हरि बिष्णु कामत : क्या आप लोग अग्राम का कल्याण करने वाले हैं ?

श्री फतेह चन्द नसीम : व्यापारियों का।

डा० सुशीला नायर : उन की एसोसियेशन व्यापारियों को प्रिवेंशन आफ़ फूड एडल्ट्रेशन प्राविजन से प्रोटेक्ट करने के लिए है।

श्री हरि बिष्णु कामत : आज के स्मृतिपत्र में ड्राई फ़ूट और केमिकल्स का जिक्र किया गया है। लेकिन जहाँ तक मैं पढ़ पाया हूँ, आप के स्मृतिपत्र में केवल किराने का जिक्र है और ड्राई फ़ूट तथा केमिकल्स का कोई

उल्लेख नहीं है। आप ने उन दोनों को अलग क्यो कर दिया है ?

श्री फतेह चन्द नसीम : इसलिए कि ड्राई फ़ूट और केमिकल्स का फड एडल्ट्रेशन से कोई ताल्लुक नहीं है। बादाम और काजू में एडल्ट्रेशन होने की गुंजायश नहीं है।

श्री सी० बी० सिंह : उन में कीड़े लग सकते हैं।

श्री फतेह चन्द नसीम : कीड़े तो पानी में भी पड़ जाते हैं।

डा० सुशीला नायर : लेकिन कीड़े वाली चीज बेचने की हम इजाजत नहीं दे सकते हैं।

श्री फतेह चन्द नसीम : हम कीड़े वाली चीज को नहीं बेचेंगे, डेस्ट्रॉय करेंगे, लेकिन उसमें कीड़े तो पड़ सकते हैं।

श्री हरि बिष्णु कामत : आप ने अपने स्मृतिपत्र के पृष्ठ ६ पर किसानों पर एक गम्भीर आरोप लगाया है। उस में कहा गया है :

"The main offence committed by a party or by a farmer".

I do not know what do you mean by the 'party'. I suppose that is not a political party.

श्री फतेह चन्द नसीम : अगर साबुत हल्दी पर कोई रंग लगाया गया है, चाहे वह कोई भी रंग हो, तो रीटेल डीलर यह नहीं देख सकता है कि उस पर कौन सा रंग लगा हुआ है। यह तो प्रासेसिंग सेंटर पर ही देखा जा सकता है।

श्री हरि बिष्णु कामत : क्या आप समझते हैं कि चिल्लर व्यापारी दूध के घुले हुए हैं ?

श्री फतेह चन्द नसीम : अगर साबुदाना बनाने वाले कारखाने में साबुदाना बनाया जाये, तो रीटेलर यह नहीं देख सकता है कि वह साबुदाना किस मेट्रीरियल से बनाया गया है।

श्री हरि बिष्णु कामत : लेकिन किराना में साबूदाना और हल्दी के झालावा और बहुत सी चीजों में मिलावट की जाती है। अभी आप को बताया गया है कि क्या क्या मिलावट की जाती है।

श्री फ़तेह ख़न्द् नसीम : चूँकि यह अंग्रेज़ी में बताया गया है, इसलिये मैं समझ नहीं सका हूँ।

श्री हरि बिष्णु कामत : लेकिन आप ने अपना स्मृतिपत्र भी तो अंग्रेज़ी में दिया है।

श्री फ़तेह ख़न्द् नसीम : वह तो आप लोगों की सुविधा के लिए अंग्रेज़ी में दिया है।

श्री हरि बिष्णु कामत : पृष्ठ ७ को पढ़ने से मालूम होता है कि आप के दिमाग में कुछ गलतफ़हमी रह गई है। वहाँ पर लिखा हुआ है :

The limits of foreign matters in all fruits are very small. They may be raised to a reasonable percentage.

क्या आप को कानूनन मिलाने की इजाज़त है ?

श्री फ़तेह ख़न्द् नसीम : काली मिर्च में लाइट बैरीज़ का परसेंटेज नियमों के अनुसार दस परसेंट हुआ। उसको बदला गया। यहाँ भी परेशानियाँ हैं। इसलिए इस में भी सुधार हो।

श्री हरि बिष्णु कामत : इस को कितना बढ़ाया जाये ?

श्री फ़तेह ख़न्द् नसीम : मैं इसकी तादाद नहीं निश्चित कर सकता हूँ। मुक्तलिफ़ पैदावारों को देखते हुए उनका एनैलीसिस करने के बाद यह देखा जाये कि मिनिमम और मैक्सिमम क्या हो सकता है।

श्री हरि बिष्णु कामत : क्या आप यह तो नहीं चाहते हैं कि सौ फ़ी सदी बढ़ा दिया जाये ?

श्री फ़तेह ख़न्द् नसीम : मैं तो एक फ़ी सदी भी नहीं चाहना हूँ।

श्री हरि बिष्णु कामत : आप की संस्था कब स्थापित हुई थी ?

श्री फ़तेह ख़न्द् नसीम : इस संस्था को दो, ढाई साल पहले रजिस्टर कराया गया था। लेकिन हमारे दुकानदार पचास पचास साल से यह काम कर रहे हैं।

श्री हरि बिष्णु कामत : इस भ्रष्टाचार में क्या आप ने कभी इस बात पर विचार किया है कि आप के मेम्बरान मिलावट को दूर करने के लिए एक आचार-संहिता बना कर उस पर अमल करें ?

श्री फ़तेह ख़न्द् नसीम : विचार किया है और दिल्ली कापॉरेशन में खारीबावली से जितने भी नमूने लिये गये हैं, वे कभी इस बिना पर फ़ेल नहीं हुए हैं कि कोई चीज़ एडल्ट्रेटिड है। यह कहा गया है कि हल्दी कलर है, लेकिन नमक में नमकपन कम है या गुड़ में मिठास कम है इस आधार पर सेम्पल फ़ेल हुए हैं। लेकिन मिलावट के आधार पर, इस आधार पर कि गुड़ में मिट्टी मिली हुई है, हमारे सेम्पल फ़ेल नहीं हुए हैं। हल्दी का कलर और नमकपन या मिठास में कमी रीटेलर के हाथ की बात नहीं है।

श्री हरि बिष्णु कामत : क्या आप ने कोई आचार-संहिता तैयार की है ?

श्री फ़तेह ख़न्द् नसीम : लिखित रूप में नहीं की है।

श्री हरि बिष्णु कामत : इरादा है क्या ?

श्री फ़तेह ख़न्द् नसीम : आपका यह सुझाव बहुत अच्छा है और इसको अमल में लाने की कोशिश करेंगे।

श्री हरि बिष्णु कामत : उधर से जो बात कही जा रही है कि एडल्ट्रेशन को दूर कर दीजिये अच्छी चीज़ मंगाइये, इस पर भी अमल हुआ है क्या ?

श्री फ़तेह ख़न्द् नसीम : यह तो हम करते ही हैं।

श्री हरि बिष्णु कामत : तो—आचार संहिता बनाने से आप क्यों हिचकिचाते हैं ?

श्री फ़तेह खन्व नसीम : यह सुझाव आपका बहुत अच्छा है और इस पर भ्रमल करेंगे ।

श्री हरि बिष्णु कामत : इस अपराध में कोई पकड़ा जाए और अपराध साबित हो जाए अदालत में तो पब्लिक में उस अपराधी के कोड़े लगाये जायें या फांसी पर उसको लटका दिया जाए तो आपको कोई एतराज तो नहीं होगा ?

श्री फ़तेह खन्व नसीम : आपके इस सुझाव से मैं बिल्कुल सहमत हूँ । लेकिन देखना पड़ेगा कि एडलट्रेशन क्या चीज है । ऐसा न हो कि सौ गुना गार तो छूट जायें लेकिन एक जो गुना गार नहीं है, उसको सजा हो जाए ।

डा० सुशीला नायर : यह जो मनोवृत्ति है, इसको आपको बदलना पड़ेगा । फूड एडलट्रेशन से बहुत ज्यादा नुकसान देश का हो रहा है । गुना गार तो निकल जाए और जो गुना गार नहीं है, वह फंस जाये, यह नहीं हो सकता है । इसका कोई उपाय करना होगा ।

श्री फ़तेह खन्व नसीम : हमारे क़ानून का मतलब यह है कि बेगुना गार को सजा मिले वह ज्यादा खतरनाक है । आदिकाल से यह चला आ रहा है कि गुना गार को न छोड़ा जाए ।

Dr. C. B. Singh: On page 9 of your Memorandum, you have used the word 'farmer'. Don't you look very carefully into the things that the 'farmer brings to you? How does he become the main culprit?

श्री फ़तेह खन्व नसीम : किसान इस तरह से है कि उसके यहाँ जो चीज पैदा हुई उसको उसने ला कर मार्केट में रख दिया और उसको किसी तरह से साफ नहीं किया

डा० सुशीला नायर : १४ रुपये मन में खरीद कर जब आप पचास रुपये मन के हिसाब से उसको बेचते हैं तो क्या आप उसको साफ नहीं कर सकते हैं ?

श्री फ़तेह खन्व नसीम : बिना साफ किये हुए हम उसको कंज्यूमर को नहीं देते हैं । उसको साफ तो हम करते ही हैं । लेकिन पेशतर इसके कि हम उसको साफ करें, उसके सैम्पल ले लिये जाते हैं । इस में हमारा क्या दोष है, वह आप हमें बतायें ।

डा० सी० बी० सिंह: क्लीन्ड, नान-क्लीन्ड आदि के मार्क लगा कर आप क्यों नहीं रखते हैं ?

श्री फ़तेह खन्व नसीम : वह तो हम करेंगे ही । लेकिन जहाँ तक उसको स्टोर करने का सवाल है, वह हमारे बस की बात नहीं है । यह मार्किंग तो हम कर देंगे कि साफ नहीं की गई है ।

डा० सुशीला नायर : आप उपाय बताइये जिस से कि गन्दे माल को अच्छे के साथ मिला कर आप न बेच पायें ।

श्री फ़तेह खन्व नसीम : थोक व्यापारी पहले उसको साफ कर के रखे । उसके बाद जो रिटेलर है वह उसको साफ कर के रखे । रिटेलर से जब वह कंज्यूमर के पास जाये तो जो थोड़ी बहुत और सफाई की जरूरत है, उसको वह कर दे । इस तरह से साफ चीज उसको खाने को मिल सकती है ।

श्री के० एल० बाल्मीकी : सारा दोष आपने किसान पर मढ़ा है । किसान तो जैसी चीज उसके खेत में पैदा होती है आपको दे देता है, मंडी में ले जाता है और उसको आप खरीद लेते हैं । इस बास्ते किसान को तो आप दोष नहीं दे सकते हैं । जहाँ पर आप माल को स्टोर करते हैं, वहाँ पर मिलावट किस रूप में होती है, काली लिच में या बूखे बसालों में । जिस प्राक्सेस से उसके खम्बर एडलट्रेशन होती है, उस में ट्रेडर्स का अधिक हिस्सा होता है ।

श्री फतेह चन्द नसीम : जहाँ तक गेहूँ का या मसालों का ताल्लुक है ...

श्री के० एल० बाल्मीकी : मैं गेहूँ की बात नहीं कर रहा हूँ ।

श्री फतेह चन्द नसीम : आप हमारी बात सुन लीजिये, फिर तो जो आपकी जजमेंट वह आपकी जजमेंट और जो हमारी, वह मारी । गेहूँ का भी घर उन्ही तरीके से हम एनैलिसिस करे जिस तरीके से मसालों का करते हैं तो जितना भी गेहूँ इन्डुस्तान में पैदा होता है वह कभी भी जो स्टैंडर्ड है उस पर पूरा नहीं उतरेगा ।

डा० सुशीला नायर : आप लोग पूंजीपति हैं । दो तीन रोज से हम बैठे हुए हैं । एक प्रादमी ने आप में से यह मश्विरा नहीं दिया है कि इस तरह से एडलट्रेशन खत्म हो सकता है । सभी ने यह कहा है कि स्टैंडर्ड टा दो, कानून बदल दो, मारी चमड़ी को किसी तरह से साथ मत लगाओ । किसी ने भी यह नहीं बताया कि इस तरह से एडलट्रेशन को खत्म कर सकते हैं ।

श्री फतेह चन्द नसीम : जहाँ तक मसालों का सम्बन्ध है, मैं सजेशन देता हूँ । जहाँ प्रोसेसिंग और और मैन्युफैक्चर यह होता है, वहाँ लाइसेंस होना चािये और वहाँ पर चेक लगना चािये ।

डा० सुशीला नायर : घर घर में मसाला कुटता है ।

श्री फतेह चन्द नसीम : साबूदाना है, अरारोट है, हल्दी का सबाल है, गन्दे मसाले की बात है । इस सब के बारे में मैं कहूँगा कि एग्मार्क होना चािये ।

डा० सुशीला नायर : यह सब कुछ कर दें तो कितनी बेरोजगारी हो जाएगी इसका क्या आप भ्रंदाजा लगा सकते हैं । घर घर में मसाला कुटने का काम होता है । वे लोग इसी पर अपनी रोटी कमा रहे हैं । वे सब बेकार

हो जायेंगे । इस काटेज इंडस्ट्री को कैसे खत्म कर दें ? यह नहीं हो सकता है ।

श्री यमुना प्रसाद जंडल : माननीय विटनेस ने कहा है कि आपका फैसला आपका फैसला और मेरा फैसला मेरा फैसला है । यह ठीक बात नहीं है ...

डा० सुशीला नायर : इसको छोड़ दीजिये ।

श्री यमुना प्रसाद जंडल : 4 ई साल आप की एसोसिएशन को बने हो गये हैं । कागजी सबूत क्या आप दे सकते हैं कि आपने कोई कसूर नहीं किया है और यह कि डिस्ट्रिक्ट कोर्ट में जा कर बयान दिया गया है कि वे बेगुनाह हैं नेकसूर हैं ?

श्री फतेह चन्द नसीम : एक गुड़ का सैम्पल एक रिटेलर का लिया गया था । बताया का भी लिया गया था । आप मुझ को यह भी बतयें गुड़ गुड़ की शक्ल का होगा जब उसकी उन्ही बन गई ? तो रिटेलर ने उस में कैसे मिक्सचर किया ? बताया बन गया तो कैसे मिक्सचर किया ?

डा० सुशीला नायर : जैसा मैंने प्रार्थ किया आपका तो केवल इतना ही हेतु है कि ट्रेड को तकलीफ न हो । मिलावट को रोकने के बारे में हमको आपसे कोई सलाह मशविरा या मदद नहीं मिली ।

श्री शिव चरण गुप्त : अगर कोई दुकानदार मिलावट करता पकड़ लिया जाए, तो उसके बारे में आपकी क्या सिफारिश है ?

श्री हरि किशन : जिस प्रादमी को इस तरह पकड़ा जाए, उसको कोई हक नहीं है कि वह दुकानबारी करे ।

श्री यू० एम० त्रिवेदी : कुछ प्रादमी दवा में मिलावट करने के लिए पकड़े गए । वे तो बच गए । लेकिन जिसने वह दवा खायी वह तो मर गया ।

Chairman: On behalf of the Committee I thank you.

The evidence that you will be giving will be treated as public unless you want any part or whole of it to be treated as confidential. Even then it will be circulated to Members of Parliament.

I would request you to be brief and precise.

Shri R. S. Sharma: In clause 5 of the amending Bill you have provided for only one witness instead of two witnesses as at present. We would like to know what objection Government have got against the provision which provides for two witnesses. Even in the Criminal Procedure Code and various other laws of the country there is provision for two witnesses at the time of seizure, etc. We do not know why Government have thought it fit to provide for only one witness in this particular case.

Dr. Sushila Nayar: Two reasons have been brought to our notice. One is that witnesses are very reluctant to come forward because those who are dealing with these things may not be very pleasant people to antagonise; they may not be very nice people to make enemies of. So, the people of the locality do not like to come forward as witnesses.

Secondly, the procedure in the courts is very lengthy and they cannot afford the time for that and therefore do not like to come forward as witnesses.

There is still another reason. When the samples are taken they can be seen by the man whose sample is taken and by the Inspector and so there can be no question of the samples being not different from what they are claimed to be and therefore witnesses may not be considered necessary to testify this. These are the points made before us.

Shri R. S. Sharma: When the law is going to be made more deterrent,

what is the point in doing away with this elementary safeguard?

Shri V. S. Aggarwal: The Hon. Minister has said that the witnesses do not come forward because people feel that the shopkeepers are not people whom they would like to make enemies. Are they worse than goondas?

Dr. Sushila Nayar: People of the locality do not want to make enemies by deposing against certain persons of the same locality. Secondly, the court procedures are lengthy. These are the two reasons put forward before us.

Shri R. S. Sharma: In sub-clause (ii) of the same clause 5, there is a proviso which says "...with one or more sureties as the food inspector deems fit". Our submission is that the food inspector should not be given such absolute discretion as to decide how many sureties there should be. After all, a food inspector is not such a big officer that he should be given wide discretion as to decide the number of sureties in a particular case. It should be a formal bond and one or two sureties will do. When you say "as the food inspector deems fit", it gives absolute discretion to him. This is in respect of sub-section (4) of section 10 of the Act.

Shri Hari Vishnu Kamath: But the very fact that weevil has got in, shows that the condition of the entire stock is not what it should be. You cannot say, separate the weevil-infested part and the rest is edible.

Shri V. S. Aggarwal: To that I will say this. It will not be possible for everybody. I am a whole wheat eating person and I get the wheat at my home and I see to it that it is cleaned properly. But in the mills where you crush tons of wheat, this separation is not possible.

Dr. Mahadeva Prasad: It is possible.

Shri V. S. Aggarwal: I have been in the wheat trade for thirty years now and I would very much like to be told and shown. Of course, there is one method that in the flour mills they put it in the water tanks and some of them which are very badly eaten by the weevils will float but not all the weevil-infested ones.

Chairman: Next point, Mr. Sharma.

Dr. Sushila Nayar: You may not consider weevil to be objectionable, but there are plenty of members who do not like to eat *dhal* fined with weevil. You people may be non-vegetarians, but we vegetarians do not eat weevil.

Dr. C. B. Singh: Even though a person may be a non-vegetarian he would not like to eat grain infested with weevil!

Shri Hari Vishnu Kamath: Apart from that, if the yardstick of adulteration is to be the fitness or otherwise of the stuff for human consumption, then surely the mixing of papayya seed with *kali mirch*, that is pepper, cannot be 'adulteration'.

Shri V. S. Aggarwal: This is the literal meaning of adulteration: mixing something of lower price, of a lower quality, that is deliberate adulteration. I do not suppose we have said that that would not be adulteration.

Shri Hari Vishnu Kamath: So, human consumption is not the criterion. (*Interruptions*).

Shri R. S. Sharma:*

*There is one thing. There were no standards fixed for foodgrains. But the Act says that if a stuff consists of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption, it is deemed to be adulterated. Nobody can object to it. If it is de-

composed, filthy or rotten etc., nobody in his senses can say that it is not adulterated. It must be treated as adulterated. But growth of weevils in grains in godowns is altogether a different phenomenon.

Dr. Sushila Nayar: Two years ago in Delhi *atta* was being sold which was full of weevils. When it was brought to our notice we had taken action immediately. You and I do not want to eat *atta* full of weevils. Do we want that others should eat it?

Shri R. S. Sharma: I am talking only of foodgrains in whole form. After a certain period of storage, certain types of insects grow there. It is not an insect at all in the sense in which that is meant, because whatever is rotten is always unfit for human consumption. But whatever is weevil-infested is not unfit for human consumption. That is the distinction I want to make. I want them to judge that the interpretation of the law is defective. There are crores of maunds of wheat stored in the godowns of the Central Government itself. Lakhs of maunds of them might be containing some weevils. There was a seminar on this subject in which eminent experts opined that such weevils grow in course of storage of grains.

Shri U. M. Trivedi: Your suggestion is that weevil-infested grain can be consumed?

Shri R. S. Sharma: That is not my point. My point is that by the mere fact of a few grains in the whole lot getting weevils in the storage, this does not become absolutely unfit for human consumption.

Shri U. M. Trivedi: That is to say, if the infestation by weevil is of a minor nature it is fit for human consumption, unless it is of a very big proportion—is that your point?

Shri R. S. Sharma: Exactly.

*The omitted portion of the evidence is being treated as confidential at the request of the witness but is available to the members only in the Parliament Library.

Shri U. M. Trivedi: What should be the proportion of weevil infestation which can be permitted for human consumption?

Shri R. S. Sharma: That is for the Food Standards Committee experts and food technologists to prescribe. Eminent judges have also said in their judgments that the law has prescribed an absolute standard of what is to be treated as unfit for human consumption. Under the Prevention of Food Adulteration Act, only that should be rejected which is unfit for human consumption and not something which is not of a very superior quality. Some people take very superior quality of food; others take a slightly inferior quality. That is the distinction that should be made.

Shri Hari Vishnu Kamath: If I understand you aright, you seem to be of the view that partial infestation by weevil does not amount to adulteration; that is, you separate the weevil and eat the rest which is edible. On a similar reasoning, if spices are adulterated with horse dung partially, would you say, remove the horse dung and eat the rest?

Shri R. S. Sharma: I have no knowledge about it.

Shri Hari Vishnu Kamath: You must have heard about this.

Chairman: It has to be infested by weevil and at the same time be unfit for human consumption. It is only when both these things are satisfied that there is provision for the enforcement of this.

Shri R. S. Sharma: Under the Prevention of Food Adulteration Act only that thing should be rejected which is unfit for human consumption. That should be the line of demarcation.

Shri Hari Vishnu Kamath: Madam Chairman, I put a straight question and you have tried to by pass it. I want to pursue it to its logical conclusion, and our friend was trying to reply to it.

Shri V. S. Aggarwal: May I say that when we have cow dung or horse dung in spices it is deliberately mixed? As regards weevil it is a sort of deterioration of the foodgrain due to nature, due to the conditions of our tropical climate.

Shri Hari Vishnu Kamath: You mean bad or careless storage?

Shri V. S. Aggarwal: Also due to moisture. Just as you and I age, similarly if foodgrains are not properly stored—if they are stored well, if we could have air-conditioned storage etc., perhaps for a whole year they will not deteriorate—but in the heat and moisture of our climate they do deteriorate and weevil gets in. It is not that it is put in. It automatically comes.

Chairman: The difficulty here is that all of you speak simultaneously and it becomes very difficult to follow.

Dr. Sushila Nayar: I wonder if the witnesses would refer to section 2 of the 1954 Act where the definition is clearly stated. An article of food shall be deemed to be adulterated if the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser, if the article contains any other substance which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof, if any inferior or cheaper substance has been substitute wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof; if the article consists wholly or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption. So, it is clear. The word used here is insect-infested.'

Shri R. S. Sharma: I am talking about the interpretation that is put on this word by Food Inspectors and I shall refer to a Calcutta Judgment in which they have rejected that interpretation. The word 'insect-infested'

is interpreted by the inspectors to cover cases of weevilled grains. Some prosecution was launched in respect of worm eaten grains. I refer to criminal appeal No. 666 of 1960 of the Calcutta High Court. It was a single bench decision the court goes on to say:

“Disgusting’ is a characteristic which need not be objective characteristic of an article and in my view it is a subjective notion in relation to a particular person or persons. What is disgusting food for one may be a delicacy to another. To an affluent and fastidious eater of any food which is not of best quality may appear to be disgusting but food of inferior quality may be acceptable to a poor man for economy. So in my view here cannot be any absolute standard for ascertaining if food of particular quality is ‘disgusting’ within the meaning clause (f). Clause (f) by its last portion “Or is otherwise unfit for human consumption” lays down an absolute standard for food. *What is the least possible standard is whether the particular food is fit for human consumption by scientific test.* Above that minimum and short of the maximum quality which is best quality food, there may be food of varying qualities. In my view, therefore, all the other words in clause (f) must be understood by application of rule of a *judum generis* principle of interpretation as meaning whether the particular food article is of that particular characteristic so as to be unfit for human consumption.”

Shri U. M. Trivedi: It says here: ‘insect-infested or is otherwise unfit for human consumption’. We all know the rule; what is wrong in it? We fully agree with it.

Shri R. S. Sharma: If there are, let us say, a thousand grains and some weevils developed during their storage and one or two grains are

found to be thus infested, that cannot be called insect-infested.

Dr. Sushila Nayar: A notification is under issue fixing standards for foodgrains in which they have laid down a specification for weevil infestation.

Chairman: You can proceed to your next point.

Shri R. S. Sharma: So, this interpretation has been given. All these are technical matters and that is why we have pleaded that the discretion that is now vested in a court of law should remain; and should not be taken away. If you tie them down to a particular compulsory sentence, there may be miscarriage of justice.

Dr. Sushila Nayar: There are two types of offences. For the serious types of offences, compulsory imprisonment of 6 months is provided. For the others, the discretion of the court is there.

Chairman: That is laid down in clause 7 at page 3 of the Bill.

Shri V. S. Aggarwal: Clause 7 says:

“(b) in other cases, with imprisonment for a term which may extend to two years and with fine.”

But in the context of the previous clause, it appears that the minimum also would be six months.

Dr. Sushila Nayar: In this case, the lower limit is not deliberately fixed. For a technical offence, the punishment may be just imprisonment for 1 or 2 weeks or till the rising of the court. So, the discretion of the court is not taken away.

Shri V. S. Aggarwal: Can it be only fine without any imprisonment? If they are only technically guilty?

Dr. Sushila Nayar: No. It can be imprisonment till the rising of the court. The whole idea is that fines do not seem to work. The man tries to make up the money spent on the fine

by indulging in more adulteration. Our object is not to collect money in the form of fine but to stop adulteration. That is why compulsory imprisonment has been suggested.

Shri V. S. Aggarwal: I will bring two or three cases to your notice and you would agree that the offence was merely technical. In Calcutta mustard seeds worth about Rs. 45,000 were seized and analysed. Dirt was found to the extent of 8 per cent. The Act provides it should be not more than 5 per cent. If you had allowed the merchant to clean it, it could very well have come to $1\frac{1}{2}$ per cent.

Shri P. K. Deo: They might have added more.

Dr. Sushila Nayar: It could not have been merely dirt. If I remember correctly, some other poisonous seed was mixed. They pleaded their case and asked whether it would be possible to use it for soap-making. But it was pointed out that those people could not be relied upon and if it goes into the market, it would be dangerous to human beings. Dirt alone is not dangerous.

Dr. C. B. Singh: The Government was absolutely justified in seizing it, because adulteration of mustard seed is almost criminal. The people of Bengal suffer so badly from diseases because of this adulteration.

Chairman: He is arguing for the defendant.

Dr. C. B. Singh: I am arguing for the general public and not for the defendant.

Shri V. S. Aggarwal: I would not put myself in the position of defending a criminal or doing a diabolical act. I will circulate the papers of the case and if you go through them, I am sure you will come to the conclusion that it was a legal destruction of national wealth.

Dr. Sushila Nayar: Let me assure you that we went into it very thoroughly and ultimately it had to

be destroyed in the interests of the people of Calcutta.

Chairman: We are not sitting here as a court to decide the case.

Shri V. S. Aggarwal: I am not asking you to do it. The other case that I had in mind is of the United Flour Mill, Calcutta. As you may perhaps be knowing, every flour mill in the country is being supplied wheat by the Government. They also were supplied wheat by the Government of India. After the goods had gone to the godown a sample was taken and it was found that there were some weevils in it. As at present, no weevils are permitted. So, they were prosecuted and fined. But they did not do anything at all themselves. The mill is owned by Messrs Shaw, Wallace and Company and I, in my mind, will never think of their doing anything of that sort. They are a huge concern having business of several crores of rupees and a profit of Rs. 5,000 or Rs. 10,000 will not mean anything to them.

Chairman: The report of the central laboratory will be final and there is no appeal.

Shri V. S. Aggarwal: My point is that in that case they did not do anything deliberately.

Dr. Sushila Nayar: The word 'deliberate' does not help us. If a man is poisoned and loses his life, it does not matter whether it is mixed deliberately or it is mixed accidentally. If he has not taken due precautions to prevent the admixture, the person is guilty.

Chairman: Clause 8 of the Bill (page 4) gives some protection to the vendor. It says:—

"A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves."

Shri R. S. Sharma: What is the objection if the adulterated stuff can be put to an alternative non-edible use?

Dr. Sushila Nayar: I am sorry to say that the trade in India cannot be relied upon. Time and again it has been tried but they mix it with the good stuff and sell it for purposes for which it is not meant. It is not possible for us to keep a CID after them and see that they use it for the right purpose and not for the wrong purpose.

Shri V. S. Aggarwal: You confiscate it, do not give it to the trader but put it to an alternative use. Why burn it? If wheat is infested to a small extent, in our conditions it can very well be fed to cattle. Let the Corporation or the State take it over. If such a provision is there, any court can do it.

Dr. Sushila Nayar: May I say that the complaints that we have had from different places so far have been that the courts have been taking this offence very lightly? That is why the trouble has increased so much. Some of you black-coated gentlemen go in defence of these big fellows.

Shri V. S. Aggarwal: We are all businessmen. There are no lawyers among us.

Dr. Sushila Nayar: I do not say that all of you do it; but some do it. Some magistrates also think that he is a poor man. जैसा कि श्री बाल्मीकी जी ने कहा है, कि एक खोंचे वाले पर, जिसकी पूंजी पांच सौ रूपया है, ज्यादा से ज्यादा पांच दस रूपया जुरमाना कर दिया जाए। What more can you do to him? In the mean time the trouble goes on getting from bad to worse. As you know, it is the magistrate who has the option to dispose of this in all number of manners and you know it better than I do that if the magistrate considered it best to destroy this particular lot, there must be good

reasons for him to do so. To the best of my knowledge you went up in appeal all over and you lost those appeals. It is not that you just took the verdict of one magistrate. The whole thing was lying for nearly a year before it was destroyed.

Shri V. S. Aggarwal: Facts are facts. You can have the copy of the judgment, if you want.

Then, I would like to put in one small point about clause 5. You have described how the samples can be taken, but I would like to add one thing more. In respect of foodgrains, after the samples have been taken the analysis should be finalised within 48 hours. We were at the ISI meeting yesterday. We have recently finalised the standards for cereals and pulses. There we have decided that after the samples are taken the analysis should be finished within 48 hours. There are very good reasons for that. In the case of weevils they spread very quickly specially when the sample is bottled in. So, if the analysis is done after a month, the result will not be the same as it would have been if it had been done within 48 hours.

Chairman: We shall consider it. It will be taken care of when the rules are framed.

Shri Tulshidas Jadhav: About the witnesses you have said that independent persons should be there as witnesses. What is the meaning of 'independent persons'?

Shri R. S. Sharma: What we have said is that the provision for witnesses should be on the same lines as it is in the Criminal Procedure Code Section 103, which says:—

“Before making a search the officer or other persons about to make it shall call upon two or more respected inhabitants of the locality in which the search is to take place.”

Shri Tulshidas Jadhav: Here it says "to be present at the time". The local people might be present there and he will take them as witnesses. There is no objection to taking the people of the locality?

Shri S. N. Murarka: Naturally the local people will be there.

Chairman: He should not be a witness interested in the inspector.

श्री एस० एन० मुरारका: बात यह है कि सर्च के लिये जो इन्स्पेक्टर जाते हैं तो अपनी जान पहचान के गवाह ले जाते हैं और लोकल आदमियों को नहीं लेते ।

Shri Gian Prakash: You must have seen that in other cases also it very much depends upon the standard of witnesses and the Court will duly consider it.

श्री तुलसीदास जाधव : आप लोकल आदमी बतौर विटनेसज के लिये क्या इसलिये प्रंस करते हैं कि आपको शक है कि बाहर के व्यक्ति इन्स्पेक्टर के आदमी हो सकते हैं ?

श्री एस० एन० मुरारका : हमें पावर्स के मिसयूज होने के वास्ते कानून में कोई लूपहोल नहीं छोड़ना चाहिये ।

श्री तुलसीदास जाधव: हो सकता है कि लोकल आदमी डर के मारे दुकानदार के विरुद्ध गवाही देना न चाहें तब उस हालत में यह लोकल आदमी की गवाही वाली शर्त कैसे पूरी की जा सकती है ?

श्री एस० एन० मुरारका : जाहिर है कि जब इन्स्पेक्टर सर्च में जायेंगे तो वे किसी भी आदमी को अपने साथ में लेकर नहीं जायेंगे और वहां पर लोकल आदमी के अलावा और कौन हो सकता है ?

श्री तुलसी दास जाधव : आप एक वक्रील हैं और गवाह इकट्ठा करने के बारे

में जो प्रैक्टिकल डिफ़िकल्टी आती है उससे पूरी तरह परिचित हैं फिर मेरी समझ में नहीं आता कि आप यह लोकल आदमी के लिये क्यों जिद कर रहे हैं ।

Shri V. S. Aggarwal: Whatever is provided in the criminal law for other offences should be provided in this also.

Shri Deokinandan Narayan: Is there no adulteration in edible oils?

Shri S. N. Murarka: This Indian Produce Association deals with not at all in oil but in oil seeds and grains.

Shri V. S. Aggarwal: As far as the Association is concerned, it covers oil seeds and foodgrains. Individual members may deal in oil. I am a member of Indian Produce Association; but I deal in oil and my Association does not take cognizance of it.

Shri Deokinandan Narayan: You are dealing in oil. I would like to know from you your suggestions to prevent adulteration of edible oils that is going on everywhere.

Shri V. S. Aggarwal:***

Chairman: Have you got any other suggestions?

Shri V. S. Aggarwal: In respect of the rules etc. implementation should be better.

Shri Deokinandan Narayan: I agree that til oil and groundnut oil should be introduced in Bengal. When you admit that adulteration is going on due to short supply of mustard oil I want to know what remedies you suggest to remove this adulteration?

Shri V. S. Aggarwal: We from our association always ask the members not to deal with the people who are handling adulterated oil. It is not that everybody is resorting to adulteration; only a section of people is doing this. You must tighten up the programme of implementation.

*The omitted portion of the evidence is being treated as confidential at the request of the witness but is available to the members only in the Parliament Library.

Shrimati Jyotsna Chanda: May I know whether your Association tried to supply groundnut oil or til oil to the people in Calcutta and whether they have tried to find out that the housewives are prepared to use groundnut oil and til oil?

Shri V. S. Aggarwal: As far as til oil is concerned, the prices are very much on the low side. It is only a matter of buying. You can have ample supply of groundnut oil and til oil.

Shrimati Jyotsna Chanda: You mentioned that the Bengali people are not accepting any other oil excepting the mustard oil. You also said that the mustard oil was being adulterated. Also you said that since they are not getting mustard oil they are used to til oil or groundnut oil. That is the reason why you adulterate the mustard oil.

Shri V. S. Aggarwal: I do not accept that I adulterate it. I have merely stated the position as it is. I have said that this situation has been aggravated by the artificial control. That was my point.

Chairman: Scarcity is not the justification for adulteration. The hon. Member did not mean that you adulterated it. But, as an Independent citizen having some social conscience, what is the remedy that you are going to suggest?

Shri V. S. Aggarwal: Whatever the Committee would like us to do, as an Association, I can assure you that we shall do so.

Shri Hari Vishnu Kamath: Here is the memorandum of Shri S. N. Murarka of the Indian Produce Association, Calcutta, Here you have stated at the last page as follows:

"It would be necessary to prove the deliberate act of mixing injurious matter to food with the motive of making profit."

Here you have sought to include in the matter of adulteration two new

features which, I believe, are contrary to provisions of the law. One is that it should be injurious to life, injurious to human organism, and secondly the profit motive. With a view to making profit and also that the matter added or mixed was injurious to the organism. These, I suppose, you would regard as rather a trivial offence. I do not know on what basis "you have made these suggestions because I do not think anybody who adulterates does so unless he wants to earn a profit thereby. Otherwise, why should he adulterate? Just now it was stated that in Bengal, today, either there is blackmarketing or adulteration. There is no other way because of the failure of the crop. Therefore, for adulteration, I don't think there is anybody who adulterates food unless there is a profit motive or money-making. I suppose he has understood it.

श्री एस० एन० मुरारका: हम लोग पहले ही कह चुके हैं कि कुछ चीजें ऐसी हैं, जो कि स्वतः खेत में पैदा होती हैं, जैसे अर्जीमन सीड्स बहुत थोड़ी मात्रा में सरसों में पाए जाते हैं। "रेप एंड मस्टर्ड" नाम की किताब में लिखा है कि किसी किसी खेत में यह एज़ एक बीड पैदा होता है। ट्रेडर इस का कोई भी बैनिफिट या प्राफिट नहीं उठाता है। कोई जान-बूझ कर उस को नहीं मिलाता है, ताकि उस को फिनांशल बैनिफिट मिले। जब किसी मनुष्य को फिनांशल बैनिफिट नहीं मिलता है, तो वह क्यों मिलायेगा? उस की बीड इन्टेन्शन नहीं है, लेकिन फिर भी उस को सज़ा होती है। इसका कारण यह है कि ला इस प्रकार का है। हेल्थ आफिसर बड़े बड़े गोडाउन्स में जा कर सीड्स के स्टॉक को देखते हैं और अगर उस में .०००१ भी एडल्ट्रेशन होता है, तो फूड एडल्ट्रेशन एक्ट के अन्तर्गत वह व्यक्ति क्लरिफि हो जाता है। इस में मिलावट का कोई मार्जिन नहीं रखा गया है।

सभापति महोदय : दो या तीन
थी सैम्पल को देखने के बाद ही मार्जिन
और वैरिएशन तय किया जाता है ।

श्री एस० एम० मुरारका : इस में
कोई मार्जिन या वैरिएशन नहीं रखा गया
है ।

Shri Gian Prakash: I am informed
that *Argemone* is a highly poisonous
thing. No margin is allowed.

श्री एस० एम० मुरारका : फूड
एडल्टरेशन एक्ट में सभी तेलों के स्पेसिफिकेशन
केशन तय किये गए हैं । वहां पर हर एक
थोड़ा का विवरण दिया गया है, लेकिन
सरसों का एक अलग स्पेसिफिकेशन फिक्स
किया गया है । यह स्पेसिफिकेशन इस
नाते फिक्स किया गया है कि सरसों का इस्तेमाल
दो प्रकार से होता है । वह बहुत बड़ी
क्वान्टिटी में तेल बनाने के काम में आती है
और उस के अलावा वह डायरेक्ट मसलों
में खायी जाती है । इसी लिये सरसों को दो
प्रकार का स्पेसिफिकेशन दिया गया है ।
लेकिन इसका मिस-इन्टरप्रीटेशन किया जाता
है और कुछ व्यापारियों की सरसों जला
दी गई । माननीय मंत्री महोदय ने
बताया कि उस में अर्जीमिन थी । अगर हम
मान लें कि उस में अर्जीमिन थी, तो एनेलिस्ट्स
की रिपोर्ट बतायेगी कि वह नहीं थी ।

सभापति महोदय : आप अपनी
बात को क्वस्टियन तक ही सीमित रखें ।

Shri V. S. Aggarwal: There is a
case only in Bengal under Adultera-
tion Act. As far as the private trade
is concerned, there is no profit motive.
Of course, just now it was said that
the mustard oil prices are at the sky
high rate. Five years ago, there was
a case that the price of mustard oil
was high due to the fact that til oil
was found not to be used by the
Bengalis. We cannot find 500 to 600
maunds of mustard oil. You would
perhaps agree that the high prices of
til oil might be made here or there.

In any case, nobody can be blamed
for that. Still that was taken under
the Prevention of Food Adulteration
Act. The party was punished. The
oil was denatured and I do not know
whether it was confiscated or not.

So, in that case there was no profit
motive.

श्री हरि जिग्णु कामत : ब्यान जो
श्री मुरारका ने दिया है, उसका निचोड़
यह निकलता है कि मिलावट का अपराध
तब तक साबित नहीं माना जाएगा जब तक
वह जो मिलावट चीज है वह मानवीय सेहत
के लिए हानिकारक न हो । दूसरे उ न्होंने
यह कहा है कि जानबूझ कर उस में अर्थात्
फायदे के लिये न मिलाई गई हो । ये
दोनों साबित हों तभी अपराध अपराध
माना जाना चाहिये । यह कभी कानून
में नहीं हो सकता है । फ्रज कीजिये अगर
आपने काली मिर्च में पपीते का सीड मिला
दिया, तो वह तो हानिकारक है नहीं सेहत
के लिये ।

श्री एस० एम० मुरारका : जानबूझ
कर मिलावट की जाती है और वह हानि-
कारक होती है । लेकिन कुछ ऐसी चीज
भी होती है जिस को अनएवाडेबल मिक्सचर
कहा जाता है जिस का जिक्र कुछ दिन पहले
तक कलकत्ता कारपोरेशन एक्ट के अन्दर
भी था ।

Dr. C. B. Singh: Mr. Aggarwal said
that *Argemone* seed can only grow
in the same field where mustard is
grown. That is entirely wrong. This
Argemone seed is grown at other
places as well. It is a common prac-
tice for those traders and for those
men who are prepared to mix these
things to collect these seeds and mix
them purposely. I want you to know
this. Once upon a time in Bengal men
and women used to suffer from the
swelling of the feet and anaemia. We
did not know the cause of this disease.
Ultimately, after a lot of investiga-
tion it was found out that it was due
to the use of mixed oil that the Ben-
galis were using. So, it was declared

a criminal thing. So, anyone found guilty must be dealt with seriously. You said that it is normal.

Shri V. S. Aggarwal: I did not make that point.

Dr. C. B. Singh: I have made that point.

Shri Deokinandan Narayan: Is it a fact that white oil is mixed with ground edible oil and is it not a fact that white oil is injurious to health?

Shri V. S. Aggarwal: I admit it is very much injurious to health. I do not know whether it is done or not.

Shri Tulsidas Jadhav: May I know which oil is mixed with which oil so that it is called adulterated and which is injurious to health?

Shri V. S. Aggarwal: Well, as far as I am concerned, I do not have any personal knowledge of it. But so many oils can be mixed with it, say, linseed and groundnut. At least these can be mixed with it.

श्री क० एल० बाल्मीकी : एक तो किसान होता है, एक कच्चा आदती होता है और एक पक्का आदती होता है। कच्चा आदती कमिशन एजेंट होता है, जो पक्का आदती होता है वह होलसेल डीलर होता है किसान अपनी चीज ला कर के कच्चे आदती के द्वारा मंडी में बंच देता है। जो उसकी प्रोड्यूस को लेता है चाहे वह सरसों है या गेहूं या कोई दूसरी चीज है, वह ले करके अपनी कीमत पर आगे बंच देता है। जब किसान से वह चीज आती है तब उस में कोई एडलट्रेशन नहीं होता है। एडलट्रेशन कहां और कैसे होता है, इसके बारे में आप अपनी राय बतलाने की कृपा कीजिये।

Shri V. S. Aggarwal: I would say that the hon. Member has put so many questions and he has taken so many things for grant and I fail to answer all his questions.

Shri Yamuna Prasad Mandal: You have been in the business for the last 25 years and you are an experienced man. I would like to have some useful information from you as to whether it is a fact that linseed is also crushed with these wild seeds?

Shri V. S. Aggarwal: I do not know whether it is crushed but I can very well tell you it is used as edible oil in Madhya Pradesh and Bihar.

Dr. G. S. Meikote: We are extremely grateful to Mr. Aggarwal for the frank statement that he made in the beginning that there is a widespread adulteration of many types. May I know whether your association has done anything to prevent such adulteration?

Shri V. S. Aggarwal: When I admitted that there is widespread adulteration, I only did that as an honest citizen of the country. I do not want to hide anything. I am a trader and I want to save my skin also. You can as well do something about it. It is not that I alone can do it. I am prepared to offer you my cooperation in that. Anything that you tell me, I will do it. I may tell you this also. I was the President of the Indian Producers' Association. The hon. Minister visited Calcutta so many times. We requested her to come and address our Association. Unfortunately, I was not able to get her to my Association. Whatever I say will not carry that much weight as what the Minister says. There are many Ministers, the Commerce and Industry Minister, the Finance Minister, the Food Minister and all that. Whenever they go to big cities they write to us. Now, the Food Minister is going to Calcutta.

Shri Hari Vishnu Kamath: It does not apply to all. There are exceptions.

Shri V. S. Aggarwal: As far as I am concerned, I am prepared to give you all cooperation. There is another thing also. We were talking about turmeric. May I know how many cases has the Government started. You have come to one assumption that

it is coloured. I myself do not agree. But still I want to know how many cases they have started at the source where turmeric is sent.

Chairman: They have got all the statistics all over India.

Shri V. S. Aggarwal: I will be very happy to know about it.

Mustard seeds are mixed with arjman seeds. The Agricultural Marketing section of the Agriculture Ministry should be asked to see that this is not done.

Dr. G. S. Melkote: May I ask whether any effort has been made on your part to prevent such things?

Shri V. S. Aggarwal: We publish papers and circulate them to all our clients in U.P. and we tell them: "Please do not sell mustard seeds with dust. It will cost you more because to that extent the railway freight will go up....".

Dr. G. S. Melkote: Have you refused to take any such stuff? That is the positive action which you could have taken.

Shri V. S. Aggarwal: We will do it. But the difficulty is that we know it only after it comes. Before we take the R. R. we do not know it.

Chairman: We are extremely pleased with the evidence that you have given. On behalf of the Committee I thank you.

Representative of the Delhi Katha Dealers Association: When are we going to be heard?

Chairman: We may ask you to come on the 8th probably. The time will be communicated to you in two days.

(The witnesses then withdrew)

The Committee then adjourned.

Minutes of Evidence given before the Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1963.

Thursday, the 6th August, 1964 at 13.36 hours.

PRESENT

Dr. Sarojini Mahishi—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsna Chanda
5. H. H. Maharaja Pratap Keshari Deo
6. Shri Shiv Charan Gupta
7. Shri Tulshidas Jadhav
8. Shri Hari Vishnu Kamath
9. Shri C. M. Kedaria
10. Dr. Mahadeva Prasad
11. Shri Yamuna Prasad Mandal
12. Dr. G. S. Melkote
13. Shri Gokulananda Mohanty
14. Shri U. M. Trivedi
15. Shrimati V. Vimla Devi
16. Dr. Sushila Nayar.

Rajya Sabha

17. Shrimati C. Ammanna Raja
18. Shri J. C. Chatterjee
19. Shri K. Damodaran
20. Shri Shantilal Kothari
21. Shri S. S. Mariswami
22. Shri Deokinandān Narayan
23. Shri Palat Kunhi Koya
24. Shri Niranjan Singh.

DRAFTSMAN

Shri S. Harihara Iyer, *Deputy Draftsman, Legislative Department,
Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri Gian Prakash, *Joint Secretary, Ministry of Health.*
2. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
3. Dr. Y. K. Subrahmanyam, *A.D.G. (P.H.), Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES EXAMINED

I. All India Ice Cream Manufacturers Association, New Delhi.

1. Shri P. L. Lamba
2. Shri P. L. Vohra
3. Shri B. R. Kapur.

II. The Baroda City Pure Milk Suppliers' Association, Baroda.

1. Shri N. C. Bumiya
2. Shri Jagdish Chandra Mawawala
3. Shri Vadilal Shah
4. Shri Chandubhai Pothiwala.

III. Poona Dairymen's Association, Poona.

1. Shri A. K. Phadke
2. Shri R. B. Chitale
3. Shri Babulal Cherenjivlal
4. Shri Mohamed Husain Jeena
5. Shri Hari Prasad
6. Shri R. S. Joshi.

IV. Deshi Makkhan Vypari Sangh (Regd.), Bombay.

1. Shri V. G. Sohoni
2. Shrimati H. K. Lawande
3. Dr. N. N. Godbole
4. Shrimati Laxmi Bai Ambole
5. Shri Mohan Singh Verma.

V. Butter Makers' Association, Bombay.

1. Shri Naval Nariman
2. Shri B. A. Sanghavi
3. Dr. N. N. Godbole
4. Shri Dhunjishaw R. Kalianiwala
5. Shri A. Chakrapani
6. Shrimati N. Nariman.

I. All India Ice Cream Manufacturers Association, New Delhi.

Spokesmen:

1. Shri P. L. Lamba
2. Shri P. L. Vohra
3. Shri B. R. Kapur.

II. The Baroda City Pure Milk Suppliers' Association, Baroda.

Spokesmen:

1. Shri N. C. Burniya
2. Shri Jagdish Chandra Mawawala
3. Shri Vadilal Shah
4. Shri Chandubhai Pothiwala.

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1. Shri A. K. Phadke
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3. Shri Babulal Cherenjivlal
4. Shri Mohamed Husain Jeena
5. Shri Hari Prasad
6. Shri R. S. Joshi.

(Witnesses were called in and they took their seats)

Chairman: Gentlemen, the memo-randa submitted by you have been circulated to the Members. If you want to stress any particular point mentioned therein you can do so and besides that, if you want to stress any other point pertaining to the amendments you are welcome to do so.

The evidence that you are going to give will be treated as confidential unless you specifically mention that the whole or any part of it should be treated as confidential. Even then it will be circulated to the Members of this Committee and Members of Parliament.

Shri B. R. Kapoor: Madam; some of the points we have mentioned have already been considered by this august body and it has come to some conclusions. So it will help us not to repeat them....

Dr. Sushila Nayar: Whatever conclusion we may have to come to, we

will decide that after we have taken everybody's evidence. We won't come to any conclusion before that. We will hear every one of you, all your arguments, ask you such questions that we want, and then the Committee will sit by itself without the witnesses and come to conclusions.

Shri B. R. Kapoor: We have submitted four representations. The fourth is on sampling and testing techniques to be perfected and thereafter the rules to be amended to suit the changed circumstances.

These are the extracts from the Seminar on Prevention of Food Adulteration held at Hyderabad. The Ministry has agreed to these recommendations.

Item 11 of the Agenda, page 27, of the Seminar—Approved:

“The Seminar recommends:

That it is necessary to lay down accepted methods of analysis,

which may be incorporated in the Rules for the benefit of all concerned;

That as the existing laboratories are inadequate and ill-equipped, the number of laboratories may be increased so that at least each State may have one well-equipped laboratory....”.

Dr. Sushila Nayar: The Seminar may say so many things to be done, but till those things are done we are not going to suspend the operations of this Act. What it means is that if there is one laboratory in each State, or more than one, we can take many more samples and work more adequately. Till that is done the number of samples to be taken may be lesser, and to that extent the application of the Act may not be as good as one would like it to be.

Shri B. R. Kapoor: May I request one thing? We have understood that chemistry is an exact science. Will the technologists agree to this?

Dr. Sushila Nayar: True. You know, after that the committee was appointed. They have come out with definite, clearcut methods of analysis. They are available to all analysts. We have done it.

Dr. Sushila Nayar: We cannot overnight increase the number of laboratories. If the number of laboratories is less it only means that we cannot take enough number of samples and analyse them as often as we would like. To that extent loopholes are there.

With the Chair's permission, I may tell you that when we invite you for tendering evidence, our object is to protect innocent people from the menace of adulteration. We do not want to do anything which puts honest people into difficulties. We also want to know from you the ways in which adulteration could be prevented. An Act is only one of the means to put end to adulteration. So, your only concern should not be how to mitigate the punishment or how to

make people safe from the application of the law. You are citizens as well as traders and as such we all know that adulteration is taking place. Let us put our heads together. You advise the committee how we can better check this menace.

Shri B. R. Kapur: Perhaps it may be within your knowledge that the ice cream manufacturers were prosecuted in 1961 for the simple reason that, sampling and analysis procedures were not laid down and today also it is the same position; methods for analysis are not prescribed.

Dr. Sushila Nayar: Apart from that, prosecutions may be for certain other reasons also such as lack of cleanliness and hygiene leading to infection.

Shri B. R. Kapur: We have ourselves enforced certain improvements in these matters. Still, as we have suggested in our first representation, administration should have taken steps to eradicate adulteration by suitable devices like compulsory hall marking, etc. Our association is exercising a good deal of care in Delhi; they are taking samples at random.

Chairman: Your memorandum has been circulated to all the Members. Whatever is not contained in your memorandum, if there is anything, you may say.

Shri B. R. Kapur: The law as it stands treats sub-standard articles as adulterated. This is not as it should be. The penalty clause should be related to the nature and gravity of the deviation from the set standard.

Shri U. M. Trivedi: You are referring to section 16.

Dr. Sushila Nayar: He says that what adulteration means; it should be treated as adulterated only if it is injurious for health and then you can inflict severe punishments. It is not adulteration if it is not harmful, such as mixing water with milk and for things of that type he wants less severe punishments.

Shri U. M. Trivedi: Punishment should be according to the degree of adulteration. That seems to be his contention.

Shri B. R. Kapur: Section 402 of USA Federal Food Drug and Cosmetics Act defines adulterated food.

Dr. Sushila Nayar: You have given it in your memorandum. We have got the provisions as in UK and USA. We have already proposed amendments proposing two types of punishments, one for very serious offences and the other for offences which are not of the same gravity.

Shri B. R. Kapur: Punishment is still there.

Dr. Sushila Nayar: Punishment has to be there.

Shri U. M. Trivedi: What is your suggestion?

Dr. Sushila Nayar: He says that when a product is declared to be sub-standard but yet not injurious to health, it should not come within the purview of this Act.

Shri U. M. Trivedi: Do they want that they should proceed against for committing the offence of cheating?

Shri B. R. Kapur: No, no I give an example; in ice cream, there is milk, stabiliser and sugar. Milk takes the place of cream. Some milk may not contain the required fat content and the resultant product be sub-standard and yet it may not be injurious to health.

Shri U. M. Trivedi: You may sell it as sub-standard ice cream.

Shri B. R. Kapur: It is only after analysis that it could be known as being sub-standard.

Shri U. M. Trivedi: Are you not protected by the new amendment which is made? You say you may supply sub-standard ice-cream, but you do not want to be prosecuted

for adulteration. Even if you know that you have supplied sub-standard goods, you do not agree to be prosecuted for cheating.

Shri B. R. Kapur: Definitely not.

Shri U. M. Trivedi: Your excuse is that you do not know what particular type of cream was supplied to you and the man who supplied it is at fault. Is that defence not available to you under this amendment which we have made?

Shri B. R. Kapur: It is not available because I am responsible for the finished product.

Chairman: You say that clause 8 on page 7 of the Bill is not able to give full defence to the innocent vendor?

Shri B. R. Kapur: In our case, it does not give protection. If it is a processed item, then that defence is available.

Shri U. M. Trivedi: In the definition of adulteration, sub-standard also is there.

Shri B. R. Kapur: Clause 2(a) itself covers it. It says:

"An article of food shall be deemed to be adulterated—

(a) if the article sold by a vendor is not of the nature, substance or quality demanded by the producer and is to his prejudice or is not of the nature, substance or quality which it purports or is represented to be."

It is laid down in the Act that in the ice-cream there should be 10 per cent fat content. Unfortunately if it is only 9.5 per cent, the product is not in accordance with (a) and we are to be penalised. We have to be safeguarded against that.

Dr. Sushila Nayar: Suppose you are selling ice-cream to children and 10 per cent fat is necessary for the development of those children. Instead of that, if you take skimmed milk and use arrowroot cream to thicken it

and sell it as ice-cream, is it not punishable?

Shri B. R. Kapur: In para 3 of our memorandum, I have made it very clear. It is based on American and English law. If my ice-cream contains anything else than milk, cream and sugar, it is not sub-standard, but it is adulterated.

Dr. Sushila Nayar: 10 per cent fat has been laid down because that is the very minimum. Actually it should be 12, 13 or 15 per cent. But they have said upto 10 per cent we will not punish. If you want to reduce it to 9 per cent, then there is no limit. From 9, it will become 8 per cent and so on.

Shri B. R. Kapur: Chemistry is an exact science and whatever internationally established procedures are there, these should be adopted in India as well. The Sri Ram Institute took samples of the ice-cream and they say that it was according to British Standard Specification No. 2472 and 809.

Dr. Sushila Nayar: Why should we have that number of British standards? Why not have our own methods and standards?

Shri B. R. Kapur: The Indian Standards Institution have laid down the same standards for analysis as the British standard.

Dr. Sushila Nayar: Our own standards and methods are there written down. Let anyone say that these methods are wrong. If you have any quarrel with the method of analysis and with the standards that are laid down, you can always make a representation and it will be examined most carefully. But if you want clause 3 to be taken out and if you say that you will sell 2 per cent fat ice-cream instead of 10 per cent and still you should not come under the purview of the Act, that is not possible.

We have noted down your points. Whether we accept it or not is a different matter. We have understood what you say. If there is anything else, you might say.

Shri P. L. Lamba: I will talk on the subject of ice-cream, not from a legal point of view but generally. I started the ice-cream business and I can talk about this subject.

We agree that there should be no adulteration; if we mix arrowroot, it becomes adulteration. But what we submit is that if the percentage of fat content comes to 9.5 instead of 10, it is not due to the intention of the management but it is because we cannot get milk or cream of the required standard. If the management knows that it is 9.5 then we can tell you that we will never sell it. As the hon. Minister has said, we would not like that the children of the country should take ice-cream which is sub-standard. I agree that if the fat content is 4, 5 or 7 per cent, the sentence should be six months' imprisonment or whatever you want; but there should be a margin for a little difference because of the quality of the milk.

Chairman: We have got your point. You want that for no fault of yours should you be punished. The same is the intention of the Committee. To an innocent vendor defence is given under clause 3 of the amending Bill.

Dr. Sushila Nayar: You have said that in the manufacturing process the fat percentage falls a little. I will tell you what the manufacturers of drug are doing. In the Indian climate vitamins deteriorate a little; so, they add a certain percentage above that so that on analysis within a certain period of time, whatever it may be, deterioration will not make it sub-standard. So if you think that the fall in cream or fat content may be half per cent in the manufacturing process, you take half per cent extra or 1 per cent extra. Why do you want to stick to the minimum only.

Shri P. L. Lamba: We make ice-cream with 12 per cent or 13 per cent fat content. In fact, for the last one year of the samples taken only in one case it came to 11 per cent; in all others it was more than 11 per cent. But sometimes it may happen that the sample taken by the food inspector is kept in the laboratory for two or three days and then it is tested, in that case the fat content comes to half. If once my sample fails, I have to go behind the bars.

Chairman: If out of 10 samples, 9 are successful and 1 fails, the majority is there. Please proceed to your next point.

Shri B. R. Kapur: As regards section 13.

Mr. Chairman: Section 13 is not under consideration.

Shri B. R. Kapur: But if the Act is to be amended, why this should not be considered?

Dr. Sushila Nayar: The Committee has been given a mandate. Under that only certain clauses are being amended. We want your views on that. The other clauses are not under discussion because they are not sought to be amended. They are not within the purview of this Committee.

Shri B. R. Kapur: But this Committee can recommend.

Dr. Sushila Nayar: No. You can write to the Government in that connection.

Shri B. R. Kapur: We have represented in 1960. Then, this Committee is not concerned with the rules even, but there are certain aspects connected with that.

Shri U. M. Trivedi: You have said that you want two or more independent witnesses. Why do you want this word 'independent' to be added there?

Shri B. R. Kapur: In order to save miscarriage of justice.

Shri U. M. Trivedi: How will you define the word 'independent'?

Shri B. R. Kapur: The witness should not be from the officialdom.

Shri P. L. Vohra: The idea is the witnesses should be taken from the spot and not arranged beforehand.

Shri U. M. Trivedi: Will you be satisfied if we say that the witnesses should be of the same type as are provided in the Criminal Procedure Code?

Shri P. L. Vohra: If the witnesses are taken in such a way that they are peoples from the locality and are respectable persons as is given in section 103 of the Criminal Procedure Code, I think, our purpose will be served.

Shri U. M. Trivedi: Then, you will drop the word 'independent'?

Shri P. L. Vohra: I would still insist on the word 'independent' for the reason....

Shri U. M. Trivedi: Reasons are not necessary. How will you make out on the spot that the witness is independent or not?

Shri P. L. Vohra: An independent witness will be one who is not connected with the machinery which is going to enforce and implement this Act.

Shri U. M. Trivedi: So, the word 'independent' will have to be determined at the trial stage?

Shri P. L. Vohra: No doubt, it will be done at the trial stage. But it should be a directive to the machinery which is to implement the Act that the witnesses should be of this nature.

Dr. Sushila Nayar: Another suggestion is that no witnesses at all need be had, but the sample be sealed with the seal of the inspector and of the man concerned or may be signed in some way so that the sample cannot be tampered with. One

sample may be left with you and two may be taken away by the inspector. So, if the sample is sealed in such a way that nobody can tamper with it, whether you have witnesses or not is immaterial.

Shri B. R. Kapur: On this very point one of my friends was telling me that a small quantity of saccharin was added to the sample and the whole thing changed. The mischief is being done by the inspectors.

Dr. Sushila Nayar: It cannot be added so quickly.

Shri B. R. Kapur: It does give saccharin positive results, when a small grain of saccharin even is added.

Dr. Sushila Nayar: Your whole establishment is there.

Shri B. R. Kapur: The sample bottles are washed with saccharin mixed up. The result will be positive in saccharin test. The bottles should be sterilized in the presence of them. It has to be shown to my people before they take my sample.

Chairman: You want the witnesses in your interest.

Shri B. R. Kapur: Only to see that the mischief is not done.

Chairman: You want some people in your own interest.

Shri B. R. Kapur: We want to see that no mischief is done. Innocent people should not be prosecuted. Maybe they have some grievances with these people.

Chairman: In case witnesses are not independent what is the anticipated mischief?

Shri B. R. Kapur: If Saccharin is added the ice-cream will give sacchrin positive result and the man will be prosecuted.

Dr. Sushila Nayar: All your people are there.

Shri B. R. Kapur: If there are six people they will do the mischief and

I am alone. They take sample from a small man like myself. Justice will be miscarried. The law should enforce that there is no mischief. That is our point.

Chairman: We have got your point. Go on to the next point.

Shri B. R. Kapur: Regarding penalty clause we wish to say something. There is provision for lesser penalty and higher penalty. Whatever penalty is there should be reasonable. That is our stand.

An hon. Member: What is the remedy you suggest to prevent adulteration?

Shri B. R. Kapur: Organised industry as it stands is taking necessary steps in this direction. The Health Ministry should be able to cooperate and see that hardship is not caused to small-producers. The use of saccharin should be prohibited. We have made certain improvement in the rules as well. In the rules, we have got two types of ice-creams, one is plain ice-cream and the other is mixed ice-cream, where we add something. Now, we have made the law that there will be no mixed ice-cream at all. Whosoever prepares the ice-cream will prepare only plain ice-cream, with milk cream and sugar. He will not be able to do any mischief. In the C. C. F. Committee we have suggested that the use of saccharin should be prohibited all over India and the sub-committee has approved it. There will be less chances of adulteration. Arrowroot and saccharin, these are the two things which should be eliminated.

An hon. Member: Blotting-paper is used by some ice-cream manufacturers. Is it a fact or not?

Shri P. L. Lamba: I heard that the use of blotting paper for ice-cream was resorted to by one of the ice-cream small producer who was producing so many other things. I heard that in the books of Income-tax he showed as if he had bought the paper for the manufacture of ice-cream. He

might have done it for the purpose of dodging income-tax. According to my opinion these blotting papers cannot be used. There is a process with which we make an ice-cream. They have to pass through a homogeniser. When it is passing through homogeniser the ice-cream is coming as the finished product. If somebody will not use the homogeniser, when the ice-cream freezes, the result of that finished product will not be like that. It will not be an ice-cream. It will be something which people will not eat. It will not be good for the consumption of the human being and it will show a different taste or look. It is wrong to say that blotting paper can be used. It is not possible. It is my view about it.

Dr. Sushila Nayar: In ice-cream people should not use non-permitted colours, should not add certain non-permitted flavours etc. All these things should not be added.

Shri B. R. Kapur: We have suggested these items which should be prohibited. Then there will be no adulteration.

Chairman: They have answered the question. What would you like to prevent or what measures do you suggest to combat adulteration in small manufacturers?

Shri B. R. Kapur: We have already submitted our suggestions.

Shri P. L. Lamba: I am speaking about all these small people. They should be given a proper lecture on the subject so that they may know how they can produce the good quality ice-cream and what should be mixed up in that thing.

Dr. Sushila Nayar: Do you think that Government is going to teach everyone of you?

Shri Deokinandan Narayan: Why should not your Association organise this? You do not want the small people to live.

Shri B. R. Kapur: We have done very well in Delhi. The use of colour has been prohibited in Delhi except in one or two cases. The plain ice-cream is very good. Saccharin should be prohibited; aeroroot should be prohibited; the use of colour should be prohibited.

Shri Hari Vishnu Kamath: When was your All India Ice Cream Manufacturers' Association founded? How old is it?

Shri B. R. Kapur: I am working as Secretary since the rules were framed in 1955.

Shri Hari Vishnu Kamath: But the Association dates back to?

Shri B. R. Kapur: Originally it was Delhi Ice Cream Manufacturers' Association. Later on it became an all-India Association.

Shri Hari Vishnu Kamath: You are not quite sure when it was founded.

Shri B. R. Kapur: Since the inception of the rules in 1955, I am working as Secretary.

Shri Hari Vishnu Kamath: You say you are an all-India Association. At the moment, what is the membership of your Association? How many bodies are there in your Association?

Shri B. R. Kapur: We have got members at Bombay, Hyderabad, Poona, Madras, Calcutta, Agra, Lucknow, Dehra Dun, Kampur, Chandigarh.

Chairman: Straightway you may give the figure.

Shri B. R. Kapur: I have not got the figure with me.

Chairman: You need not worry; he will count the number.

Shri Hari Vishnu Kamath: Have you got any supervisory body or controlling body?

Shri B. R. Kapur: Definitely. We have got an advisory body here.

Shrimati V. Vimla Devi: How to adulterate? Advisory body to what purpose?

Shri Hari Vishnu Kamath: Can you submit to the Committee if not today but later on, the pieces of advice that you have issued to your members from time to time about the manufacture of ice-cream, since you say you have an advisory body?

Chairman: You may submit to the Committee later on when we are sitting on the 18th.

Shri P. L. Lamba: We usually get together and discuss our problems.

Shri Hari Vishnu Kamath: Could you tell the committee as to whether uptodate, any of your members has been penalised for adulteration?

Shri B. R. Kapur: I will just read a few lines on that.

Shri Hari Vishnu Kamath: I do not want the advices.

Shri B. R. Kapur: That serves the purpose. We have black-listed the persons who have not agreed to our proposals.

Shri Hari Vishnu Kamath: In a court of law, how many were prosecuted and fined or punished otherwise?

Shri P. L. Lamba: We have not been punished so far. We have been harassed.

Shri Hari Vishnu Kamath: There will be prosecution in the court, once you go to the court. Outside the court harassment may be there.

Shri P. L. Lamba: We had to fight for a long time in the court because the process of investigation or testing was found to be defective.

Shri Hari Vishnu Kamath: Are there cases pending at the moment?

Shri B. R. Kapur: The cases are still pending. People have been penalised Rs. 2000 or Rs. 3000 in Delhi.

Dr. Sushila Nayar: Without cases.

Shri B. R. Kapur: With cases.

Shri U. M. Trivedi: I would like to have a definite answer. Were any members of your Association prosecuted and did any conviction take place?

Shri B. R. Kapur: They have been convicted.

Shri Hari Vishnu Kamath: In those cases, what did the Courts hold as regards the adulterants used for ice-cream?

Shri B. R. Kapur: For deficiency of fat. For instance if the standard laid down is 10% it might have been 8% less.

Shri Hari Vishnu Kamath: In all the cases?

Shri B. R. Kapur: Yes.

Shri Hari Vishnu Kamath: Yes, No adulteration?

Shri B. R. Kapur: No.

Shri Hari Vishnu Kamath: Do your statistics and your experience show that the consumption of ice-cream in the country is rapidly going up and you are also interested in pushing up the sales?

Shri B. R. Kapur: Definitely.

Shri Hari Vishnu Kamath: You also feel or believe that the production of milk is going down in the country?

Shri B. R. Kapur: That question does not arise, because the availability of milk is a different thing.

Shri P. L. Lamba: If milk is not available in sufficient quantity for consumption, then people may compensate it by taking ice-cream, in which we take care to add cream and fat.

Shri Hari Vishnu Kamath: According to you, the supply cannot cope with the demand in the country. You are, in your own words, forced to adulterate ice-cream to boost the quantity.

Shri P. L. Lamba: There is nothing which we can add in that to increase the quantity of ice-cream, because it is pure milk cream and sugar.

Shri Hari Vishnu Kamath: I do not say you add, not about any person here, but outside who has the tendency to increase the quantity by adding adulterants, like paper, arrow-root.

Shri P. L. Lamba: It is very difficult. If you want to make ice-cream you should know how to make. In England there is vegetable ice-cream sold. When you taste that ice-cream, you would not be able to make out whether it is made out of pure milk cream. They know the process. But, here if we make ice-cream from arrow-root the taste will differ and it will taste like custard.

Shri Hari Vishnu Kamath: A little while ago you admitted that there have been some convictions in the courts of law. After these convictions took place or during pendency of cases of even now, have you ever given any thought to the compilation or formulation of a code of conduct for your members with regard to manufacture of ice-cream, a code to be strictly enforced at the risk of social boycott of the members who disregard or violate that?

Shri P. L. Lamba: We get together and we discuss the problems. We try to understand each other's difficulties.

We are twelve manufacturers in Delhi who, for the last one year, are getting the milk-cream tested by Sri Ram Institute. We get this tested by the topmost Institute.

Shri Hari Vishnu Kamath: Now, from what I understand and from what you said just now, you have not formulated a complete Code of Conduct advising that kind of a thing. As regards those members who have been convicted after due trial in a court of

law, have you ever thought of a social boycott scheme by which you can expel such members from your association?

Shri P. L. Lamba: There are certain people who are going out of their trade because they could not keep up to the standards. For the last one year, our efforts are getting them together and having the things discussed. We have come to this Committee only for the purpose of pleading our case. Sometimes even the honest people are convicted. As far as the quality is concerned, we always keep upto the standards. It will not be adulterated with any other product. We have visited the places in Bombay, Calcutta etc. and have found that the Kwality which produces the ice cream keeps to the standard.

Shri Hari Vishnu Kamath: I thought you came over here as a witness to offer your cooperation to the Committee for eradicating adulteration and this kind of evil. Now you say that you have not come for that purpose.

Shri P. L. Lamba: Because they were not tested properly it was said that there was adulteration. There may be cases which might have been brought before the courts and in accordance with the law they might have been convicted. If the fat percentage is 9.5 the Magistrate has no authority to punish us.

Chairman: Mr. Lamba, please be brief and specific. You have already given sufficient preliminary background. In my opinion the answer should not be as long as the question is.

Shri Hari Vishnu Kamath: The question is not so long but the answer is long perhaps. I hope you will also indicate it clearly. What I am driving at is that unless your association should make up its mind to exercise its own inherent powers against the adulterators on the question of expelling such members from the Association. Instead of that you are pleading against the punishment. Your

association should continue its effort to co-operate in the matter of eradicating the evil of adulteration. Why don't your Association debar such of the members from continuing their membership when they are found to have committed an offence. Would you warn them?

Shri B. R. Kapur: I will definitely do so. I shall read what I said in 1960. I have made some suggestions for the smooth working of the Food Adulteration Act. Advisory Committee have laid down certain standards. If they are entrusted with the work of advising the traders. I am sure, the implementation of this Act can be done more effectively.

Shri Hari Vishnu Kamath: Don't beat about the bush.

Chairman: Shall we pass to the next witness? If any member wants to put questions he may do so. But he should be brief.

श्री के० एल० बाल्मीकी : आपने अपने मेमोरेण्डम में कहा है कि आप शासन द्वारा जो पैनल क्लोज़ रखा जा रहा है उसे रखना नहीं चाहते हैं तो क्या मैं जान सकता हूँ कि आप अपनी असोसियेशन की मार्फत आइसक्रीम आदि के तैयार करने में जो मिलावट की जाती है उस को दूर करने के लिए क्या क़दम उठा रहे हैं ?

Shri P. L. Lamba: I think we have replied this question earlier. We have taken precaution to improve our standards. We have also undertaken visits to London, Hong Kong and Italy and when we came back we imparted out knowledge gained in the above places to everybody here.

श्री के० एल० बाल्मीकी : सवाल दूसरे देशों का नहीं है और हमें इस से कोई सरोकार नहीं है कि वहाँ पर मिलावट होती है या नहीं होती है लेकिन क्या यह हकीकत नहीं है कि हमारे देश के अन्दर जो आइसक्रीम तैयार

होती है उनमें सिर्फ़ कलर होता है, बरफ़ होती है और सैक्रीन अथवा चीनी होती है, दूध तो नाम मात्र को होता है ?

अभी मैंने अपने जाती अनुभव पर बतलाना चाहता हूँ कि दो महीने पहले मैं मय अपनी फैमिली के मद्रास गया था और एक इंगलिश आइसक्रीम जिसको कि चाकलेट आइसक्रीम बतलाया गया था और जो कि बारह बारह आने की एक थी वह हमें सर्व की गई लेकिन दरअसल में उसमें सिर्फ़ कलर, बरफ़ और सैक्रीन या चीनी का सम्मिश्रण मालूम होता था, दूध का सिर्फ़ छीटा सा था.....

डा० सुशीला नायर : एक पानी को भी आइसक्रीम होती है ।

श्री के० एल० बाल्मीकी : लेकिन उसके दाम तो बारह, बारह आने निर्धारित किये गये और क्रीम को ध्यान में रखते हुये यह तो अनुचित है कि उसमें महज़ कलर, बरफ़ और चीनी ही हो और यह तो ठीक है कि वह उसके कंटेंट्स हेल्थ के वास्ते इज़ूरियस न हों लेकिन वह एडल्ट्रेटड तो है ही क्योंकि उसमें डिजाएरेबुल कंटेंट्स नहीं है ।

डा० सुशीला नायर : यह धोखेबाज़ी करना है और इसके लिए भी सज़ा की व्यवस्था होनी चाहिए ।

श्री के० एल० बाल्मीकी : मैं यह जानना चाहता हूँ कि इस साल इन चन्द महीनों के बीच में आप की कारपोरेशन के जो फूड इन्स्पेक्टर्स हैं उन्होंने आइक्रीम के कितने नमूने लिये और कितने नमूने ऐसे थे जिनकी कि बिना पर आइसक्रीम बनाने वालों पर मुकदमे चलाये गये? कितने सम्पुल डिफैक्टिव पाये गये, या बिलो स्टैन्डर्ड साबित हुए और उनके आघार पर कितने मुकदमे दायर किये गये?

Shri B. R. Kapur: In June 1961—I am giving you one example—out of 35 samples taken 32 were declared

adulterated and three were declared as not adulterated. That too was because of the simple reason that the procedure adopted was not in accordance with the international standards and later on prosecutions were withdrawn.

Dr. Sushila Nayar: Anyway, out of 35, 32 were found to be adulterated. Whether it is your contention that it was a wrong analysis.

Shri B. R. Kapur: It must be, when the prosecutions were withdrawn.

Dr. Sushila Nayar: Out of 35 samples 32 were found to be adulterated. Was it in 1961?

माननीय सदस्य संख्या पूछना चाहते हैं। पहले आपने बतलाया कि वे ३५ थे तो दूसरे सालों अर्थात् सन् १९६२ और ६३ की संख्या भी बतलाइये कि कितने नमूने लिये गये ?

Shri B. R. Kapur: Later on improvement was issued made in regard to analysis in accordance with instructions by Health Ministry.

डा० सुशीला नायर : ठीक है आप यह एनकारमेशन बाद में भेज दीजियेगा ।

Shri B. R. Kapur: I can collect the figures. But these are with individual manufacturers.

श्री क० एल० बाल्मीकी : क्या आप महज अंग्रेजी ढंग की आइसक्रीम ही बनाते हैं या आपको यह घड़े में हिला कर जो कुल्फी तैयार की जाती है उसके बारे में भी कुछ अनुभव है ?

डा० सुशीला नायर : यह लोग महज आइसक्रीम बनाते हैं, कुल्फी नहीं बनाते हैं ।

श्री क० एल० बाल्मीकी : क्या आपको पता है कि कुल्फी में भारी मात्रा में मिलावट होती है ?

श्री बी० आर० कपूर : उसे तो हम बैन करा रहे हैं ।

Shri Niranjan Singh: I want to know whether your Association represents the Kwality Ice Cream organization for the whole of India?

Shri B. R. Kapur: Whosoever may be, that organization is our member. Whether he is at Agra or in Bhopal or anywhere, and not only Kwality Ice Cream, we have Madhu Ice Cream at Agra. They are not Kwality people, but they are members of our Association, this being an organized Association for the Industry.

Chairman: Do they agree to the Code?

Shri B. R. Kapur: They agree to whatever Code we have.

Shri Deokinandan Narayan: You have branches all over India. Whether they are maintaining the standards. Have you any inspectors or supervisors who go there and certify that they are maintaining the standards?

Shri P. L. Lamba: They are quite good to look after the standards of their ice-cream. In the cities, the ice-cream has been tested and we have found it is always upto the standard.

Shri Deokinandan Narayan: Are you or your association sure that all the branches are maintaining the standard throughout India?

Shri B. R. Kapur: Definitely. Sometimes, some one of us is being sent to Agra and Calcutta to give advice. Whoever needs our guidance we go there and help the industries to come upto the standards as and when necessary.

Dr. Sushila Nayar: Do you take any action against any member of your association who is convicted?

Shri P. L. Lamba: The Kwality, Hyderabad was fined Rs. 2500 only three or four months back. We have put an advertisement in the local

papers in southern India saying that that has no concern with the Kwality organisation. I would like to point out that we wanted to get this Kwality registered but it is very difficult to get it registered according to law. So, what we are doing is that we are getting some insignia registered within the next six months. So far as the Kwality people are concerned, insignia will be given to them if they maintain those standards.

Dr. Sushila Nayar: I am not concerned only with Kwality. There are hundred and one names. They are all your members. If any member of your association is found guilty, what action do you take against him? Do you throw him out of your association?

Shri B. R. Kapur: We are definitely mending them. Our supervisory staff is going there to help them.

Shri S. S. Mariswami: Are we to take it that so far you have not taken any action against those who were convicted?

Shri P. L. Lamba: We have taken action against the one, that is, the Kwality, Hyderabad.

Shri S. S. Mariswami: That is for safeguarding your own interests.

Dr. G. S. Melkote: Is it a fact that particularly during the summer season, the quantity of milk that is necessary in the manufacture of ice-cream is not sufficiently available?

Shri P. L. Lamba: The demand has not gone up so much that the milk in adequate quantity is not available. The consumption of milk on this product is negligible. I can only say that the consumption of our icecream is not so high.

Dr. G. S. Melkote: Is it a fact that you are not able to get milk of standard quality?

Shri B. R. Kapur: The transportation question has been solved. The Anand Dairy people can send us the milk. They have got surplus milk. They

can transport it. They have got transport vans. We in Delhi are importing from Jaipur.....

Chairman: I have requested you to be precise.

Dr. G. S. Melkote: My point is this. When the milk is available both in required quantity and of standard quality, then where is the question of sub-standard quality of ice-cream?

Shri B. R. Kapur: The ice-cream is always of standard quality. It is only by chance that there is some defect found in its analysis.

Dr. G. S. Melkote: If there is any case where sub-standard quality of icecream has been found, the trouble starts at your centre and not at the hands of the milk vendor. You said that milk is available both in required quantity and of good quality. So, if the ice-cream is found to be sub-standard, then the whole fault lies with you and not with anybody else.

Shri B. R. Kapur: Agreed. But in the report of the *ad hoc* committee on quality control, it is mentioned on p. 35:

".... to eliminate any accidental error...."

Chairman: I have requested you off and on that you must be precise and not to read from anywhere.

Shri B. R. Kapur: The word 'sub-standard' comes from accidental error. As to how accidental error occurs, that has to be decided.

Dr. Sushila Nayar: Whether it is accidental or whether it is deliberate, if the poison is added to something, the fact is not going to be different. Therefore, adulteration is adulteration. We cannot go into the intentions of the man who adulterated it. The adulteration will have to be taken note of and acted upon.

Shri P. L. Lamba: With regard to murder, the murder is a murder but there is a culpable homicide also. It is the same thing here.

Dr. Sushila Nayar: That the Magistrate will take note of.

Shri B. E. Kapur: For that very reason, we have requested that the definition of 'adulteration' as given in Sec. 402 and Section 306 of the United States Federal Food Drug and Cosmetic Act, 1938 be taken into consideration.

Chairman: We have understood your point. The Committee will give thought to it.

Shri Shiv Charan Gupta: In your Memorandum you have stated:

"(2) that when the product is declared adulterated and the adulteration is in no way injurious to health."

Then you further say:

"(3) that when the product is declared sub-standard with variations of the original constituents of the product and the resultant product is in no way injurious to health."

How do you explain this? How do you reconcile between the two?

Shri B. E. Kapur: In England, there was the question . . .

Shri Shiv Charan Gupta: I am asking about your definition.

Shri B. E. Kapur: In England, if water was added to the milk, it will be treated as injurious to health. The law says, if water is added to milk, it will be treated as injurious to health. We can also define something that some of these additions may well be treated as injurious to health. That will serve the purpose.

Shri Shiv Charan Gupta: Do you mean to suggest that if there is something other than the original constituent, then that should also be allowed?

Shri B. E. Kapur: Not at all; it will be treated as adulterated. The original constituent should be allowed in variation and let that variation be put down.

Dr. Sushila Nayar: The original constituent of milk has water in it. Should we allow them to get the gutter water and put it into the milk? You will say, after all, the original constituent water is there.

Shri B. E. Kapur: If it becomes injurious to health. We have got a clause relating to insanitary conditions. If there is a certain amount of bacteria, the ice-cream will be rejected.

Chairman: We have noted all your points. On behalf of the Members Committee I thank you for the information that you have given to the Committee.

श्री एम० सी० बूधिया : मैं बड़ीवा से घाया हूँ। चूँकि मैं अंग्रेजी में नहीं बोल सकता हूँ इस वास्ते मुझे हिन्दी में बोलने की आज्ञा दी जानी चाहिये।

सभापति महोदय : कुछ मेम्बर साहब हैं जो हिन्दी नहीं समझते हैं और अगर आप अंग्रेजी में बोल सकते हैं तो अंग्रेजी में बोलें। यह अच्छा होगा।

श्री एम० सी० बूधिया : मैं ठीक तरह से नहीं बोल पाऊँगा।

पहली बात तो यह है कि जो प्रेस नोट आपने इशू किया था वह छोटे छोटे अखबारों में नहीं छपा, सभी अखबारों में नहीं छपा जिस की वजह से पता नहीं चल सका . . .

श्री यू० एम० त्रिवेदी : टाइम्स आफ इंडिया में नहीं पढ़ा था क्या ?

डा० सुशीला नायर : तीन तो अखबारों में यह गया था। रेडियो पर इसके बारे में एनाउंसमेंट हुई थी। इसके बावजूद भी अगर आप लोगों को पता नहीं चला तो बड़े दुख की बात है। आप लोगों को ज्यादा ध्यान रखना चाहिये।

श्री एन० सी० बूमिया : बड़ौदा के जो दो बड़े अखबार हैं जिन की पचास हजार के करीब सेल है उनमें से किसी में नहीं छपा है ।

श्री यू० एम० त्रिबेदी : अहमदाबाद के अखबारों में नहीं छपा है ।

श्री एन० सी० बूमिया : बड़ौदा के अखबारों की बात मैं कर रहा हूँ ।

अभी जो विचार यहां व्यक्त किया गया है कि सौ गुनाहगारों को फांसी दे दी जाए लेकिन एक भी इनोसैंट आदमी को नहीं मिलनी चाहिये, उसको मैं बहुत एप्रिशियेट करता हूँ । अपने मेमोरेंडम के तीसरे प्वाइंट में हमने कहा है कि जो सैम्पल लिये जाते हैं उन सैम्पल के जो रिजल्ट हैं वे सास साल और डेढ़ साल बाद प्राप्त होते हैं । ऐसा नहीं होना चाहिये । रिजल्ट जो है उसका हमें तीन चार दिन में ही पता चल जाना चाहिये । हमें बता दिया जाना चाहिये कि हमारा सैम्पल पास हुआ या फेल हुआ है । इससे हमें बड़ी सहूलियत हो जाएगी और अगर फेल हुआ हो तो हम आगे उसको इम्प्रूव कर सकते हैं ।

चौथा प्वाइंट हमने यह बताया है कि आज जो आदमी को अच्छा खाने को नहीं मिलता है तो कैदल को अच्छा चारा कैसे मिल सकता है । आपने भैंस के दूध के लिए छः परसेंट का फीट कंटेंट रखा है । चूँकि जानवरों को अच्छा खाने को नहीं मिलता है, इस वारते हमारी प्रार्थना है कि इस को घटा कर आपको पांच परसेंट कर देना चाहिए । गुजरात के बारे में तो आपको मालूम है कि वहां बहुत मुश्किल का सामना करना पड़ रहा है । इससे कम अगर फीट कंटेंट पाया जाए तो उसको सजा मिलनी चाहिये और अगर इससे ऊपर पाया जाए तो नहीं मिलनी चाहिये ।

एक हमारी यह शिकायत भी है कि जब दूध का सैम्पल लिया जाता है तो उसको बफेलोमिल्क समझ लिया जाता है । इन्स्पेक्टर जब आता है तो वह पूछता तक नहीं कि गाय का दूध है या भैंस का है । वह समझ लेता है कि भैंस का ही दूध है, फिर चाहे वह गाय का दूध ही क्यों न हो । अगर हम कहते भी है कि यह तो गाय का दूध है तो भी वह कोई परवाह नहीं करता है और भैंस का दूध ही लिख कर एनेलेसिस के लिए भेज देता है ।

डा० सुशीला नायर : किस तरह से वह एसरटेन करेगा आप बता सकते हैं कि किस का वह दूध है ? फीट कंटेंट में दोनों के फर्क होता है ।

श्री एन० सी० बूमिया : हमारी खुद की जो लेबोरेटरी है वहां पर जो टैस्टिंग का रिजल्ट निकलता है उसमें और बड़ौदा की जो टैस्टिंग लेबोरेटरी है, उसके रिजल्ट में फर्क निकलता है । दोनों के रिजल्ट अलग अलग होते हैं ।

डा० सुशीला नायर : आप अपील कर सकते हैं ।

श्री एन० सी० बूमिया : हमारी लेबोरेटरी में तो सैम्पल पास हो जाता है लेकिन दूसरी में पास नहीं होता है । कोर्ट में जब केस जाता है तो पनिशमेंट हो जाती है । हम अपील में कलकत्ता लेबोरेटरी में सैम्पल भेज सकते हैं । वहां पर टैस्टिंग का जो रिजल्ट निकलता है, उसमें भी फर्क होता है । गाय का लिया गया था और बड़ौदा में उसमें दो परसेंट फीट कंटेंट निकला और ११.९ एसेंटेप निकला । कलकत्ता की लेबोरेटरी में दो का वह छः होगा और ११.९ का ५.९ रह गया । दूसरा सैम्पल जो लिया गया उसका रिजल्ट बड़ौदा की लेबोरेटरी में और कलकत्ता की लेबोरेटरी में जो निकला वह भी मैं आपको बतलाता हूँ । बड़ौदा में उसमें ४.२ फीट कंटेंट निकला और १०.४ एसेंटेप निकला

और जब वह कलकता गया तो ७.७ फट हो गया और ६.२ एसेनेप रह गया ।

डा० सुशीला नायर : एनलिस्ट साहब इसके बारे में आपको बतला देते हैं । वह यहां बैठे हुए हैं ।

Dr. Sushila Nayar: What has Dr. Mitra got to say on this?

Dr. S. N. Mitra: Particularly in the case of milk products, there are some variations from the results of the Public Analyst. But I must say that the variations are not large. May I point out one thing with the background of my long experience in this line that samples are also tampered with. I do not want to give any names in this connection but I have noticed that the samples left with the vendors pass the test whereas the food inspector's samples fail. This is particularly so in the case of some Southern States. Shri Kamath asks me whether they are not sealed. I can tell him that the seal also could be changed and put back so as to make it appear as original. There are cases of samples collected from the Southern States where the vendor's sample was found to be absolutely genuine. Then I wrote to the Magistrate but he said that the food inspector's sample was absolutely adulterated. You know the implication of that and the meaning of that. After that I am very glad to report to the Committee that in many of the Southern States the Magistrates are sending both the samples. In all such cases it has been found that the vendor's part is genuine and the food inspector's part is adulterated and that agrees with the public analyst's report. There may be some error in the public analyst's report also because nobody is infallible.

Dr. Sushila Nayar: Whose is genuine and whose is adulterated?

Dr. S. N. Mitra: The vendor's part is genuine and the food inspector's part is adulterated; and the latter agrees with the public analyst's.

Dr. Sushila Nayar: In other words, the vendor has tampered with it?

Dr. S. N. Mitra: Yes, in the majority of cases the vendor tampers with it.

An Hon. Member: And *vice versa*.

Dr. Sushila Nayar: The *vice versa* can also be true, but this is what the Institute has found.

Dr. S. N. Mitra: Confidentially I can give the names of some of the States where these tampered samples are obtained most. I have statistics of all the States. It is not the case with all States, but there are some States wherefrom we get tampered samples. And further, tampering is done in a particular type of packing. I have written to the Director-General also. . .

Dr. Sushila Nayar: We have understood the point.

Dr. S. N. Mitra: These sample-phials in many cases are closed with a glass stopper. I have advised the use of welded cork instead, and then sealing of it. Then there is lesser chance of tampering.

Shri Hari Vishnu Kamath: The matter raised here is serious in all conscience. I would like to know whether, when the samples are taken, they are not sealed, and if they are sealed, with whose seal they are sealed, and if the seal is tampered with—that itself is an offence, and for that offence—nobody should hold a brief either for the food inspector or the vendor—who is responsible for tampering with this and how it is done?

Chairman: That is another offence again.

श्री एन० सी० बूनिया : जब साम्पल लिया जाता है तो तीन बोतलों में लिया जाता है, दो बोतलें इन्स्पेक्टर ले जाता है और एक बेंडर के पास रहती है । जो दो इन्स्पेक्टर ले जाता है उनमें से एक म्युनिसिपैलिटी में रहती है और वह जरूरत होने पर कलकत्ता

भेजी जाती है, बेंडर की बोतल कलकत्ता नहीं भेजी जाती ।

डा० सुशीला नायर : वृ० बता रहे हैं कि मैजिस्ट्रेट ने बेंडर की ग्रोर इन्स्पेक्टर दोनों की बोतलें भेजी तो इन्स्पेक्टर की बोतल में मिलाघट पायी गयी और बेंडर की बोतल में नहीं पायी गयी । इससे वह यह अर्थ लगाते हैं कि बेंडर ने अपने नमूने को टेम्पर किया । इसीलिए कामथ साहब ने कहा है कि इसके लिए तो बेंडर पर दूसरा चार्ज भी लग सकता है ।

श्री क० एल० बाल्मीकी : वह तो साम्पल ले कर भ्रमण रख देते हैं । फिर टेम्परिंग कैसे हो सकता है ।

डा० सुशीला नायर : एक साम्पल बेंडर के पास भी रहता है । उसके बारे में कहा गया है ।

श्री क० एल० बाल्मीकी : बाज बाज जंगल तो उस साम्पल में भी टेम्परिंग हो जाता है जो हैलथ आफिसर के पास रहता है ।

डा० सुशीला नायर : उन्होंने अपना अनुभव बताया है । फिर हम यहाँ गवाह से इनफॉर्मेशन लेने के लिए बैठे हैं न कि देने के लिए ।

श्री एन० सी० बूचिवा : जी साम्पल कलकत्ता भेजा जाता है वृ० म्युनिसिपलिटि का होता है बेंडर का नहीं ।

डा० सुशीला नायर : कहीं मैजिस्ट्रेट ने बेंडर का भी भेजा होगा । उसके बारे में कहा गया है ।

सभापति महोदय : चार साम्पल होते हैं और ये भ्रमण भ्रमण रखे जाते हैं । जब दो को जांचा जाय तो पाया गया कि बेंडर के में टेम्परिंग था ।

श्री एन० सी० बूचिवा : टेम्परिंग तों म्युनिसिपलिटि के साम्पल में भी हो सकता है ।

सभापति महोदय : उनको ऐसा अनुभव हुआ है जो उन्होंने बताया ।

श्री एन० सी० बूचिवा : घी के बारे में पहले एक साम्पल को गलत बताया गया, बाद को उसे ठीक बताया गया । ऐसा भी हो चुका है ।

डा० सुशीला नायर : आपका कहना है कि सील अच्छी होनी चाहिये जो कि टेम्पर न की जा सके । यह देखना होगा कि यह कैसे किया जाए ।

श्री एन० सी० बूचिवा : सील तो बहुत अच्छी तरह की जाती है । मेरा मतलब यह है कि जैसे व्यापारी को सजा होती है उसी तरह एनेलिस्ट को उसकी गलती के लिए सजा होनी चाहिए ।

डा० सुशीला नायर : जहाँ जान बूझ कर ऐसा किया जाएगा वहाँ सजा उसे भी होगी ।

श्री एन० सी० बूचिवा : दूसरा मेरा कहना यह है कि चार साम्पल लिए जाएं ।

डा० सुशीला नायर : इससे क्या फायदा मैजिस्ट्रेट तो आपके एनेलिस्ट को महत्व नहीं देगा । वैसे आप अपने संतोष के लिए उसी चीज का अपना साम्पल ले कर अपनी लेबोरेटरी में जांचवा सकते हैं ।

श्री एन० सी० बूचिवा : एक बार मैंने खुद अपने हाथ से दूध निकाला और उसके तीन साम्पल १५ रुपए फीस दे कर पब्लिक एनेलिस्ट से जचवाए । तो तीनों में भ्रमण भ्रमण फिट पाया गया, एक में ८ पर सेंट, दूसरे में ६ पर सेंट, तीसरे में पांच पर सेंट । उसमें कोई टेम्परिंग नहीं किया गया था । मैंने जांच करने के लिए साम्पल जचवाए थे ।

Dr. Sushila Nayar: Can there be that much difference, Dr. Mitra? Three samples are sent, and one was 8 per cent, another was 6 per cent, and the third was 5 per cent. From the same stuff three samples he has sent to the laboratory.

Dr. S. N. Mitra: I have heard of those reports. I do not remember all the data obtained in my laboratory. It should not happen unless the samples are changed. All I can say as an expert is that the samples are different. So much mistake we analysts cannot make. There may be some mistake in the sampling also by the food inspector.

Shri U. M. Trivedi: He is not making allegations against you. He says that three samples were taken out of the same stuff, and from the same laboratory three different results were reported.

डा० सुशीला नायर : हो सकता है कि पहले साम्पल में ऊपर का दूध हो, बाद वाले में उससे नीचे का और तीसरे में बिल्कुल नीचे का और उनको टेस्ट करने से पहले हिलाया न गया हो, इससे तीन अलग अलग नतीजे निकले। यह चीज हो सकती है। इसमें एनालिस्ट का दोष नहीं है।

श्री एन० सी० ब्रूमिया : हमारे दूध का एक साम्पल फैल हो गया था। इसलिए मैंने ये साम्पल जांचने के लिये ठीक से ले कर भेजे थे।

Dr. S. N. Mitra: The milk must be mixed thoroughly before the sample is taken.

श्री एन० सी० ब्रूमिया : प्रागे भी के बारे में हमारे दूसरे साथी बोलने वाले हैं। मुझे यह भी कहना है कि हम जब अपना साम्पल जो कि इंस्पेक्टर हमारे पास छोड़ जाता है। पब्लिक हेल्थ लेबोरेटरी को टेस्ट के लिए देते हैं तो हम से कहा जाता है कि इसकी सील तोड़ कर दूध दे दो तो हम टेस्ट कर सकते हैं। बगैर सील तोड़े वे उसे टेस्ट करने को नहीं लेते।

Dr. S. N. Mitra: Give me those data also.

Shri N. C. Mumtaz: I will send it.

हम चाहते हैं कि अगर सीलड बोटल्स पब्लिक हेल्थ लेबोरेटरी में प्राइवेट लोनों द्वारा खोपी जाय तो पब्लिक हेल्थ लेबोरेटरी के प्रफसरान को सीलड सैम्पुल के रिसीट के बारे में सर्टिफाई कर देना चाहिए....

डा० सुशीला नायर : उनको तो यह मालूम नहीं है कि सील के साथ किसी ने टेम्पर किया है अथवा नहीं इसलिए वह इसे कैसे सर्टिफाई कर सकते हैं? वह सीलड सैम्पल की आपकी कैसे रसीद दे सकते हैं इसीलिए वह यह इंसिस्ट करते हैं कि आप उनके सामने उस बोटल की सील तोड़िये और वह उसमें से आपकी मौजूदगी में सैम्पल भरते हैं दो नमने अपने पास रख लेते हैं और एक आप के पास छोड़ देते हैं। आप के सामने वह उन्हें सील कर देते हैं और आप चाहें तो उन पर उस वक्त सील या हस्ताक्षर अथवा निशानी लगा सकते हैं जिससे कि आप को यह शक न रहे कि उन्होंने बाद में कुछ उसमें गड़बड़ की है।

श्री एन० सी० ब्रूमिया : इसके अलावा हम यह भी चाहते हैं कि वह ऐक्ट और उससे सम्बंधित रूल्स रीजनल लैबोरेज में फीली डिस्ट्रिब्यूट किये जाय।

अभाषित बहोदया : ठीक है आप ने अपने मेमोरेण्डम में भी इसके लिए कहा है।

श्री एन० सी० ब्रूमिया : दूसरी हमारी प्रार्थना है कि हम जो ऐगमार्क की सील का लगा हुआ सामान बेचते हैं और उसमें से सैम्पल लिया जाता है तो उसके बास्ते हम दुकानदारों को क्यों पिन्नाइज किया जाता है?

डा० सुशीला नायर : यह ऐगमार्क आप बखूबी जानते हैं नरुली बना लिये जाते

हैं। और जनता को ऐगमार्क की नकली सील लगा कर धोखा दिया जाता है।

श्री एन० सी० बूमिया : दूसरे हमारे दही का जब इन्स्पेक्टर सैम्पुल भरने आता है तो वह दही का सैम्पुल पाना के साथ लेता है और पानी के साथ दही का सैम्पुल भरने का फल यह होता है कि हमारा दही फेल हो जाय। हम इसके लिए कहते भी हैं कि पानी दही के साथ मत रो लेकिन वह नहीं मानते हैं।

डा० सुशीला नायर : आप को इन्स्पेक्टर से यह चीज कहनी चाहिए।

श्री एन० सी० बूमिया : हम लोग भला इन्स्पेक्टर से झगड़ कर कहां रह सकते हैं ? वह आये दिन सुबह शाम उस हालत में हमारे सैम्पुल लिया करेगा।

डा० सुशीला नायर : अगर आप अपना धंधा ईमानदारी के साथ कर रहें हैं और मिलावट नहीं करते हैं तो आप को इसका क्या डर है, लेने दीजिये उनको सैम्पुल ?

श्री एन० सी० बूमिया : दूसरे दूध के जो नमूने भरे जाते हैं तो फड इन्स्पेक्टर वगैर शीपकीपर को रेफर किये हुए सैम्पुल पर बफैलो मिल्क लिख देते हैं। दरअसल नमूना लेने वाले अधिकारी को दुकानदार से पूछ कर उस पर काऊ मिल्क, बफैलो मिल्क या मिक्सैड मिल्क आदि लिख देना चाहिए ताकि ऐनालाइजर फैट परसेंटेज का रेजल्ट ठीक से निकाल सके। इसके अलावा हमारी यह भी प्रार्थना है कि पुअर कैंटिल फुड को देखते हुए बफैलो मिल्क का मौजूदा स्टैंडर्ड एक परसेंट कम कर दिया जाय जब कि मिक्सैड मिल्क का स्टैंडर्ड 4.5 परसेंट रहने दिया जायें।

सभापति महोदय : यह सब बातें आप के मेमोरेंडम में मौजूद हैं इसलिए इनको दुबारा कहना आवश्यक नहीं है।

श्री तुलशी दास जाषव : आप ने अपने मेमोरेंडम में नम्बर पांच पर लिखा है कि दुकानदार या उसके एथोराइज्ड रिप्रेजेंटेटिव की गैरहाजिरी में सैम्पुल न लिया जाय तो यह चीज मेरी समझ में नहीं आई इसको जरा समझा दीजियेगा।

श्री एन० सी० बूमिया : हमारे जो नौकर होते हैं वह प्रमाणिक नहीं होते हैं।

श्री तुलशी दास जाषव : क्या आप जो दुकान में अपने नौकर रखते हैं उनको आप जिम्मेदार नहीं समझते हैं ?

श्री एन० सी० बूमिया : जी नहीं। उनको हम इतना जिम्मेदार नहीं समझते हैं। इसीलिए हमने यह प्रार्थना की है कि शीपमोनर या उस के एथोराइज्ड प्रतिनिधि की गैरहाजिरी में सैम्पुल न भरा जाय।

Shri B. R. Kapur: The coaltar dyes which are being used in sweets.

Shri U. M. Trivedi: Are coaltar dyes permitted in milk?

Shri B. R. Kapur: In sweets.

Shri U. M. Trivedi: Have you submitted any memorandum for the consideration of the Committee?

Shri B. R. Kapur: No.

Shri U. M. Trivedi: We have not got any memorandum from him. How are we to know what he wants.

Chairman: He represents some association which has submitted its memorandum. Besides that, if he has to say anything about the amendments he may say it.

Shri U. M. Trivedi: He should first submit this memorandum; if he has to supplement his submission, then he can be allowed.

Chairman: You may give a copy of what you are reading from. If there

are any additional points, you may say.

Shri B. B. Kapur: My second suggestion is about chillies.

Chairman: Yesterday, we dealt with kiriyana people and they have dealt with it.

Shri B. R. Kapur: My third suggestion is about khoya. The fat content has been laid down as ten per cent. The khoya prepared from cow's milk will have less fat content than the khoya prepared from the buffalo's milk.

Dr. Sushila Nayar: That is not quite true. Cow's milk may give less quantity of khoya compared to buffalo's milk. But unless you use skimmed milk, khoya content cannot go down....

श्री तुलशीदास जाधव : आप ने अपने मेमोरेण्डम में सब दोष या तो सरकार के फूड इंस्पेक्टरों या अपने नौकरों आदि पर डाला है। आपकी एसोसियेशन के कितने मेम्बर हैं? क्या उन में से कोई एडल्टेशन नहीं कर सकते हैं?

श्री एन० सी० बूमिया : हमारी एसोसियेशन के २०० मेम्बर हैं। हमारी एसोसियेशन का काम यह है कि देशों से जो दूध आता है, हमारे इंस्पेक्टर यह चेक करते हैं कि उस दूध की ग्रेविटी और फैट कन्टेन्ट कितना है। अगर इंस्पेक्टर को वे कम मालूम हों, तो उस दूध को इस्ट्राय कर दिया जाता है और वह सिटी में नहीं आने दिया जाता है। हमारी छोटी सी एसोसियेशन है। हमारे पास लैक्टोमीटर के लिए साधन नहीं हैं।

श्री तुलशीदास जाधव : क्या आप के २०० मेम्बरों में से कोई एडल्टेशन नहीं करता है? क्या उन में से किसी पर केस हुए हैं और उन को सजा हुई है?

श्री एन० सी० बूमिया : जी हां।

श्री तुलशीदास जाधव : आप के मेमोरेण्डम से ऐसा मालूम होता है कि आप का कोई दोष नहीं है, बल्कि सरकार के कानून से और दूसरी तरफ से आप को तकलीफ होती है। हम आपकी तकलीफ को दूर करने के लिए बैठे हैं? क्या आप हमारी तकलीफ को दूर करने के लिए कोई सुझाव दे सकते हैं?

श्री एन० सी० बूमिया : मेरा सुझाव यह है कि जब देहातों से दूध खरीदा जाये, तो उसकी जांच कर के उसको सीटी में आने दिया जाये। यह जिम्मेदारी व्यापारियों पर डाल दी जाये।

डा० सुशीला नायर : अगर ट्रेड यह निश्चय कर ले कि हम शुद्ध दूध और घी देंगे, तो यह काम बहुत आसानी से हो सकता है। अगर ट्रेड इस में सहयोग नहीं देती है और उस के रिप्रेजेंटेटिव केलब यह ही सोचते हैं कि ट्रेड को कानून से कैसे बचाया जाये, तो यह काम बड़ा कठिन हो जाता है।

श्री तुलशीदास जाधव : आप ने अपने मेमोरेण्डम के १७वें अनुच्छेद में लिखा है कि जो अच्छा काम करता है, उस को रिवार्ड देना चाहिए। क्या आप समझते हैं कि आप की एसोसियेशन के २०० मेम्बरों ने अच्छा काम किया है, इसलिए उन को बक्षीश देनी चाहिए?

श्री एन० सी० बूमिया : हमारा मतलब यह है कि अगर उन के दस सैम्पल लिये जायें और वे पास हो जायें और अगर उस का ग्यारहवां सैम्पल फेल हो जाये, तो उस पर प्रासीक्यूशन नहीं होना चाहिए।

श्री तुलशीदास जाधव : आप के मेमोरेण्डम के छठे अनुच्छेद में लिखा है :

"The sanitary and food inspectors understand that milk means

milk of buffalo and without referring to the shop-keeper they write buffalo milk".

क्या इंस्पेक्टर को यह बात मालूम नहीं है कि वह दूसरा मिल्क है ?

श्री एन० सी० बूमिया : उस को व्यापारी को पूछ लेना चाहिए ।

श्री तुलशीदास जाधव : क्या वह बगैर आप से पूछे दूध ले जाता है ?

श्री एन० सी० बूमिया : वह उस को बफ़ैलो मिल्क कह कर एग्जामिन कराता है ।

सभापति महोदय : क्या आप का यह कर्त्तव्य नहीं है कि आप उस को बतायें कि यह गाय, बकरी या बफ़ैलो का मिल्क है ?

श्री एन० सी० बूमिया : वे मानते नहीं हैं । व कहते हैं कि बोर्ड लगाना चाहिए ।

श्री बेबकीनम्बन नारायण : क्या आप की एसोसियेशन एक रजिस्टर्ड बाडी है ? क्या आप डायरेक्ट एग््रीकल्चरिस्ट्स से दूध लेते हैं या को-ऑपरेटिव सोसायटी से ?

श्री एन० सी० बूमिया : हमारी एसोसियेशन रजिस्टर्ड बाडी है । अभी हमारी को-ऑपरेटिव सोसायटी नहीं बनी है । हम ने देहातों में बनाने की कोशिश की थी, लेकिन धीरों का कम्पीटीशन हो जाता है । अगर वे आपके पानी का दूध ले कर आते हैं, तो अच्छे दूध का भाव देना पड़ता है ।

श्री बेबकीनम्बन नारायण : ग्रामन्द में को-ऑपरेटिव सोसाइटीज से हजारों मन दूध लिया जाता है । आप ऐसा क्यों नहीं कर सकते हैं ?

श्री एन० सी० बूमिया : हम ने कोशिश जरूर की, लेकिन हम सक्सेसफुल नहीं हुए ।

डा० सुशीला नायर : अगर ग्रामन्द सक्सेसफुल हो सकता है, तो आप भी हो सकते हैं ।

श्री चन्नु चर्ई मोकीबाबा : ग्रामन्द डेरी को मानोपली दी गई है । उन के खजावा कोई बाहर दूध नहीं भेज सकता है । वे जैसे चाहें, अपना धंधा कर सकते हैं ।

डा० सुशीला नायर : ग्रामन्द को पहले दिन ही मानोपाली मिल गई । उन्होंने शुद्ध दूध पहुंचाने का रास्ता निकाला और अपनी रेफ्रिजेशन बना ली । बाद में उन को सब सुविधायें मिलीं । अगर आप भी वैसे ही मेहनत करेंगे, तो आप को भी सफलता मिलेगी । जनता तो शुद्ध दूध चाहती है ।

श्री कस्तूरबा : आपने ब्रिक्का है कि मिक्स्ट मिल्क । वह कौन सा होता है ।

श्री एन० सी० बूमिया : गाय का और भैंस का, दोनों का मिला हुआ ।

श्री बसवन्त : फेट किस में कितनी होती है ?

श्री एन० सी० बूमिया : भैंस के दूध में ६ परसेंट और गाय के में साढ़े तीन परसेंट ।

श्री तुलशीदास जाधव : ये जो २०० मेम्बर हैं ये कस्टमर्ज हैं या बेचने वाले हैं ?

श्री एन० सी० बूमिया : बेचने वाले हैं ।

श्री यमुना प्रसाद मंडल : जो दूध आप के पास आता है, उसके सैम्पल आप चैक करते हैं ?

श्री एन० सी० बूमिया : हमारे यहां ऐसा है कि एक आदमी चार आते, आठ आने या रुपये में उसको लेता है । यह उसकी मजदूरी होती है लाने की । हम दूध को कभी देखते भी नहीं हैं । वहां पर जो आदमी कलैक्ट करता है वह कलैक्ट करने की दलाली लेता है । कलैक्ट जब होता है तो एक मजदूर उसको ले आता है ।

डा० सुशीला नायर : क्यों सैम्पल नहीं उसका लेना चाहिये ।

श्री एन० सी० बूमिया : ट्रांजिट में नहीं लेना चाहिये ।

डा० सुशीला नायर : आपका नौकर जा कर दूध लाता है तो फिर क्यों उसका सैम्पल न लिया जाए ?

श्री एन० सी० बूमिया : वह हमारा नौकर नहीं होता है । वह कैरियर होता है । आज एक आदमी होता है तो कल दूसरा होता है । अलग अलग आदमी होते हैं हर रोज ।

डा० सुशीला नायर : अगर वह आपके बिहाफ पर ला रहा है तो उसके जिम्मेदार आप हैं, साफ बात है ।

श्री यमुना प्रसाद मंडल : जो आपकी एसोसिएशन का नाम है उस से स्पष्ट है कि आप प्योर मिल्क सप्लाय करते हैं, आपके यहां एडलट्रेशन नहीं होता है । क्या यह ठीक है ?

श्री एन० सी० बूमिया : हमारा एम यही है कि प्योर मिल्क लोगों को मिले । लेकिन इस में हमें अभी तक पूरी कामयाबी नहीं मिली है ।

श्री यमुना प्रसाद मंडल : जो एडलट्रिटिड मिल्क होता है, इंप्योर मिल्क होता है उसका आप क्या करते हैं ?

श्री एन० सी० बूमिया : उसको हम फेंक देते हैं ।

श्री यमुना प्रसाद मंडल : आपने कहा है कि कलकत्ता लेबोरेटरी में जो फीस चार्ज की जाती है वह पचास परसेंट कम कर दी जाए ? पूरी फीस आप न दें तो उस से क्या फर्क पड़ेगा ? क्यों आप चाहते हैं कि उसको आधी कर दिया जाए ?

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श्री एन० सी० बूमिया : एक बात तो यह है कि लोकल लेबोरेटरी का जो रिजल्ट है वह कलकत्ता लेबोरेटरी के रिजल्ट से भिन्न होता है । हर गरीब आदमी अगर अपना सैम्पल कलकत्ता भेज कर चैक करवाना चाहें तो नहीं करवा सकता है । जिस तरह से आपने एजुकेशन फ्री कर दी है, उसी तरह से इसको भी आप फ्री कर दें ताकि गरीबों को राहत मिले ।

डा० सुशीला नायर : एजुकेशन से इसका ताल्लुक नहीं है । जो ट्रेडर हैं, उनके पास इतना पैसा तो होता ही है कि एपीलेट लेबोरेटरी में बे जा सकें । जब तक तीन चार रिजनल लेबोरेटरीज नहीं बनती हैं, तब तक उनको कलकत्ता जाना ही होगा ।

श्री यमुना प्रसाद मंडल : आपने यह भी कहा है कि रिजनल लैंगुएज में क्लब फ्री डिस्ट्रीब्यूट हों । आप इनका अनुवाद करवा कर अपने मैम्बरों को क्यों नहीं दे देते हैं ?

श्री एन० सी० बूमिया : वह अथोराइज्ड अनुवाद नहीं होगा ।

डा० सुशीला नायर : आप समझ सकते हैं उसको । लीगल लैंगुएज में जरा फंका हो जाएगा । कोर्ट तो ओरिजिनल लैंगुएज देखेगी तर्जुमा नहीं देखेगी । आप अपने लाभ के लिए उसका तर्जुमा कर सकते हैं ।

सभापति महोदय : समरी उसकी कर सकते हैं ।

श्री एन सी० बूमिया : वह हम कर लेंगे ।

श्री के० एल० बाल्मीकी : जो दूध इकट्ठा आप करवाते हैं, वह इंडिविजुअल से ले कर करवाते हैं या ठेकेदारों की मार्फत करवाते हैं ?

श्री एन० सी० बूमिया : अलग अलग प्रोड्यूसर से ले कर इकट्ठा करते हैं ।

श्री के० एल० बाल्मीकी : कितने एरिया से आप इकट्ठा करते हैं ?

श्री एन० सी० बूमिया : पंद्रह मील के एरिया से ।

श्री के० एल० बाल्मीकी : एडलट्रेशन जो होता है वह सेंट्रज में होता है या रास्ते में होता है या प्रोड्यूसर के यहाँ होता है ?

श्री एन० सी० बूमिया : ज्यादा प्रोड्यूसर करते हैं ।

श्री हरि विष्णु कामत : जी आपने स्मृति-पत्र प्रस्तुत किया है कमेटी के समक्ष उसकी प्रतिलिपियां आपने गुजरात के आरोग्य मंत्री के पास तथा बड़ोदा की अन्य सस्थाओं के पास भेजी हैं । आप जानते हैं कि यह चीज नियमों के खिलाफ है ?

श्री एन० सी० बूमिया : मुझे मालूम नहीं था ।

श्री हरि विष्णु कामत : आपने नीचे लिखा है, आनरेबल हेल्थ मिनिस्टर गुजरात स्टेट । इसी तरह से बड़ोदा की छः सात सस्थाओं के नाम भी नीचे लिखे हुए हैं ।

श्री एन० सी० बूमिया : हमने ऐसा समझा था कि हेल्थ मिनिस्टर यहाँ मीम्बर होंगे, इसलिये उनको भेजी गई है । गलती हो गई है, माफी चाहता हूँ ।

Shri Hari Vishnu Kamath: The Chairman should take notice of it.

Chairman: He has said that he did not know it.

श्री एन० सी० बूमिया : मुझे पता नहीं था इसलिए भेज दिया । आयन्दा ऐसा नहीं करूंगा ।

श्री हरि विष्णु कामत : आपने जो स्मृति-पत्र दिया है उसका शीर्षक है :

“बरोदा सिटी प्योर मिल्क सप्लाय एसोसिएशन”

तो क्या यह आपकी जानकारी में है कि बरोदा नगरी में अशुद्ध दूध देने वाले हैं ।

श्री एन० सी० बूमिया : जी हाँ ।

श्री हरि विष्णु कामत : क्या आप दावे से कह सकते हैं कि आप शुद्ध दूध सप्लाय करते हैं ?

श्री एन० सी० बूमिया : हम शुद्ध दूध सप्लाय करने की कोशिश करते हैं ।

श्री हरि विष्णु कामत : क्या आपको विश्वास है कि जो दूध आप सप्लाय करते हैं वह 16 आने शुद्ध होता है ।

श्री एन० सी० बूमिया : मैंने अपनी कठिनाइयां आपके सामने रख दी हैं । दूध सबेरे पांच बजे आता है और लोगों को सात बजे के पहले सप्लाय करना होता है । उस समय हम उसकी जांच नहीं कर सकते ।

श्री हरि विष्णु कामत : आपके एसोसियेशन के कितने मेम्बर हैं ?

श्री एन० सी० बूमिया : करीब दो सौ ।
श्री हरि विष्णु कामत : उन में से किसी को सजा हुई है ।

श्री एन० सी० बूमिया : हुई है ।

श्री हरि विष्णु कामत : क्या आपने उनका बहिष्कार कर दिया है ?

श्री एन० सी० बूमिया : नहीं । उनको वारनिंग दे दी है ।

श्री हरि विष्णु कामत : आपने अपने स्मृतिपत्र के तीसरे और पांचवें अनुच्छेद में कुछ सुझाव दिये हैं । ये चीजें आपकी निजी जानकारी की हैं या सुनी हुई हैं ?

श्री एन० सी० बूमिया : मैं उन चीजों को साथ नहीं लाया हूँ ।

श्री हरि विष्णु कामत : आप ब्रेज देना । सुनी हुई चीज यहाँ कहने से किसी का फायदा नहीं है ।

आपने स्मृतिपत्र में यह भी सुझाव दिया कि जो ईमानदार आदमी हैं उनको कुछ इनाम दिया जाए । इससे क्या ग्राम का मतलब किसी आर्थिक इनाम से है या यह कि उनको पद्म भूषण आदि बनाया जाए ।

श्री एन० सी० बूमिया : मेरा मतलब ऐसा कुछ नहीं है । मेरा मतलब यह है कि अगर किसी आदमी के 10 सैम्पल ठीक आए हैं और 11वां खराब आया है तो उसको उसके लिए सजा न दी जाए ।

डा० सुशीला नायर : पड़ली बार कम सजा होगी, बाद में पकड़ा गया तो ज्यादा होगी । ऐसा तो नहीं हो सकता कि जिसके 10 सैम्पल ठीक हैं उसका 11वां या 12वां गलत पकड़ा जाए तो उसे सजा न हो ।

श्री एन० सी० बूमिया : मैंने सुझाव रखा है कि व्यवसाय में आदमी का खयाल रखा जाना चाहिए । कायदा आदमी के लिए है, आदमी कायदे के लिए नहीं है । ईमानदार लोगों को प्रोत्साहन मिलना चाहिए । जो बराबर अच्छा काम करता आ रहा है, उससे अगर कभी गलत हो जाए तो उस पर दया करनी चाहिए ।

डा० सुशीला नायर : क्या आप मानते हैं कि व्यापारी का धर्म है ईमानदारी से चलना ।

श्री एन० सी० बूमिया : जी हाँ ।

डा० सुशीला नायर : तो उसको ऐसा करना ही चाहिए ।

सभापति महोदय : मैं आपका ध्यान इस तरफ दिलाना चाहती हूँ कि इस संशोधन में उन बीडर्स के लिए सुरक्षा की व्यवस्था है जो कि जानबूझ कर धोखा नहीं देना चाहते हैं ।

श्री हरि विष्णु कामत : आपके सुझाव से ऐसा संकेत मिलता है कि जो बेईमान व्यवसायी हैं उनको राष्ट्रीय समारोहों में और राज्य भवन में निमंत्रण मिलता है और ईमानदार लोगों को नहीं मिलता । क्या आपका यह अनुभव है ?

श्री एन० सी० बूमिया : मेरा अनुभव यह नहीं है । हम छोटे व्यापारी हैं । हमने जो सुझाव रखे हैं वे यदि आपको ठीक मालूम हों तो उनको स्वीकार करो । हम कोई पारितोषिक नहीं चाहते ।

श्री हरि विष्णु कामत : आपने कहा कि ईमानदारी आपका धर्म है । तो आप चाहते हैं कि ईमानदार को इनाम दिया जाए और बेईमान को दंड दिया जाए ।

श्री एन० सी० बूमिया : जी हाँ ।

श्री हरि विष्णु कामत : क्या बेईमान-व्यापारी को फांसी पर लटका दिया जाए ।

श्री एन० सी० बूमिया : जो आप ठीक समझें करें । मेरा कर्ना तो केवल यह है कि अगर किसी ने बराबर ईमानदारी दिखायी है, और कभी उस से गलती हो जाए तो उसको सजा न हो । यही इनाम में चाहता हूँ और न मुझे दरवार में जाने की इच्छा है और न अन्य कोई इनाम पाने की इच्छा है । यह काम करने वाले छोट छोट लोग हैं, दो चार रुपए के लिए दिन भर काम करते हैं ।

डा० सुशीला नायर : दो चार रुपये में तो कोई दूध का व्यापारी नहीं हो सकता ।

श्री एन० सी० बूमिया : आप न मानो तो दूसरी बात है ।

श्री के० रामोबरन : आप ने अपने मेमोरेंडम के पैरा १७ में लिखा है कि बजाय ऐक्ट के जरिये लोगोंको पेनाल्टी और पनिशमेंट

देने के, उन ट्रेडर्स को रिवाइस दिये जायें जो कि नौन-एडल्ट्रेशन की पालिसी को प्रजर्व रखने के लिये भरसक कोशिश करें और इस के लिये आप ने सुझाव दिया है कि ऐसे ट्रेडर्स जिनके खिलाफ़ मिलावट के अभियोग में अभी तक कोई केस नहीं चला है या अपेक्षाकृत कम केस चले हैं उनको इनाम दिया जाय । तो ज़रा इसको खुलासा कीजियेगा ?

श्री एन० सी० बूमिया : इसका डीलर्स पर बड़ा अच्छा असर पड़ेगा और उन में एक जिम्मेदारी की भावना जाग्रत होगी ।

डा० सुशीला नायर : आप ने अपने मेमोरेण्डम में कहा है कि जिस व्यक्ति का कम दफे चालान हुआ है उसको इनाम दिया जाय, अगर किसी डीलर ने पचास दफे मिलावट की और किसी ने पांच दफे मिलावट की तो उस पांच दफे मिलावट करने वाले को इनाम दिया जाय, ऐसा आप ने सुझाव दिया है ।

श्री एन० सी० बूमिया : हम चाहते हैं कि बजाय सरकार सजा देने के ईमानदार व्यक्तियों की हिम्मतअफजाई करे ताकि उन पर और साथ ही दूसरों पर एक अच्छा मनोवैज्ञानिक असर पड़े ।

श्री देवकीनन्दन नारायण : आपकी एसोसियेशन के २०० मैम्बर्स एक साथ दूध खरीद करते हैं या हर एक मैम्बर अलग अलग अपना दूध खरीदता है ?

श्री एन० सी० बूमिया : हर एक मैम्बर अलग अलग दूध खरीदता है ।

श्री देवकीनन्दन नारायण : क्या एसोसियेशन इस बात का भी कोई जिम्मेदारी लेती है कि उसके मैम्बर्स मिलावट नहीं करेंगे और वह अपने माल की क्वालिटी को अच्छी रखेंगे ?

श्री एन० सी० बूमिया : एसोसियेशन इसकी जिम्मेदारी नहीं लेती है क्योंकि हर एक दुकानदार अलग अलग अपना दूध खरीदता है और गांवों से, ५०, ५० मील से अलग अलग जगहों से दूध उनको मिलता है ।

श्री देवकीनन्दन नारायण : आप की एसोसियेशन का फंक्शन क्या है ?

श्री एन० सी० बूमिया : हम अपने मैम्बर्स में इस बात का प्रचार करते रहते हैं कि वे ईमानदारी से अपना धंधा करें और मिलावट कदापि न करें ।

श्री शिवचरण गुप्त : क्या कभी आप ने इस की जानकारी हासिल की है कि आप के वहां जो दूध बिकता है उसमें फैट कटेंट कितने परसेंट होती है ?

श्री एन० सी० बूमिया : हम समय समय पर उसको टेस्ट करते रहते हैं और कभी ६ परसेंट निकलती है तो कभी सात और आठ परसेंट तक भी निकल आती है ।

श्री शिवचरण गुप्त : कानून के मुताबिक शुद्ध दूध में फैट कटेंट ६ परसेंट होना चाहिये जब कि आप ने मांग की है कि वह पांच परसेंट होना चाहिये तो आप ने क्या यह जाती तौर पर टेस्ट आदि करके मालूम किया है कि दूध में आमतौर पर कितने परसेंट फैट होता है और अगर मुख्तलिफ़ हालात के कारण कटेंट में फर्क पड़ जाता है तो कितना फर्क पड़ता है इसकी कोई जांच आपने की है ?

श्री एन० सी० बूनिया : हमारी एसोसियेशन लेबोरेटरी चलाती है जिसमें कि दूध का फीट कंटेंट देखा जाता है और हम पाते हैं कि कभी वह साढ़े चार परसेंट आता है तो कभी साढ़े पांच परसेंट तक आ जाता है ।

श्री शिवचरण गुप्त : आपने फरमाया है कि १५, १५ और २०, २० मील की दूरी से दूध आप के यहाँ पर आता है तो क्या आप बतला सकते हैं कि अगर उसे उसी कच्चे दूध की शकल में रहने दिया जाय तो वह कब तक नहीं फटेगा और ठीक रह पायेगा ?

श्री एन० सी० बूनिया : मैं समझता हूँ कि कोई तीन, चार घंटे तक वह बगैर फटे रह जायेगा ।

श्री चन्द्रभाई पोथीबाला : हम लोगों को लाइसेंस एक साल के लिये मिलता है । इस लिये अगर किसी व्यक्ति को दो तीन साल के बाद दोबारा पकड़ा जाता है, तो उस को कम सजा दी जाये ।

डा० सुशीला नायर : लाइसेंस तो बदल जाता है, लेकिन आदमी तो वही है । अगर वह दूसरा आफेंस करेगा, तो उस को सजा होगी । अगर कोई आदमी बार-बार एडल्ट्रेशन करता है, तो उस को कड़ी सजा देनी चाहिये । आप का यह सुझाव नामुनासिब है कि चूँकि हर साल लाइसेंस बदलने से नया आदमी हो जाता है, इस लिये अगर वह एडल्ट्रेशन करे, तो उस को दूसरा आफेंस नहीं मानना चाहिये । अगर कोर्ट सैटिसफ़ाइड है कि उसने दूसरा आफेंस किया है, तो उस को सजा होगी ।

Chairman: As already conveyed, the evidence you give will be treated as public. If you want it to be confidential, you may specifically mention that to us.

Shri A. K. Phadke: Our memorandum is mainly on three points. They may be repeated here. Please excuse me for this. But, it is my duty to do so in order to be quite sure. I shall read it out.

Chairman: Please don't read. You simply mention.

Shri A. K. Phadke: The first thing is that implementation of the law is not done throughout the country. It is not done at all in rural areas. My next point is about the sub-standard nature of the ice cream. Here again the standards are again revised because the standards fixed in the new amending Bill are the same which were before independence. Even in the British time standards were as they are today.

Dr. Sushila Nayar: You mean to say that the standards should change because the British have gone.

Shri A. K. Phadke: Survey should be undertaken now that circumstances have changed.

Dr. Sushila Nayar: Standards must change because the British have gone. Material is the same and the method is the same.

Shri A. K. Phadke: We do not get proper fodder to give to cattles. Therefore their health has gone down.

Dr. Sushila Nayar: We have put it down to the very minimum and have not put down to the maximum.

Shri A. K. Phadke: My humble submission is that 6 per cent is not the minimum; in some places, it is high.

Dr. Sushila Nayar: 6 per cent has been kept for Punjab. For Punjab, 6 per cent is very low. Everybody has agreed to this.

Chairman: After examining and analysing the samples from different parts of the country, the standards have been laid down. 6 per cent for buffalo milk is too low.

Shri A. K. Phadke: In some cases, as my friend has said, buffalo milk does not contain that much fat.

Dr. Sushila Nayar: I may tell you that the buffalo milk shall contain not less than 5 per cent milk fat except in Delhi, Punjab, Pepsu, U. P., Bihar, West Bengal, Assam, Bombay and Saurashtra where it shall not be less than 6 per cent. This has been fixed after taking up large number of samples of milk in these areas.

Shri A. K. Phadke: My third point is that an opportunity should be given to the producers of milk to improve. For that purpose provisions should be made about one or two warnings before prosecution.

Dr. Sushila Nayar: How can that be possible. Your Association can do that. You test for yourselves and if you find that there are people who are using stuff that is not pure, you can warn them. But, if it comes to the notice of the State Government, then they may be punished. So, it is for you to see to it that your members do not indulge in these things. Instead of asking the Government to give warnings you can give them warnings.

Shri A. K. Phadke: My last point is that in the case of milk, the degree of offence should be observed while punishing.

Dr. Sushila Nayar: What is the degree of offence that you would like to be observed—Is it 50 per cent or 25 per cent of adulteration?

Shri A. K. Phadke: Not that. In every case, when there is adulteration which is injurious or harmful to the health of the persons the punishment should be higher. But in the case of milk also the person should be punished but the punishment should be lighter.

Dr. Sushila Nayar: Why should it be lighter please? If he is adding the milk with the water or if he is taking

away the cream of the milk and sending the skimmed milk as pure milk, why should the punishment be lighter?

Shri A. K. Phadke: It is a technical offence.

Dr. Sushila Nayar: He has cheated the people deliberately. How can you say that this is a technical offence?

Shrimati V. Vimla Devi: Because people won't get indigestion!

Chairman: Thank you very much.

Shri U. M. Trivedi: Before he leaves, I would like to put one question. Is it your contention that the standards laid down for milk have now gone down?

Shri A. K. Phadke: Yes.

Shri U. M. Trivedi: How do you say that the standards have gone down? Is it your experience or have you got reports in this regard?

Shri A. K. Phadke: I have got my own buffaloes; I live in villages and I have experience.

Shri U. M. Trivedi: Have you got any analysis to show that the standards have gone down?

Shri R. B. Chitale: The thing is this. The buffaloes are not properly fed; they do not get cotton seed; they do not get grass; they do not get fodder. Our farmers are mainly producing cash crops. They are producing *ganna*. They are not producing cotton seeds. That is the difficulty.

Shri U. M. Trivedi: I want to know whether you have analysed that the standard has gone down. That is the pertinent question.

Shri R. B. Chitale: In 1940, we were preparing *khoya* out of the milk. At that time, one seer of milk could give 25 tolas of *khoya*. Now it has come down to 19 tolas.

Dr. Sushila Nayar: That is a very very high proportion.

Shri R. B. Chitale: In 1940, it was so.

Dr. Sushila Nayar: That is an impossibility:

Shri R. B. Chitale: It is a fact.

Dr. Sushila Nayar: How many samples of food have you got analysed in a laboratory with regard to the fat content?

Shri R. B. Chitale: The thing is this. We have not got the laboratory. We have got the testing machines.

Dr. Sushila Nayar: You have not got anything.

Shri U. M. Trivedi: The suggestion that has been made is that you should not be punished heavily as a first offender so far as the question of adding to milk is concerned. Do you admit that it is an adulteration?

Shri R. B. Chitale: The thing is, if you find it adulterated, then he may be punished. If there is a technical mistake and it is found as sub-standard, then he should not be punished.

Dr. Sushila Nayar: What is the sub-standard in milk?

Shri R. B. Chitale: We are getting milk below 6 per cent fat. There are so many cases.

Dr. Sushila Nayar: The fat is one content. There are certain other contents, the solids and so on. If everything is low, obviously water has been added to it. They do not go only by fat content.

Shri U. M. Trivedi: Have you got any cases whereby you can say that only on the question of fat content the punishment has been awarded?

Shri Mohd. Hussain Jeena: Yes, Sir. There were three or four cases in the Poona High Court. They were punished only for substandard quality.

Dr. Sushila Nayar: There is no such thing as sub-standard milk.

Shri Mohd. Hussain Jeena: The fat content was less than 6 per cent. He was punished on that account.

Dr. Sushila Nayar: You must understand this. If you adulterate the whole milk and the skimmed milk, the only difference will be with regard to the fat content and nothing else. Adulteration is there all the same. You may not adulterate it with water; you may adulterate it with skimmed milk. The court must give the punishment.

Chairman: You agree with it.

Shri U. M. Trivedi: Mr. Phadke made one point. According to him, they are averse to the punishment given for the first offence. What is their object in view? What do they suggest?

Shri A. K. Phadke: My humble submission is that for the first offence the punishment prescribed is severe and the people will not be encouraged to do this business if they are treated under these conditions. At least, an honest man will never dare to do this business again.

Dr. Sushila Nayar: An honest man will not be punished; the dishonest man will be punished.

Shri A. K. Phadke: The man is honest. But in each and every case he cannot be successful. He will have to depend upon some persons who help him in the business. Every time he is held responsible and he will have to go to jail for so many times for that purpose. Even to encourage the private parties, the Government should make this provision and for that purpose I have made my humble submission.

श्री तुलसीदास जाधव : घ्रापने मांग की है कि फैट का जो परसेंटेज है, उसको कम कर दिया जाये। महाराष्ट्र में छः परसेंट है। घ्राप क्या चाहते हैं ?

Shri A. K. Phadke: Upto 5 per cent.

श्री तुलसीदास जाधव : घ्रापने घ्रापने ध्यान में बहुत सीधता से लिखा है कि यह बलिया गवर्नमेंट है। ऐसा घ्रापने कैसे लिख दिया है ?

श्री ए० के० फडके : मैं समझा नहीं हूँ ।

Shri Tulsidas Jadhav: You say in your Memorandum:

“This is a Bania business. Collection of milk should not be the aim of the Government.”

What do you mean by saying that this is a Bania business?

Shri A. K. Phadke: He means, Government is other than the private parties.

श्री तुलसीदास जाधव : वहाँ पर जो डेयरी स्कीम है, वह फैट की तरफ नहीं देखता है ऐसा आपका कहना है और आप पर ही फैट का टेस्ट लगाती है ? इसके लिये कुछ प्रूफ हैं ।

Shri A. K. Phadke: When there is a scarcity of milk, we are compelled to purchase adulterated milk in some proportion. Otherwise, we have no other source to supply our demand. Even the Milk Schemes also collect milk from the villages and we find even they will have to face this problem. In order to fulfil the demand, sometimes they will have to purchase some type of milk.

Chairman: You supply adulterated milk to your customers?

Shri A. K. Phadke: Milk with less fat.

Dr. Sushila Nayar: You openly purchase adulterated milk?

Shri A. K. Phadke: When there is too much of scarcity, we do it. We are compelled to do it.

Chairman: You supply it to your customers saying that it is adulterated milk or that it is whole milk?

Shri A. K. Phadke: We cannot help it. We say, it is not pure milk but adulterated milk.

Dr. Sushila Nayar: You tell the customer that it is not pure milk.

Shri A. K. Phadke: They also know it when there is scarcity of milk.

Shri Tulsidas Jadhav: You say in your Memorandum:

“Government should not use this amendment to make the business impossible for the people roundabout the cities and procure milk at cheapest rate for itself not minding the cost of production.”

Shri A. K. Phadke: I have replied to that.

Shri Tulsidas Jadhav: What do you suggest?

“Government schemes are of recent origin and their pattern is more rigid and less sensitive to the changes in the cost of production of milk outside.”

This is on page 5, last paragraph of your memorandum. Can you explain this?

Shri A. K. Phadke: The milk federation at present is in the hands of men who are not educated and who have no experience about milk business.

Dr. Sushila Nayar: They do not need any experience or education for producing pure milk.

Chairman: Education is necessary only for adulteration.

Dr. Sushila Nayar: If you want to adulterate in a scientific manner, then you need education.

श्री तुलसीदास जाधव : आप मिल्क फेडरेशन की तुलना करते हैं । आपका कहना है कि इस फेडरेशन के काम को देखने वाले अज्ञान हैं ?

Shri A. K. Phadke: I say that the milk federation is now in the hands of people who are not educated on milk business and they have no experience in the line.

डा० सुशीला नायर : आपके देश महाराष्ट्र में ही आरे बस्ती में और आनन्द में जो दूध होता है उसमें ८ से लेकर ९ पर सेंट तक फ़ैट रहता है। आपके लिये ६ परसेंट रखा है, उसको भी आप मंजूर नहीं करते।

श्री तुलसीदास जाधव : क्या आप का ऐसा काना है कि गवर्नमेंट स्कीम को इस्पेक्टर नहीं देखते।

Shri A. K. Phadke: We had been there for the conference of DPH for the last three years. We have asked them questions about the samples and whether they have taken samples from the milk scheme. We got the reply that samples were taken. Then we asked them why they do not declare the results of the test? They say: 'It is confidential'. The word 'confidential' gives protection for the Government servants. That is my humble suggestion.

Dr. Sushila Nayar: The point is people have analysed it and consumers have analysed it. They have found that the fat content is higher in Government dairies. Some of the traders may be taking Aarey milk and mix it with skimmed milk and sell it as whole milk.

Shri A. K. Phadke: To prevent adulteration, my humble suggestion is that milk should be produced in abundant quantities. Otherwise, in the face of scarcity of milk, we become helpless.

Chairman: Scarcity is no justification for adulteration.

Shri G. Mohanty: You have said on page 3 of your memorandum as follows:

"We are afraid, there is a veiled attempt to wipe out private enterprise under the grab of this holy Act."

Will you elaborate this statement?

Shri R. B. Chitale: I want to say a few words about Aarey. In Aarey the people who are keeping buffaloes are able to get good fodder and therefore they can produce milk even with 6 to 8 per cent of fat content. But in rural areas these facilities are not available to people and therefore you cannot expect the same standard from them.

Shri Deokinandan Narayan: In your memorandum you have called the Government as a Bania Government. All right; that may be your view. You have tried to state that Government's taking up this dairy scheme may become detrimental to your business. I do not follow how you come to this conclusion because you have not given any reasons here. Could you tell us how Government schemes have become detrimental to your interests?

Shri A. K. Phadke: I may kindly be permitted to tell the truth which I have personally experienced.

Chairman: I would only request you to be brief and specific.

Shri A. K. Phadke: Yes. We get milk from villages where there are also Government centres. Before they start a centre in the same area, they make some propaganda and tell the people: "For those who will supply us milk, there will be no fat testing". Now, we have to collect milk in competition with the Government centres. In that context we have stated here that in some respects Government schemes have become detrimental to the milk business.

Dr. Sushila Nayar: This must be by some irresponsible people. Whatever your personal experience may be, the fact remains that—whether it be Delhi Milk Scheme or Bombay Milk

Scheme or at any other place—the milk in any Government dairy is much richer in fat content than the milk of any private seller.

Shri Deokinandan Narayan: The consumer gets better milk from government dairies than from private owners.

Shri A. K. Phadke: I do admit the word "better".

Shri Deokinandan Narayan: So Government supplies better milk.

Chairman: It is in the interest of the consumers that this enterprise is conducted.

Dr. Sushila Nayar: The prescribed fat content is there in the government supply. They remove some cream because the actual fat content is more than what has been prescribed. Therefore, for you, gentlemen to come and tell us that the standards are too high is meaningless. The standards are not too high, because the truth of the matter is that the standards are too low.

Shri Deokinandan Narayan: They say it is detrimental to their interests. When we get better milk from the government dairy, why should it be detrimental to their interests?

Shri A. K. Phadke: Government has a protection.

Chairman: When all the consumers go and place their demands with the government dairies, that is detrimental to them. That is their point.

Shri Tulshidas Jadhav: On page 2 of your memorandum it is written that "after the passing of this amendment it will compel a dairyman to attend to his milk business for public health reasons, not allowing him to attend his sick child who is bidding him farewell" (line 4).

Shri A. K. Phadke: He has written this feeling that he has taken shock of this business. His name is Khare.

He has a buffalo. He is a very honest man in Poona. He always tries to test the milk of all the buffaloes.

Chairman: With his own experience he wrote this memorandum? Is it only his experience or your Association's?

Shri A. K. Phadke: His experience.

Chairman: And you have put that in the memorandum.

Shri Tulshidas Jadhav: You say "for public health reasons". It is true. First we should see to the public health. What is wrong in it?

Chairman: He has answered your question; I think.

Shri Shiv Charan Gupta: Does your Association enforce the standards, the rate and quality etc., on its members and make it applicable to them?

Shri A. K. Phadke: No.

Shiv Shiv Charan Gupta: You don't enforce these standards and at the same time feel difficulty in competing with the government dairies with regard to quality.

Shri A. K. Phadke: I don't understand.

Shri Shiv Charan Gupta: As you say, your Association does not enforce on its members the rate and uniform quality. You find at the same that it is difficult to compete with the government dairy both with regard to the rate and the quality. So, in fact the position is not that pure milk is not available, but you are finding it difficult to enforce the quality.

Shri A. K. Phadke: Not always.

Shri Shiv Charan Gupta: But sometimes.

Shri A. K. Phadke: Yes.

Shri Shantilal Kothari: What is the number of membership of your Association, and how many of them have been convicted?

Shri A. K. Phadke: We have begun this Association newly.

We have got 10 to 12 members.

Shri Shantilal Kothari: And how many have been convicted within this short time?

Shri A. K. Phadke: I cannot say.

Shri Shantilal Kothari: The other thing is, you have suggested that in times of scarcity you have to have adulterated milk. I wonder if you realise what you are talking about.

Shri A. K. Phadke: Not adulterated, but take the chance.

Shri Shantilal Kothari: You said you have yourself procured adulterated milk and sold it.

Shri A. K. Phadke: I said 'sometimes', not always.

Shri Shantilal Kothari: Sometimes, even once, you have yourself procured adulterated milk in time of scarcity and sold it to your clients and consumers. Do you realise that adulteration mostly takes place in times of scarcity?

Shri A. K. Phadke: The producer is tempted to adulterate when there is scarcity.

Shri Shantilal Kothari: The second thing is, you say that the Federation is inexperienced. What do you mean? They don't adulterate?

Shri A. K. Phadke: The persons may be educated, but they have no experience about milk technique.

Shri Shantilal Kothari: You are applying two tests. The first thing is, according to your own experience, it is adulterated to your knowledge; you know of cases in time of scarcity when it is adulterated. The second thing is that you do not stand competition with the State or with the other organisations of the Government who can supply better milk. Is it not?

Shri A. K. Phadke: Ycs.

Shri Shantilal Kothari: Your memorandum shows that this is nothing but to protect almost the criminal.

Chairman: That is all right. Any Member on this side wanting to put questions?

Shri Hari Vishnu Kamath: On page 4 of your memorandum you have said, "we are not against socialist pattern of this business". May I ask whether this is intended only to flatter the Government and you are mouthing this rather time-worn slogan because it has been used by the biggest party in the country, or do you mean what you say?

Shri A. K. Phadke: The sentence is in good sense.

Shri Hari Vishnu Kamath: You really meant it? That is what I am asking.

Shri A. K. Phadke: Nowadays, socialist type of pattern is our goal and aim in the country. And for that purpose we have written in our memorandum that this business should also go on the socialist pattern.

Shri Hari Vishnu Kamath: So you have said 'yes' to my question; that is, because this is the expression which is widely used in the country today, that is why you have said you are not against it.

Shri A. K. Phadke: May be so.

Shri Hari Vishnu Kamath: Then you go on to say that after the 1961 floods in Poona—I happened to be there on that day; I remember it very well—you submitted a scheme. Have you got a copy of the scheme and if so could you send it to us? Is it a new scheme or a re-hash of the old scheme?

Shri A. K. Phadke: Unfortunately, Mr. Khare is not here; he is sick; he is unable to come and it was he who prepared the scheme.

Shri Deokinandan Narayan: Your association is supplying milk to Poona. What is your supply? What is the total need of Poona?

Shri A. K. Phadke: Our association is supplying about fifty maunds. The total need may be about 500 maunds or even more.

Shri Deokinandan Narayan: How much does Government supply?

Shri A. K. Phadke: I do not know how much is supplied by Government.

श्री बसवन्त : आप का कहना है कि छः परसेंट से कम फीट का दूध लेना चाहिए और उसको एडल्ट्रेशन नहीं माना जाना चाहिए। मैं खुद डेयरी का काम करता हूँ और दो साल से आरे डेयरी को दूध देता हूँ। ग्रामीण लोग देहात से दूध कलेक्ट करके बम्बई पहुंचाते हैं। डेढ़ साल में छः परसेंट से नीचे केवल एक ही दिन दूध आया है। लेकिन आप कहते हैं कि छः परसेंट से नीचे का दूध ले लिया जाये।

श्री ए० के० फडके : आप हमारे साथ चल कर ग्रानों में देखिए कि वे कितने परसेंट का दूध देते हैं।

श्री बसवन्त : हमारी सोसायटी के पास रिपोर्ट आती है कि कितने परसेंट दूध आया है। छः परसेंट से कम एक दिन के अलावा कभी नहीं आया है।

Shri Mohd. Hussain Jeena: We are talking about Poona and Satara districts. There is lack of good fodder, lack of cotton seeds and lack of oil cakes. That is why the quality is poor. I told you about fodder.

Chairman: It is in the memorandum. The Memorandum has been circulated to the Members.

Shri Hari Vishnu Kamath: You say in this memorandum that the Aarey milk scheme is a failure. Have you heard about the Delhi Milk Scheme? Is it a success or not?

Shri A. K. Phadke: In such cases, we cannot find out the true position about accounts or the truth about what the Government claims and so we cannot say anything about that.

Chairman: On behalf of the Members, I would like to offer our thanks to you for having come and tendered evidence.

(The witnesses then withdrew.)

Chairman: We shall now examine the Second Group.

IV. Deshi Makkhan Vypari Sangh (Regd.), Bombay.

Spokesmen:

1. Shri V. G. Sohoni
2. Shrimati H. K. Lawande
3. Dr. N. N. Godbole
4. Shrimati Laxmi Bhai Ambole
5. Shri Mohan Singh Verma.

V. Butter Makers' Association, Bombay.

Spokesmen:

1. Shri Naval Nariman
2. Shri B.A. Sanghavi
3. Dr. N. N. Godbole
4. Shri Dhunjishaw R. Kaliantwala
5. Shri A. Chakrapani
6. Shrimati N. Nariman.

(Witnesses were called in and they took their seats).

Chairman: The copies of your memoranda have been distributed to the Members. If you want to stress any points pertaining to the amendments or add any points you may do so. Your evidence will be treated as public unless you specifically mention that a part or the whole of it is confidential. Even then it will be circulated to the Members.

Shrimati H. K. Lawande: At the outset, I may be permitted to point out that our association has specifically requested for copies of certain documents. Since they have not been made available to us, it may be rather difficult for us to put forward all the facts which would help the Joint Committee.

Chairman: They had asked for some documents about standards and other things. Your letter has been sent to the Ministry.

Dr. Sushila Nayar: The standards are given in documents which are public and which are available in any library.

Shrimati H. K. Lawande: We have been informed that the documents that we asked for are confidential and for official purposes only.

Dr. Sushila Nayar: If you want to know the names of the members of the sub-committee on whose recommendations the standards are fixed, it is not possible to give you the minutes of their meeting and all that.

Chairman: Certain documents cannot be disclosed. Those which can be disclosed will be supplied to you.

Shrimati H. K. Lawande: The basic data on which the standards have been based should be made known to us.

Dr. Sushila Nayar: The standards are always there before you. The methods of analysis are before you.

Objections are obtained and examined by experts. This committee is not laying down the standards. So, the question of bringing in standards here is irrelevant. You may confine your remarks to the amendments.

Shrimati H. K. Lawande: Our basic objection with respect to this Bill is that the standards as prescribed in the rules are arbitrary.

Dr. Sushila Nayar: I have told you that we are not examining the standards here in this committee. You are most welcome to give your opinions about the standards to the Government. Dr. Godbole has written to me and we are examining it separately. Today if you have anything to say about the clauses, you may do so. You think the standards are arbitrary; we deny that contention. We will not go into that now.

Shrimati H. K. Lawande: If it is a question of only speaking on the Bill, whatever our association wants to say we have given it in our memorandum, with due respect to the committee, I submit that if my argument is curtailed as far as standards are concerned then innocent people will be victimised.

Chairman: It is not a question of curtailment of the argument. That question is not under our consideration at all. We have specifically made it clear in the beginning that only about matters pertaining to the amendments under consideration we shall listen. There are other bodies for listening to such other suggestions that you may have to make.

Shrimati H. K. Lawande: If I am not wrong, I think, our Association had brought it to the notice of the Committee that if our Association has anything to say in connection with Bill No. 59 then it is essential that it has to be considered in connection with the Act and the Rules as at present; otherwise, anything said on the Bill will be of no use.

Shri P. K. Deo: I think, she should be given a chance to point out the difficulties which are being faced by them by the implementation of the Rules.

श्री के० एल० बाल्मीकी : कानून में जो संशोधन लाया जा रहा है उसके अनुसार रूल्स में भी तो परिवर्तन किया जाएगा ।

सभापति महोदय : उसके बारे में बाद में विचार करेंगे । अभी तो यह बहस नहीं है ।

श्री के० एल० बाल्मीकी : देश के अन्दर स्टैंडर्ड अलग अलग हैं, उसके बारे में तो उनको सुनना चाहिए ।

डा० सुशीला नायर : वह उन्होंने लिख कर दे दिया है ।

Chairman: They have submitted a very big report. It is quite exhaustive.

Dr. N. N. Godbole: For the last 35 years RM value and other values used for butter analysis are in vogue. For the last so many years on many occasions in official meetings and in my capacity as a professor and an author of a book on butter fat which I consider is the only book available in India on the subject, I have been protesting that the standards laid down are wrong. The standards are there in spite of protest. According to the law there should be not more than 20 per cent moisture or water and not less than 76 per cent fat in *deshi* butter. This makes 96 per cent and leaves a gap of 4 per cent for the absorbed material which is absurd. Take, for example, the standard of butter in Germany. It is not more than 18 water and not less than 80 fat; so, the sum of the two, namely, water and fat, shall be 100 minus 2.

Dr. Sushila Nayar: May I say that you have sent all this to me and I have referred it to the standards committee? We are examining it and shall let you know what the view of

our experts is. But, as the Chairman has said, this Committee is not revising the standards.

Shri U. M. Trivedi: Dr. Godbole happens to be an expert and we can take his advice because the Act provides for the formulation of standards and for making the rules. Those rules are to be placed before the House for adoption. We are interested in hearing Dr. Godbole because we have heard so much about the standards.

Dr. G. S. Meikote: I personally feel that though the evidence of Dr. Godbole may be very interesting and instructive, we are not dealing with that aspect of the question. Here we have to take into consideration only the amendments that are proposed in the Bill.

Dr. N. N. Godbole: May I crave your indulgence for a couple of minutes? I have sent copies of it to a number of people who are dealing with standards. Many of them are my colleagues but they do not even acknowledge receipt of what I have sent them, much less consider it.

Dr. Sushila Nayar: I have acknowledged it.

Dr. N. N. Godbole: I am thankful to you. For the information of other hon. Members who are not aware of this I will submit a few points. One point is about the percentage of water. Firstly, a margin of 4 per cent leaves a clear margin for legal adulteration. Secondly, in connection with the determination of standards of butter fat for the last 30 years I have been seeing some absurd statements still continuing and we make a fool of ourselves. Thirdly, there is a maximum and minimum given for BR, there is a maximum and minimum given for the butyric acid and for water. So far as RM is concerned, there is an arbitrary minimum which is unscientific and is persisting for the last 25 years in spite of my protests. If you give me a full BR and restrict RM, it is impossible. If you restrict

RM, you must restrict your BR. One cannot have a range while the other is limited.

Dr. Sushila Nayar: I do not find myself sufficiently technically instructed to be able to understand the full significance of what you are telling me. I can only pass on what you say to the experts. You can sit with experts and myself and then thrash it out. I doubt, when I am not able to understand it, whether other hon. Members are able to understand it.

Shri Hari Vishnu Kamath: Some of us have studied chemistry; so we can understand it. I can understand it.

Dr. Sushila Nayar: We are not following what you are saying. Therefore I suggest that this technical subject may be discussed among a group of technical people. I am prepared to call a meeting of technical people so that this can be further discussed.

Dr. N. N. Godbole: I do not want to be judged *in absentia*.

Chairman: We have understood you. The Minister mentioned about a Committee of technical experts. You kindly give advice in that Committee and that would be appreciated.

Dr. N. N. Godbole: Yes.

Dr. Sushila Nayar: There is the National Institute of Dairy Research. I would suggest you may send your views to them also.

Dr. N. N. Godbole: I have already done it. You were good enough to acknowledge but with 3 reminders I am not getting any reply from them. I leave it at that. I have got a new method which I would place before the Committee there.

There is one more point. In the law courts in Poona where I have gone as witness, I have come across evidences of experts analysing butter. Their estimation of water in butter is horrible. If he was my student I

would have plugged him out. You know that the samples are tested at Poona or Baroda or Bombay. It goes to the big laboratories in places like Alipore, to the Central Food Laboratory, etc. We get two opposite reports. There are many instances and I have been witness for one of the parties. In Poona they say the percentage of water is 24 per cent. When it goes to higher authority, the higher authority says, it is 9 per cent. Both are our scientists. This is very bad.

Dr. Sushila Nayar: We can take the best scientists that are available to us through the UPSC and we have to rely on them. There is the analytical laboratory and there is the appellate laboratory. If you have any particular method to suggest, you please send your views to them. We shall see what other expert advice is available so that we can benefit from your knowledge.

Dr. N. N. Godbole: The Poona court says their report is final and the poor customers are suffering. This should not be there. If there are two contradictory reports, what action is taken by Government?

Dr. Sushila Nayar: If there are two contradictory reports, then the report of the Calcutta Laboratory which is the appellate authority, will be the final report.

Shri U. M. Trivedi: I know in a High Court Dr. Godbole's testimony was not believed as against the testimony of Dr. Kulkarni. The District and Sessions Judge's was upheld by the High Court. Are not you annoyed, Dr. Godbole?

Dr. N. N. Godbole: I am sorry I differ.

Dr. G. S. Melkote: May I remind the Chairman that we are not dealing with the question of pastourization. I would like to know from Dr. Godbole if he has any suggestions about the Amendment Bill before us.

Chairman: Dr. Godbole, you please submit your views about the standards to the Ministry so that the

Technical Committee of Experts can have the benefit of them.

Dr. N. N. Godbole: Since I was invited as a technical expert I would like to confine myself only to scientific data.

Dr. Mahadeva Prasad: You just now told us that you appeared as witness in certain cases. May I ask how many times you appeared for the accused and how many times for helping the Government?

Dr. N. N. Godbole: It is not a question of helping the Government, I am for science. Whenever any argument comes up, I give my scientific advice. Whenever a particular inference is drawn on qualitative test and not confirmatory test, I say qualitative test is not confirmatory test and I give my scientific advice. I am not going for anybody.

Chairman: On two samples of same food sent to a laboratory by two different persons—one was sent by a Federation and the other was sent by the Food Inspector—two different reports were given. I would like to bring this to your notice. Let us take up now Butter Makers' Association.

Shri Dhunjishaw R. Kallaniwalla: Just as the honourable Minister suggested now, this Bill should be kept pending till it is considered thoroughly by this Experts Committee.

Dr. Sushila Nayar: The standards are not being laid by this Bill. This Bill is laying down certain principles of law. There is a Standards Committee which lays down the standards. It is also free to revise those standards, if necessary, I said that Dr. Godbole can present his views before this Committee.

Chairman: The rules and standards both will be subsequently kept before the Parliament. You need not worry about these two things.

Shri B. A. Sanghvi: In this Amendment Bill, for the first offence the punishment is not less than six months and for the second offence it is not less than two years. We agree that the Government should prevent the adulteration which is done intentionally. A man selling butter which is manufactured in the normal course where there is no adulteration, I believe, should be allowed to sell his product. If there is no international adulteration and if this Amendment is passed, then these people may have either to give up the trade or face punishment.

Chairman: Without the intention the consumer is killed.

Shri B. A. Sanghvi: Butter is manufactured by different methods. One method is to make it out of cream, one out of curd. If you are to maintain the 16 per cent standard laid down, unless and until you control the temperature of the cream as well as wash water and even the places, it is very difficult to attain that standard. It will be difficult for small scale butter manufacturers to adhere to the prescribed moisture content. If they do it intentionally to increase the weight for getting some benefit, then it is punishable. For maintaining the temperature and everything else, pasteurization plant, cooling plant are required, especially for getting 16 per cent moisture content. It is not possible for small scale manufacturers of table butter. Now this law is going to be made applicable to each and every part of our village, town, rural or otherwise.

Dr. Sushila Nayar: May I remind you that 16 per cent moisture is only for butter which is produced by pasteurisation and creamery butter. This is not for the *deshi* butter. For *deshi* butter moisture content is 20 per cent as pointed out by Dr. Godbole himself.

Shri B. A. Sanghvi: I have got one question. What is the difference between *deshi* butter and table butter?

Dr. Sushila Nayar: The Committee cannot explain the difference. You may go and visit the dairy, the machine and apparatus they use and you will find that there is a big difference.

Chairman: He himself gave the distinction between the two.

Shri B. A. Sanghvi: In India it is made out of the cream and there is no process having been prescribed for pasteurisation and cooling methods.

Dr. Sushila Nayar: *Deshi* butter is defined very clearly on page 41 of the Rules.

Shri B. A. Sanghvi: Even for making this butter out of the cream under normal conditions the moisture content is small. It is not more than 16 per cent depending upon the season.

Dr. Sushila Nayar: You yourself said a little while ago that butter with 16 per cent moisture is possible if there is pasteurisation method. I may tell you that this is only enforced on the butter that is coming out of the dairies. The *deshi* butter prepared at home, in the cottage or village has a different standard. It does not have 16 per cent moisture.

Dr. Sushila Nayar: *Deshi* butter is one thing. According to law butter is allowed to be sold with 16 per cent moisture for the Dairies. There is no objection to this. You can make butter out of cream in both the cases—*deshi* butter as well as table butter.

Dr. Sushila Nayar: Naturally one is made with the crude method and the other is made with a more complicated machinery.

Shri B. A. Sanghvi: *Deshi* butter can be derived by churning method while the table butter is made by pasteurisation method. *Deshi* butter has been given some margin and it is 18 per cent.

Dr. Sushila Nayar: Is it your suggestion that there should be some distinction between the two?

Chairman: Both the table butter and *deshi* butter have been clearly defined in the rules at page 41 at (a) and (b).

Shri B. A. Sanghvi: My complaint is that the standard laid down for these two should not be different.

Shri U. M. Trivedi: Is it your suggestion that for table butter it should be raised to 20 per cent.

Shri B. A. Sanghvi: In our memorandum we have asked for revising this to 22 per cent.

Chairman: The moisture limit is more than 20 per cent while the fat content should not be less than 75 per cent.

Dr. Sushila Nayar: The process of manufacturing is not prescribed. Only moisture is prescribed. Now it is for you to know as to how you can prepare table butter with 16 per cent moisture. You yourself said that it can only be done if you have pasteurisation and various other apparatuses. Therefore, the table butter is that which is prepared in this process while the *deshi* butter is what is prepared at home.

Shri B. A. Sanghvi: I agree with this. Now my point is that the relaxation on *deshi* butter's standard is given on the technical ground that the butter which is prepared is without pasteurisation and cooling plant's use. When that processing has been accepted, we are manufacturing butter out of cream without wooden churn and we add colour and salt to that. This method may produce moisture a little more or less depending upon the nature.

Dr. Sushila Nayar: You will sell it as *deshi* butter. It is all given in the rules.

Chairman: It is there on page No. 41 of the Rules.

Dr. Sushila Nayar: Let me read it for you. It is clearly defined as follows:

“(a) Table butter (Creamery) means a product prepared exclusively from milk cream or curd of cow or buffalo or a combination thereof with or without the addition of salt and coloured with Annatto and shall contain not less than 80 per cent of milk fat and not more than 16 per cent of moisture. No preservative is permissible. In table butter Diacetyl may be added for flavour but shall not exceed four parts per million.”

As regards ‘*deshi* butter’ the rule provides:

“(b) ‘*Deshi* butter’ means a product prepared exclusively from milk, cream or curd of cow or buffalo or a combination thereof, with the addition of any salt or any colour or any preservative and intended exclusively for use in cooking or for preparation of ghee. It shall contain not more than 20 per cent moisture and not less than 76 per cent of milk fat. Where butter is sold or offered for sale without any indication as to whether it is table butter or *deshi* butter, the standards of quality prescribed for table butter shall apply.”

Is this not clear to you?

Shri B. A. Sanghvi: We do not agree to this definition.

Dr. Sushila Nayar: The method for manufacturing table butter will be different from *Deshi* butter. The Table butter gives you 80 per cent. milk fat whereas the *deshi* butter gives you 76 per cent milk fat content.

Shri B. A. Sanghvi: People are making use of *deshi* butter which is coloured and salted.

Dr. Sushila Nayar: Who asked you to colour it? *Deshi* butter is not to be treated as table butter. That is a straightforward question. What is the difficulty?

Chairman: What is it that you want to say?

Shri B. A. Sanghvi: Now it is accepted that colouring can be added to the butter.

Chairman: Please refer to the clauses under consideration.

Shri B. A. Sanghvi: I want to make out that the small manufacturers may not be in a position to continue their trade if the standard laid down to-day is to be followed up.

Chairman: Please straightway come to the point. What is your real difficulty?

Shri B. A. Sanghvi: When we are making butter out of cream we add salt and colour. The moisture comes to 20 per cent.

Chairman: You mean to say that it should be considered as adulterated. Section 8, Clause 4 of the proposed amending Bill gives protection to such offenders. Please see page 4, clause 8 of the proposed amending Bill. It says:—

“(8) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

* * * *

(b) that he did not know and could not, with reasonable diligence, have ascertained that the article of food was adulterated or misbranded.”

I need not read the whole thing. Let us now go to the next point. A new clause has been added.

Shri B. A. Sanghvi: If it is coloured and salted, the judge has only to see as to whether the particular standards have been maintained.

Chairman: It should not be more than 20 per cent. Why should you colour?

Shri B. A. Sanghvi: This is to be used generally only in hotels.

Chairman: Do you want to sell it as table butter?

Shri U. M. Trivedi: With the addition of salt, it is no longer a table butter.

Chairman: If he wants to sell the *deshi* butter in the name of table butter, that means another offence. Why should you use salt when it can be sold without salt?

Shri B. A. Sanghavi: Salt is used as a preservative....

Chairman: You are talking of small men, small producers; I do not know how long they will be required to preserve those things.

Shrimati C. Ammanna Raja: It is meant for cooking and for making ghee.

Shri B. A. Sanghavi: Moisture has been affected by the method of preparing.

Chairman: We have discussed this to a very great extent. *Deshi* butter has been defined; table butter has been defined. No salt can be added to the *deshi* butter.

Shri B. A. Sanghavi: That is not reasonable because the smaller manufacturer....

Chairman: Whether that is reasonable or not, the committee will decide that. You can send the suggestion to us and we will send it to the Standards Committee.

Shri B. A. Sanghavi: If the amendment is passed immediately....

Chairman: Which section are you referring to?

Shri B. A. Sanghavi: Section 16. According to the I.S.S. bulletin, the following list of new subjects approved by the Divisional Council concerned is given....

Chairman: Please come to the point.

Shri B. A. Sanghavi: Here there are mentioned methods of analysis for ghee and butter. That subject is there.

Chairman: You are referring to section 16, the penalty clause.

Shri B. A. Sanghavi: If this amendment is passed before this report come, then I think it will be unjust...

Chairman: I do not understand what you say. You mean the analysis is not correct?

Shri B. A. Sanghavi: The Government has appointed the committee. Before this report comes....

Chairman: You are referring to section 16, the penalty clause. Please let me know what is the relation existing between this analysis and the penalty clause.

Shri B. A. Sanghavi: An honest man....

Chairman: In section 8, on page 4 of the proposed amending Bill, that defence is being given to the honest vendor. If you want specifically to bring out any relation between this method of analysis and the penalty that has been prescribed, we will be glad to listen.

Shri B. A. Sanghavi: Whatever the methods of analysis are prescribed by the rules, that is going to affect the penalty.

Chairman: That is a very far-fetched idea.

Shri B. A. Sanghavi: There is a chance that a pure product can be treated as an adulterated one.

Chairman: That cannot be treated as an adulterated stuff.

Shri B. A. Sanghavi: I have got the examples.

Chairman: We shall get the advice of the experts.

डा० महादेव प्रसाद : मेमोरेण्डम से मालूम होता है कि डा० गोडबोले और मिनेज लाबोरी का अनुभव बहुत ज्यादा है, और इन्होंने बहुत से केसेज में काम किया है। हम

उनके विचार जानना चाहते हैं कि इस मिलावट को किस तरह से रोका जाये। हम चाहते हैं कि ये हमारी इस काम में मदद करें और जो खाद्य में मिलावट की जाती है उसको रोकने के उपाय बतावें।

Shrimati H. K. Lawande: In this respect I may point out that I personally feel that by just prescribing deterrent punishment under the Act, it would not be sufficient to curtail adulteration. It is essential for purposes of curtailing adulteration in the first instance, to change administration of the Act itself under which as I think the Members of the Committee are well aware, the administration of the Act is done by local bodies, that is, municipal bodies. I feel that for effective checking of adulteration or effective implementation of the Act, it is absolutely necessary that the implementation should be centralised. In my Memorandum, I have made the proposal that the matter should be entrusted to the inspectors staff of the Agricultural Marketing Advisor to the Government of India for the simple reason that that body is already established all over India and it will be in a position to take over implementation of the Act immediately. Further, I have also pointed out that for purposes of analysing the samples, the Agricultural Marketing Adviser has laid down specific tests which the Public Analyst must verify for purposes of declaring a sample adulterated or otherwise. Taking all these points into consideration and also another very basic point that the staff of the Agricultural Marketing Adviser today is well-paid, well-educated and, therefore, in a better position to guide the manufacturers as to how the production should be improved, it is essential not only to prescribe high penalties but it is also essential that the manufacturers in *deshi* butter specially should be taught how to improve their methods. It is very true that *deshi* butter, as it is manufactured today, falls below the prescribed standards but if it is to at-

tain some higher standard than what it is today, it is absolutely necessary that villagers must be properly educated. I think, if this work is entrusted to the Agricultural Marketing Adviser to the Government of India, the inspectors staff can go down into the villages and see what methods are followed. Actually, they should give demonstrations to them and make them follow particular methods and see that they follow those particular methods. It is essential that we should not be just prosecuting bodies.

Shri P. K. Deo: If it is not harmful to health, the standard of *deshi* butter may be lowered.

Shrimati H. K. Lawande: In this respect, I may only say that the product, as is existing in nature, should not be declared as adulterated. If a specific adulterant is found, then that person must be necessarily very drastically dealt with. I agree with this Committee on this point that adulteration should be stopped. But at the same time we must not forget that innocent people who have not actually adulterated should not be penalised for it. Sometimes the product itself, as it exists, is below the standards prescribed because the standards prescribed are not absolute. This point should be considered.

Shri Hari Vishnu Kamath: We are glad to hear that you hold the view that once you are given good administration, you are for deterrent punishment.

Shrimati H. K. Lawande: In cases where specific adulterant is detected.

Shri Hari Vishnu Kamath: In that case, can we take it that the real culprit having been found guilty by the highest court of law in the land should even be publicly hanged in Chandni Chowk of Delhi or Shaniwar Wada of Poona?

Shrimati H. K. Lawande: As regards punishment, I would leave it to the Legislature.

Shri Hari Vishnu Kamath: But can I take it that you will not oppose it?

Shrimati H. K. Lawande: I will not oppose it provided that no innocent person is sent to jail and for that purpose it is essential that there is a revision of standards.

Shri P. K. Deo: In your memorandum you have stated that the intention has to be established before you take any drastic action. How can you establish the intention?

Shrimati H. K. Lawande: If specific adulterant is found in the sample, then you can say that somebody must have added it. It cannot exist there otherwise. Somebody must have put it there.

Shri P. K. Deo: The onus of proof will lie on the culprit to say that he has not adulterated it.

Shrimati H. K. Lawande: Why not? What happens nowadays is that you prescribe the R. M. Value for ghee on an average basis. That is not an accurate basis and therefore the quality of butter or ghee cannot be determined precisely on that basis. Another point to be considered is that there should be some standardisation of methods. I feel that with the agricultural marketing office standard to a great extent has been achieved. I personally feel that they will work even further if they are asked to do so.

Shri Hari Vishnu Kamath: While you are pleading so vigorously for some change in the standards of administration, why don't you also plead equally vigorously for formulating a code of conduct among the ghee and butter merchants?

Shrimati H. K. Lawande: That will be a very good thing. As far as my association is concerned, I am proud to say that we have specially tried

to obtain agmark for our butter. Unfortunately we found that the agmark people have informed us that the *deshi* butter is not uniform in one bulk itself. Sample taken from one part is found to vary from the sample taken from a different part in the same bulk.

Shri S. S. Mariswami: I think you are a lawyer and you are appearing in cases connected with this Act. You were talking about innocent people being convicted. What about the people at large who are poisoned by adulteration of foodstuff by these merchants and traders? What is your solution to this problem?

Shrimati H. K. Lawande: As I have already said, the administration has to be changed. Under the Act as it is today we find that the magnates who are really responsible for adulteration are left; those who adulterate things with specific materials are left. People who deal with such articles may not be aware of this fact, but it is those who are convicted. For this purpose my suggestion is that giving of warranty should be made compulsory whenever the product is sold by a certain dealer to another so that it will definitely hold the manufacturers who are the magnates of the trade responsible for adulteration.

Shri P. K. Deo: You suggested that administration should be changed. Do you suggest a change of the Government?

Shrimati H. K. Lawande: Not the change of the Government.

Dr. G. S. Mehkote: The purpose of bringing forward this legislation is to stop adulteration. But adulteration is connected with other aspects also. For instance, the lady witness was referring to revision of standards. Standard is another aspect of the same problem. But I would like to impress upon the witnesses that we are at present concerned only with adulteration, and not standards as

such, though it is possible that innocent persons may be victimised for selling substandard items.

Shrimati H. K. Lawande: With the permission of the Chair, may I please point out that if Government is pleased to call for the records from all over India, they will realise that about 80 per cent of the samples were declared as adulterated because they were below standard. This point should be taken into consideration before the Bill is pushed through.

Chairman: If it is below the prescribed standard, then it should be declared as adulterated.

Shrimati H. K. Lawande: It may not conform to the standards as prescribed in the Rules. But still it may be genuine.

Chairman: That is due to certain factors which nobody can control. But samples from different parts of the country are collected by the Government and it is the Central Laboratory that analyses and tests them. The Standards Committee lays down the standards and there is a margin for minor variations. I might inform you and the members of the Committee of the moisture content in some of the samples of butter seized under the Act.

"The records of moisture content of 84 butter samples seized under the PFA Act and analysed in the Bangalore Municipal Corporation Laboratories (being the total for the months of January to October 1959) showed that in as many as 79 samples the moisture content was within 16 per cent, the moisture figures of the remaining five being 44 per cent, 33 per cent, 29 per cent, 35 per cent and 27 per cent respectively. Out of these samples again at least two showed other signs of adulteration. The lowest moisture content recorded in these samples was 13 per cent".

Therefore, different samples from different parts of the country during a particular part of the year are collected.

Shrimati H. K. Lawande: With due respect to whatever you say, I might say that this Committee is not dealing with the standards.

Chairman: If you have got any suggestion, we will pass it on to the Standards Committee. On behalf of your association, you can send it to us.

Shrimati H. K. Lawande: I quite appreciate that point. What I would like to point out is that in case this Bill is passed, the standards existing today will be applicable to the dealers.

Chairman: The rules, standards and this Bill are different.

Shrimati H. K. Lawande: Standards are prescribed under the Rules. There is a provision in the amendment that whatever action has been taken under the Rules as they existed till they are passed in Parliament shall be valid etc. That part of it is not rectified. If somebody happens to go to jail in the meantime, there is no remedy for him.

Chairman: The scope of the Joint Committee is limited.

Shrimati H. K. Lawande: That is very true. All I am saying is that it should be safeguarded that innocent people are not victimised.

Shri Gian Prakash: What more safeguards would you like to provide?

Shrimati H. K. Lawande: If in the definition of 'adulteration' the products which are below standards are removed and only the actual, specific adulterations are taken up for punishment, that would serve the purpose.

Chairman: That is the object of the Committee, to punish the culprit, not the innocent person.

श्री के० एल० बाल्मीकी : आप जिस एसोसियेशन की तरफ से आई हैं, उस में आप का पद क्या है ?

Shrimati H. K. Lawande: I am nobody in the Association; I am appearing purely as an advocate.

Shri K. L. Balmiki: As advocate or as legal adviser?

Shrimati H. K. Lawande: You may say I am the legal adviser. Both would be nearly the same.

श्री के० एल० बाल्मीकी : इस संस्था के कितने मेम्बर हैं ?

Shrimati H. K. Lawande: We are about twenty members.

श्री के० एल० बाल्मीकी : क्या उन में से किसी को कभी एडल्ट्रेशन के लिए सजा हुई है ?

Shrimati H. K. Lawande: Yes, because the products fell below the prescribed standards and not because of any specific adulteration having been there.

श्री के० एल० बाल्मीकी : बिलो स्टैंडर्ड और एबाव स्टैंडर्ड का प्रश्न नहीं है। अभी तक कितने लोगों के खिलाफ़ केस पेंडिंग हैं ? क्या किसी को सजा या जुर्माना हुआ है ?

Shrimati H. K. Lawande: May be more than 80 per cent also.

श्री के० एल० बाल्मीकी : कानून की दृष्टि से भी और वैसे भी आप कौं काफ़ी तजुर्बा हैं। ज्यादातर देगः मक्खन में तो नमक नहीं होता है, लेकिन क्या उस को प्रिज़र्व करने के लिए नमक मिलाया जाता है ?

श्रीमती एच० के० लावंडे : हमारी एसोसियेशन के लोग तो नहीं रखते हैं।

श्री के० एल० बाल्मीकी : जो लोग एडल्ट्रेशन के लिए पकड़े गए हैं, उन्होंने क्या चीज़ मिलाई थी ?

Shrimati H. K. Lawande: In our Association, as far as my knowledge goes, they have been convicted only because the moisture content has been more. And that is a factor which cannot be controlled.

Shri K. L. Balmiki: Was there anything mixed or not?

Shrimati H. K. Lawande: No. To the best of my knowledge nothing has been mixed.

श्री के० एल० बाल्मीकी : क्या कोई सबस्टेंस मिलाया गया था ?

श्रीमती एच० के० लावंडे : कुछ भी नहीं।

श्री के० एल० बाल्मीकी : मायस्टर की क्या परसेंटेंज थी ?

श्रीमती एच० के० लावंडे : पन्चीस परसेंट तक हो जाता है।

श्री के० एल० बाल्मीकी : आप की एसोसियेशन में जो लोग एडल्ट्रेशन करते हैं, क्या आप उनको डिफेंड ही करती हैं या एडल्ट्रेशन को दूर करने में भी मदद करती हैं ?

Shrimati H. K. Lawande: I am appearing before this Committee to stop adulteration.

Shri K. L. Balmiki: In your personal capacity as legal adviser or as vakil, are you helping to remove this adulteration or are you helping the persons who are making the adulteration?

Shrimati H. K. Lawande: I will not help anybody who indulges in specific adulteration.

श्री के० एल० बाल्मीकी : आप तो वकील हैं। वकील तो केस लेगा और अपना पैसा तय करेगा।

Shrimati H. K. Lawande: As far as I am concerned, whatever cases I have accepted so far—of course, I am an absolute junior with three

years' standing only—still, whatever cases of adulteration I have accepted have been only those where I have felt that the sample is below the prescribed standard, for no fault of the person concerned.

श्री के० एल० बाल्मीकी : क्या आप की एसोसियेशन ने अपने मेम्बरान के लिए कोई आचार-संहिता या कोड आफ कंडक्ट बनाया है कि वे लोग एडल्टरेशन न करें ?

Shrimati H. K. Lawande: You see, it has been incorporated in the memorandum of the Deshi, Makhan Vyapari Sangh. The main duty is to see that adulteration is stopped. I may be able to give you a copy of the memorandum.

श्री के० एल० बाल्मीकी : हिन्दी में देशी मक्खन को लोनी कहते हैं। क्या आप बता सकती हैं कि लोनी, नवनीत और मक्खन में क्या फर्क है ? क्या आप ने सुना है कि डाल्डा के ऊपर की भाव, फ़ोम, को मक्खन में मिलाया जाता है ?

श्रीमती एच० के० लावन्डे : हमारी एसोसियेशन में मने ऐसा नहीं सुना है।

It is very true that many people might be using that as an adulterant. That does not mean that everybody should be punished.

श्री के० एल० बाल्मीकी : क्या आप ने और कहीं से ऐसा सुना है ?

Shrimati H. K. Lawande: I am not aware of it. I am only aware that vanaspati is used as an adulterant.

श्री के० एल० बाल्मीकी : क्या आप समझती हैं कि वनस्पति में ऐसा रंग दिया जाये कि वह मिलावा न जा सके ?

Shrimati H. K. Lawande: Personally I feel that sesamum oil which is added to vanaspati is itself a latent colour. But persons who want to adulterate can do away with the colour by a chemical process.

Shri B. A. Sanghavi: Sir, I want to say a word regarding the Prevention of Adulteration Rules. The standards of quality of various articles of food specified in Appendix B to these rules are defined in the appendix. I want to suggest that these rules may be changed, and in that it should be said or defined that the appendix should be changed in consultation with the trade.

Chairman: Your suggestions are most welcome and we will send them on to the Ministry.

Dr. N. N. Godbole: I want to say that in the report of the chemical analysis the chemist has to say what the adulteration is. At present most of the reports say, "the adulteration is so much percent". That is not enough. We would like to know what is the nature of the adulteration.

Chairman: That is being noted down.

And you said that there are no representatives. The representatives of industry and commerce nominated by the Central Government are in the committee, and they are also heard.

As a technical expert if you want to give any suggestions, all those suggestions are welcome and we shall send them on to the technical committee.

Dr. N. N. Godbole: I only wanted to say this that in most of the reports they say: "Minimum expected so much, present so much, difference so much, therefore adulteration so much". That is not scientific. I would like to know the nature of the adulteration, what is the adulteration.

Chairman: I have followed your point. You want that the report should be more exhaustive and what is the material with which it is adulterated should also be specified.

Dr. N. N. Godbole: Regarding this minimum etc. I have sent my letter.

Chairman: Even with regard to admixture, if you have anything to say I will pass it on to the committee concerned.

Shri U. M. Trivedi: I would like to know from Mrs. Lawande whether she wanted the present definition of 'adulteration' to be amended.

Shrimati H. K. Lawande: Yes.

Shri U. M. Trivedi: Dr. Godbole wants the dictionary meaning of the word 'adulteration'.

Dr. N. N. Godbole: When they say that there is foreign fat, they must also say what it is. That is my point.

Shri B. A. Sanghvi: I have to make a submission. You said that innocent people should not be given rigorous punishment or imprisonment. I can show you that there are instances where one thing is treated as pure in one part of the country and at another place it becomes, according to the standards prescribed, adulterated stuff.

Chairman: We discussed all these things at great length; we said that standards are taken after examining a number of samples.

(The witnesses then withdrew)

The Committee then adjourned.

Minutes of Evidence given before the Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1963.

Friday, the 7th August, 1964 at 09.06 hours.

PRESENT

Dr. Sarojini Mahishi—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsana Chanda
5. Shri N. C. Chatterjee
6. H. H. Maharaja Pratap Keshari Deo
7. Shri Shiv Charan Gupta
8. Shri Tulshidas Jadhav
9. Shri Hari Vishnu Kamath
10. Shri C. M. Kedaria
11. Dr. Mahadeva Prashad
12. Shri Yamuna Prasad Mandal
13. Dr. G. S. Melkote
14. Shri Gokulananda Mohanty
15. Dr. C. B. Singh
16. Shri U. M. Trivedi
17. Shrimati V. Vimla Devi
18. Dr. Sushila Nayar

Rajya Sabha

19. Shrimati C. Ammanna Raja
20. Shri J. C. Chatterjee
21. Shri K. Damodaran
22. Shri Shantilal Kothari
23. Shri S. S. Mariswami
24. Shri Deokinandan Narayan
25. Shri Palat Kunhi Koya
26. Shri Niranjana Singh

DRAFTSMAN

Shri S. Harihara Iyer, *Deputy Draftsman, Legislative Department, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri R. K. Ramadhyani, *Secretary, Ministry of Health.*
2. Shri Gian Prakash, *Joint Secretary, Ministry of Health.*
3. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
4. Dr. Y. K. Subrahmanyam, *A.D.G. (P.H.), Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES EXAMINED

- I. The Indo Afghan Chamber of Commerce, Delhi
 1. Shri Nuruddin Ahmed
 2. Shri Ajudhia Nath
 3. Shri Kundan Lal Bhasin
 4. Shri Sunder Lal
- II. Northern India Hing Merchants' Association, Delhi
 1. Shri O. P. Malhotra
 2. Shri A. Pandey
 3. Shri L. D. Bhatia.
- III. Delhi Katha Dealers Association (Regd.), Delhi
 1. Shri Rattan Chand Mehta
 2. Shri Bishan Dass Mehta.
- IV. The Tea Packeters Association of India, Calcutta
 1. Shri T. S. Nagarajan
 2. Shri R. N. Das.
- V. Brooke Bond India Private Limited, Calcutta
 1. Shri T. S. Nagarajan
 2. Shri J. C. Brock.
- VI. Calcutta Tea Traders Association, Calcutta
 1. Shri J. C. Brock
 2. Shri M. R. Smith
 3. Shri J. Hollander.
- VII. Calcutta Tea Merchants' Association, Calcutta
 1. Shri M. G. Patel
 2. Shri Jayantilal H. Shah
 3. Shri P. M. Rajgopal.
- VIII. West Bengal Spice Dealers' Federation, Calcutta
 1. Shri Chittaranjan Barat
 2. Shri Nishi Kanta Halder
 3. Shri Hirendra Chandra Burman.

- IX. Bengal Spice Dealers Association, Calcutta**
1. Shri Ajit Kumar Kar
 2. Shri Dharendra Chandra Deb
 3. Shri Dinabandhu Roy.
- X. Ahmedabad Spices and Condiments Dealers Association, Ahmedabad**
1. Shri Kantilal Ambalal Shah
 2. Shri Jayantilal Jethlal Patel
 3. Shri Ramanlal Jivanlal Shah.
- XI. Calcutta Kirana (Spices) Merchants Association, Calcutta.**
1. Shri M. L. Tambi
 2. Shri Joy Kumar Jain
 3. Shri B. B. Pal.
- XII. Ghee Merchants Association, Belgaum**
1. Shri Arvindrao Joshi
 2. Shri S. Y. Kakatkar
 3. Shri V. V. Pendse
 4. Shri Babubhai Padamshi
 5. Shri Ramkrishna Kalghatgi
 6. Shri Shantilal J. Modi.
- XIII. Gujarat Sudhh Ghee Vepari Mahamandal, Ahmedabad**
1. Shri Jamana Shankar Pandya
 2. Shri Chinubhai N. Shah
 3. Shri Shantilal C. Shah
 4. Shri Jivanlal R. Patel
 5. Shri Sunderlal G. Modi
- XIV. The Ghee Merchants Association, Bombay**
Shri Shantilal J. Modi
- XV. The Guntur Kirana Retail Merchants Association, Guntur**
1. Shri M. Satyanarayana
 2. Shri S. Varahala Rao.
- XVI. Andhra Pradesh Retail Kirana Merchants Federation, Vizianwada**
Shri V. V. Punnaiya.
- XVII. Bhesal Pratibandhak Kamkaj Committee, Poona**
1. Shri M. E. Jeena
 2. Shri R. S. Joshi
 3. Shri Chiman Lal Panachand
 4. Shri Chuni Lal Shankar Lal.

XVIII. Dukandar Samiti (Regd.), Dehra Dun

1. Shri Balgobind Khanna
2. Shri Tara Chand.

XIX. North Calcutta Traders Association, Calcutta

Shri Sontosh Kumar Lodh.

XX. Bezwada Commercial Association (Regd.), Vijayawada

1. Shri Anumalasetty Sreeramulu.
2. Shri Kakaraparthi Venkateswarlu.

I. The Indo Afghan Chamber of Commerce, Delhi

Spokesmen:

1. Shri Nuruddin Ahmed
2. Shri Ajudhia Nath
3. Shri Kundan Lal Bhasin
4. Shri Sunder Lal.

II. Northern India Hing Merchants Association, Delhi

Spokesmen:

1. Shri O. P. Malhotra
2. Shri A. Pandey
3. Shri L. D. Bhatia.

(Witnesses were called in and they took their seats).

Chairman: Copies of your memorandum have been circulated to the Members. If you want to stress any point pertaining to the amendments you may do so. The evidence given by you will be published unless you specifically mention that the whole or part of it should be kept confidential. Even then it will be circulated to the Members.

Shri Nuruddin Ahmed: I represent the Indo-Afghan Chamber of Commerce. Our object is the same as the object of the committee, viz., that food adulteration should be prevented. Our chamber is concerned with two substances—*hing* and *zira* and we have been experiencing considerable difficulty with the customs authorities as well as the authorities of

the health department over these two substances. Last year also there was a *hing* scandal as a result of which one of our health officers had to leave immediately after one or two months of his appointment.

You may make the Act as strict as possible and the punishment as severe as you like, but before you do that, you must provide safeguards for the business people and traders. Stricter the law, greater should be the safeguard. It should not be a vehicle of harassment. At present the conditions of our laboratories are not satisfactory. If the rules are made loosely and if the Act provides measures which can be abused, it can do a great deal of harm to the traders and to the country as a whole. To prevent food adulteration, the Act and rules should be scientific and practical.

You cannot separate the rules from the Act, because without the rules, the Act is useless. When you consider amending the Act, you have to give directions about framing rules for each substance and remove the practical difficulties which the people are experiencing.

Dr. Sushila Nayar: Are you suggesting that the law should incorporate something like that? The rule-making power is given in the Act. This committee is not framing the rules. The difficulties with regard to the rules should be really taken up with the Government, with the Ministry, so that the body that frames the rules and that can revise the rules can go into it.

Shri Nuruddin Ahmed: That is being done. We are having constant discussion with the Ministry about *hing* and *zeera*.

Dr. Sushila Nayar: The *hing* standard was lowered temporarily. We had given them six months in the first instance and then we have given them another six months. Upto March, 1965 we have extended the lower standard.

Shri Nuruddin Ahmed: That is true. You have to give directions with regard to natural substances and manufactured substances. *Hing* and *Zeera* are natural substances.

Dr. Sushila Nayar: The trouble arises about collection. In the collection, the processes are not what they should be, with the result that there is more of extraneous matter.

Shri Nuruddin Ahmed: The collection is made in Afghanistan.

Dr. Sushila Nayar: That is why we took it up with the Commerce Ministry. They have taken it up with Afghanistan and they have even sent a delegation there to advise and help in improving the methods of collection. Pending that improvement at that end, we have relaxed the standard.

Shri Nuruddin Ahmed: That lowering of standard is not sufficient to provide relief at the moment.

Dr. Sushila Nayar: That was the maximum relaxation that could be given.

Shri Niranjana Singh: The rules are separated from the Act. Just like schedules, the rules cannot be incorporated in the Act.

Shri Nuruddin Ahmed: The rules are part and parcel of the Act; they are not separate from the Act. Without the rules, the Act would be almost ineffective. Without the rules, you would not be able to control anything at all. So, when you are considering the amendment of the Act, you have to consider the basic principles on which the rules have to be made.

Shri U. M. Trivedi: This committee is not going into that. There is a statutory body created under the Act which lays down the rules and the standards.

Chairman: The rules framed will also be laid before Parliament.

Shri Nuruddin Ahmed: But when you are considering the amendment of the Act, you have to consider the basic principles which lead to the effective working of the Act. In your report, you can mention the genuine difficulties of the trade.

Shri U. M. Trivedi: Do you mean to say that the rules should be embodied in this Bill?

Shri Nuruddin Ahmed: *Hing* and *Zeera* are natural substances and not man-made. While laying down rules and standards for various articles, we should not confuse raw materials with manufactured materials.

Dr. Sushila Nayar: In the raw product also, a lot of admixture may take place. In wheat they can mix barley or some other coarse grain. In *Zeera*, they mix some grass seeds.

Shri Nuruddin Ahmed: That is adulteration and must be punished. This chamber are only importers and they sell *hing* only to the manufacturers and not to the retailers. They get their materials from Afghanistan. *Hing* is sapped from the roots of the plant and the semi-liquid matter is accumulated in pits dug near about and allowed to dry. Then the semi-liquid or dried material is filled in goat-skin, camel hair sacks or jute bags. Then, the people in Afghanistan just take it out, dry it and fill it in the bags. In that condition it comes here. It reaches the customs either at Amritsar by land or it comes to Delhi if it comes by air. Then these boxes are opened, samples are taken out and are tested not for adulteration but for seeing whether they conform to the standards that you have laid down under the Prevention of Food Adulteration Act. What we say is that those standards are arbitrary and have not been fixed after a study of the whole problem.

Dr. Sushila Nayar: Should we have any standard for imported goods or not?

Shri Nuruddin Ahmed: Our suggestion is that for raw material we should not have any standard. The only thing is that it should not have any foreign material.

Dr. Sushila Nayar: That is the whole point.

Shri Nuruddin Ahmed: Whatever it gets naturally cannot be called as impurity.

Dr. Sushila Nayar: Everything comes out of the earth and is natural; so, any amount of mud can be mixed into anything.

Shri Nuruddin Ahmed: *Jeera*, for instance, has got many qualities. Their contents are different. How can you have one, two or three standards for so many varieties?

Chairman: You mean to say that there should be some kind of a grading.

Shri Nuruddin Ahmed: There must be grading.

Chairman: Grading is quite different from adulteration.

Shri Nuruddin Ahmed: That is what I am saying, but people are punished.

Chairman: A particular quality may be a superior quality or an inferior quality; but there is a distinction between grading and adulteration.

Shri Nuruddin Ahmed: But that is not recognised under the PFA Act.

Chairman: When the standards are laid down, a number of varieties from different areas as also imported goods are taken into consideration.

Dr. C. B. Singh: If you say that there should be no standard laid down for the raw material that comes from Afghanistan, we do not agree with you there because if there is no standard then anything can be done. But will it serve your purpose if we put some standard even for the raw material as it comes from Afghanistan?

Shri Nuruddin Ahmed: There should be classification. There are so many qualities and varieties of *hing* and *jeera* coming from Afghanistan that is impossible to classify them under one standard. Prices of all those varieties differ and even according to the Customs Act the tariffs differ. So, there should be classification according to each variety.

Dr. C. B. Singh: Have you any scientific data for this?

Shri Nuruddin Ahmed: Yes. Your customs manual lays down the tariff for *hing* coarse at Rs. 110/- per lb., Anguri Rs. 120/-.....

Dr. C. B. Singh: They do not give even the chemical composition.

Shri Nuruddin Ahmed: No; but they recognise the difference.

Dr. Sushila Nayar: I would bring to your notice the fact that though there are these different varieties, we have not indicated the highest limit. The lowest limit is what has been indicated by the standards committee. So, if what should be available in the worst or the lowest variety, even that is not available then the law comes in. Maybe, the people in Afghanistan are adulterating it, but this country is paying the money to Afghanistan; therefore, should we not insist that we will have at least the minimum standards which are applicable on a vast number of chemical analyses of the lowest variety? People should learn the value of doing things properly and of giving good stuff to the consumer.

Shri Nuruddin Ahmed: If that is done, I think, they will be satisfied.

Dr. Sushila Nayar: That is what has been done.

Shri Nuruddin Ahmed: At present it is not done.

Dr. Sushila Nayar: While laying down the standards it is the lowest variety that is taken into consideration and not the highest.

Shri Nuruddin Ahmed: We have received several communications. There is a very recent letter of the 1st July, 1964 from the Director-General of Health Services to our hon. Secretary which says that our demand is under the consideration of Government and that as soon as some decision in the matter is arrived at, we would be informed of the same.

Dr. Sushila Nayar: That shows how every point that is made by the trade is given the most careful consideration and then only decisions are arrived at. They are not arbitrary decisions.

Shri Nuruddin Ahmed: These standards were laid down in 1955. Since 1958 we are trying to get them changed. There has been a constant struggle going on.

Dr. Sushila Nayar: Temporary relaxations have been given from time to time.

Shri Nuruddin Ahmed: But we want this thing to be finally decided on a scientific basis.

Dr. Sushila Nayar: How can you finally decide it? As processes improve, we want to raise the standards. I hope, you do not want people to keep on giving inferior quality of goods to the consumer. Being realistic and knowing what the conditions in Afghanistan are, we have relaxed those standards to a certain extent. Now we are taking up the matter with Afghanistan to improve the standard. We are obtaining samples from other countries like Iran and other neighbouring countries and telling Afghanistan that if they can have this standard why you cannot have the same standard. Afghanistan says that we should send a team of experts to help them improve the standards and we have agreed to that. So, as the techniques improve the standards will be raised.

Shri Nuruddin Ahmed: But till this is done, let us not suffer from prosecutions and confiscations of property worth lakhs of rupees.

Dr. Sushila Nayar: We have given further relaxation. But *hing* is one of those things in which our people are indulging in large-scale irregularities and it has been brought to my notice that the very fact that we have allowed them to do this compounding, that is the main source through which they are adulterating and making money by giving much inferior stuff to the consumer than they should.

Shri Nuruddin Ahmed: I am not representing the compounders and the processors. I am only representing the importers who get the raw material from Afghanistan and am only placing their difficulty before you.

Dr. Sushila Nayar: The point is this. Samples are taken at the customs barrier. Whatever standards are at that time they are not prosecuted. If we allow them to import the stuff then they will not be prosecuted if it is of the same content as at the time of analysis of the imported stuff. We may take it up with Afghanistan and say, this shall not be allowed if it is inferior. These gentlemen who might have paid might have some genuine difficulty about it. What we release from the customs, we won't prosecute them for it.

Shri U. M. Trivedi: On a point of order. So far as standards are concerned, yesterday we decided that we might leave it to the committee. We said the recommendation or representation will be put before the Standardisation Committee.

Chairman: Mr. Nuruddin Ahmed, you please give your suggestions and we shall pass them on to the committee responsible for framing rules and you can proceed to the next point. The Committee has understood your point. There can be adulteration at raw material stage and at subsequent stage also. The importer and innocent vender has got to be protected. You have proposed certain amendments.

Dr. Sushila Nayar: We are very anxious to see that they are not unnecessarily harassed. We have suggested that after the customs sample is taken they seal it and take it to godown so that there is no question of its being tampered with.

Shri Nuruddin Ahmed: If they are sealed and marked for manufacturers, only then they are protected. If you have arrangement with Afghanistan, it is better.

Dr. Sushila Nayar: Analysis has to be done here.

Chairman: The Committee has got the point. Shall we proceed?

Shri Nuruddin Ahmed: Zeera is an indigenous thing. We have got stan-

dards laid down for white zeera which comes from Afghanistan. It is quite different from black zeera. The botanical name given to the substance is out-dated. That was given about 100 years ago. You have got three different rules under the present Act. Three different standards are laid down. In the agreement which we have with Afghanistan, there are four varieties.

Dr. S. N. Mitra: Standards are laid down for three types of zeera. The type which the gentleman referred to has been collected and we have got samples. I don't think this august Committee would make recommendations on the use of any particular variety. For example, in the case of tamarind, there are so many varieties. They are used in consumption of food. Sometimes they are used for adulterating foodstuffs. Take zeera for a specific example. Carum Bulbocastuum, a wild variety of zeera is wholly substituted and sold. Such a variety would be declared adulterated. In order to protect the consumer from such type of pucca adulteration and indirect adulteration, these botanical names have been given.

Dr. Sushila Nayar: It has been stated to me by very responsible people that laying of standards on the basis of lowest denominator opens the flood-gates for adulteration. When the trader complains even about the lowest denominator, it is obvious that he is adulterating not only the better variety but he wants even standard below the lowest minimum that has been laid down. They have told me that we should not lay the lowest standard. We should say the lowest is so much and the highest is so much and keep somewhere an average of that. If we keep the average proportion, the trader may not accept that also because he wants to have even below the lowest denominator. We need the co-operation of the trade in this. This should be concerned about the welfare of the consumer.

Shri Nuruddin Ahmed: There are several varieties of zeera, the highest to the lowest and the most ordinary also and their prices also differ. The market consists of people who can pay for the most expensive and who would be able to buy only the cheapest. If you allow the import of cheaper varieties, then you must have different standards for them.

Dr. Sushila Nayar: Even the lowest requirements are not observed.

Shri Nuruddin Ahmed: Then you are absolutely justified in punishing them.

Dr. C. B. Singh: There is difference in the standard of all these things. Sometimes we lay the lowest and sometimes we lay the highest. Will it not be possible for us to lay down three quality standards—No. 1 quality No. 2 quality and No. 3 quality—so that there is no chance of disregarding the standards?

Dr. Sushila Nayar: We can examine that.

Shri Nuruddin Ahmed: That is what we are suggesting also.

Dr. Sushila Nayar: Already separate standards have been laid down.

Shri Nuruddin Ahmed: They do not have the names.

Dr. Sushila Nayar: Black Cumin or *kala zeera* shall be the dried seeds of *Nigella Sativa Lum* and shall contain not more than 5% of foreign organic matter, not more than 7.00 per cent of total ash and not more than 1.25 per cent of ash insoluble in hydro chloric acid and not less than 0.5 per cent of volatile oil. This volatile oil is most important for black zeera. For ordinary zeera volatile oil has not been laid.

Shri Nuruddin Ahmed: This does not exist at all. It has to be imported.

Dr. Sushila Nayar: Just now it is imported.

Chairman: If you give certain suggestions about the existing standards, then the Standards Committee will consider.

Shri Nuruddin Ahmed: All that we are saying is there should be classification of qualities. They should be realistic and based on scientific facts.

Dr. Sushila Nayar: We are doing it.

Shri Nuruddin Ahmed: This is absolutely out-dated and out-moded.

Chairman: We shall pass on your suggestions.

Shri Nuruddin Ahmed: As we have stated in the memorandum, the proposed amendment in sub-section (7) of section 10 of the principal Act should be as follows—'call at least 2 independent witnesses of the locality to be present at the time when such action is taken and take their signatures'. They should neither be connected with the department nor with the trader.

Shri U. M. Trivedi: How will you decide that? Will not the same provision in the Criminal Procedure Code serve the purpose here also?

Chairman: You want a similar provision as found in the Cr. P.C.

Shri Nuruddin Ahmed: The suggestion here is there should be 2 independent witnesses.

Chairman: The Committee has understood your point.

Shri Nuruddin Ahmed: From Form (VI) under Rule 12 of the P.F.A. Rules the word 'Food' should be deleted and substituted by 'item'.

Dr. Sushila Nayar: The traders want?

Shri Nuruddin Ahmed: The importers.

Dr. Sushila Nayar: That does not concern the Committee.

Shri U. M. Trivedi: What is your idea about imprisonment provision in this amending Bill?

Shri Nuruddin Ahmed: Now, I am talking as a member of the public. Before you impose on the first offender imprisonment, you must be sure that your detecting machinery is not corrupt. That is very important. Otherwise, it will put a premium on corruption. Instead of charging 100 rupees, they will start charging Rs. 1,000 and their life will be made miserable. I know as a public man and I have deals with these people as a lawyer. Corruption is so rampant in your prosecuting machinery.

Shri O. P. Malhotra: I am representing Northern India Hing Merchants' Association. This compounded *hing* is the diluted form of asafoetida because asafoetida, as it is imported into India, is a raw material and so to say a crude drug. Most of the encyclopedias and scientific data are supporting the point that the *hing* as it grows in nature, is a drug and not a food item. In the first instance, our Standards Committee missed the point. I will rather start with the *post mortem* of this Act because of my 11 years' experience as Food Inspector.

Shri U. M. Trivedi: You are welcome to express the view that you like. But, we would like to confine ourselves into the four corners of this amending Bill.

Shri O. P. Malhotra: The very title of the Act is Prevention of Food Adulteration Act. It is a recognised principle of jurisprudence and it has been established by our Supreme Court that the title of the Act must bear a reasonable relation to its context.

Now coming to section 2, my humble comment upon this definition clause on 'adulteration' is....

Chairman: With deference to you, I must say that this particular section is not under consideration for amendment.

Shri U. M. Trivedi: Are you suggesting any amendment to this? Have you given anything in writing as to what is your suggestion? Do you

mean to say that there is any other definition for this?

Shri O. P. Malhotra: Yes, Sir.

Shri U. M. Trivedi: Have you given it in writing?

Shri O. P. Malhotra: I shall submit it in writing.

Shri U. M. Trivedi: You must give that in writing so that we may consider it.

Chairman: This particular section is not under consideration.

Shri U. M. Trivedi: If he wants to make any suggestion, he can give it in writing.

Chairman: Let him give it in writing. We shall consider it.

Shri U. M. Trivedi: We shall consider it if you give it in writing. You have only stated that this definition is not good. I want to know as to what should be the definition for 'adulteration'?

Shri O. P. Malhotra: I think we should make a distinction between man-made things and the things given by nature. We should insist on quality where the thing is made by human agency. We should not insist upon quality in the case of things made by nature.

Shri U. M. Trivedi: Do you mean to say that the definition of 'adulteration' as defined under section 2 is not proper and that it should be modified? What is the modification that you would like to point out? Do you understand my point? We are running against time. Please be quick.

Shri O. P. Malhotra: I shall hardly take ten minutes.

Shri U. M. Trivedi: I think that it would be more helpful if you would kindly give us a note stating as to what exactly do you want to put to the existing definition for 'adulteration'?

Shri O. P. Malhotra: The definition that is prevailing in various countries like United Kingdom and United States of America is....

Shri U. M. Trivedi: Don't put your clause. You simply give your suggestions.

Shri O. P. Malhotra: My suggestion is that the definition of 'Adulteration' as given in the Act is very wide and vague generally to cover all possible foreseen, and unforeseen, predictable and unpredictable situations and conditions which, *per se* have no control. The definition as given in the Law of Hamsburg....

Chairman: That very section is not under our consideration.

Shri O. P. Malhotra: My respectful submission is that the very foundation to the Act is laid on the definition of 'adulteration'.

Chairman: That is true. If you want to say anything with reference to section 16 as also section 2, you can do so. You may please give it in writing.

श्री के० एल० बाल्मीकी : आपने जो परिभाषा दी है उसके शब्द तो बताइये ।

Shri O. P. Malhotra: In this context, it will be interesting and instructive to find out as to how the word 'adulteration' has been defined in similar statutes in other countries like the U.K. and the U.S.A.

Chairman: The whole Committee knows that. If you want to say anything to the existing one, you please tell us.

Shri U. M. Trivedi: Let him help us. Can you please read the proposed amendment to section 16? It says:

"Whether by himself or by any person on his behalf imports into India or manufactures for sale or stores, sells or distributes any article of food".

Have you got any objection to this?

Shri O. P. Malhotra: I have no objection to this. But my submission is that this is a debatable point. Under the Act, whether storage *per se* is an offence or not. So, with reference to section 16, we quote certain instances.

Suppose I have stored *kala zeera* or other commodities in my godown. They are not for sale because I have to screen them, I have to subject them to so many other processes so that in the test, all the external materials and extraneous matters may be removed from them. An Inspector comes to my godown and takes the samples also. I am not aware and the court is not going to accept my plea that it was not adulterated but that it was in the process of being cleared from extraneous matters. So, storage *per se* should not be an offence.

Chairman: Can you say as to what is the percentage of extraneous matter that can be allowed in the original materials?

Shri O. P. Malhotra: It varies with the nature of the substance.

Chairman: What is the maximum?

Shri O. P. Malhotra: There should be no extraneous materials at all.

Chairman: 75 per cent. is the external material while 25 per cent may be *zeera*.

Shri O. P. Malhotra: When in godown it is not for sale. I must be given a chance first that I should clear it. So, the mere storage should not be an offence.

Chairman: The definition was made by the Standards Committee. Standards have been made; you know them and the Members know that. They have taken into consideration all these things and then laid down the standards.

Shri O. P. Malhotra: Under Section 16, storage is an offence.

Chairman: That leads to sub-standard or something of the kind.

Shri O. P. Malhotra: A distinction should be made as to whether the storage is for sale or for the mere storage.

श्री के० एल० बाल्मीकी : 171 19 के बारे में आपको क्या ज्ञान है ?

Shri O. P. Malhotra: Section 16 says that mere storage should not be an offence.

Chairman: But the storage that leads to a particular thing and that makes the food impossible or undesirable for human consumption is certainly considered as an offence.

Shri O. P. Malhotra: If it leads to all these things then it is an offence.

Chairman: It is bad storage that is considered to be an offence. If a housewife stores a certain article in the store room for the purpose of consumption of the family, then it cannot be called as bad storage or storage with a view to adulterating or earning some profit or something like that.

Shri O. P. Malhotra: Mere storage *per se* should not be an offence under the Act.

Chairman: Storage by itself is an offence if it leads to something else undesirable.

Shri U. M. Trivedi: His contention is this. That is, the storage *per se* should not be an offence provided the stuff is not exposed and that it should be clean and fit for sale.

Dr. C. B. Singh: If you say that it is not for sale, how will the inspector know that this material which is in store is not for sale and that the other one is for sale? The trouble will come there. You may say that it is not for sale but it may be for sale. How is the distinction to be made?

Shri O. P. Malhotra: If the unclean or adulterated stuff is in my possession, I have to clean it and then to exhibit it for sale. If the inspector takes the sample at that point of storage, it will be an excessive hardship.

Dr. C. B. Singh: How will the inspector who goes there to check it know that this article is not for sale and that the other article is for sale? How will he make the distinction?

Shri O. P. Malhotra: If the man is found selling it at the godown, then he should be taken to task.

Chairman: He might put a note on that 'Not for Sale' when the inspector goes there and will remove it afterwards.

Shri O. P. Malhotra: In foreign countries like U.K. and U.S.A., they have inserted a clause for enhanced punishment. It is only if the offence is committed due to personal negligence and default that he is to be given the enhanced punishment and not otherwise.

Chairman: We have got your point. You can proceed to your next point.

Shrimati Jyotsna Chanda: The gentleman is citing so many rules. May I know from him whether the traders of India have got that mentality of making business in that way?

Chairman: She says, the hon. gentleman has cited so many examples from foreign enactments and other rules. Does he mean that the traders of India have got that mentality of making business?

Shri O. P. Malhotra: We should take every human being as a gentleman until proved to the contrary. The morality in India may be higher than what is prevailing in America.

Shri Deokinandan Narayan: Is it the business morality as it is found in America and England?

Chairman: I do not know whether he is an authority on all these things of international matters.

Shri O. P. Malhotra: Now, I come to section 10. Under the Indian Evidence Act, there is a specific section which says that no particular number

of witnesses is required to prove any fact in any court of law. Either there should be two respectable persons of the locality or section 19(7) should be completely deleted. It should be left to the discretion of the court. The Indian Evidence Act which is a very long standing statute has been working well. There should be at least two respectable persons of the locality from where the sample is taken.

Then, I come to section 11, that is, regarding procedure to be followed by food inspectors.

Chairman: Section 11 is not under consideration. Please deal with sections which are under consideration now.

Shri O. P. Malhotra: I come to section 20 which is going to be amended. It has been stated by the Supreme Court that it is not an empty formality that before instituting the proceedings the local authorities or the State Government are to apply their mind as to whether the case should be instituted or not. Here also I submit that in certain chemical analysis there are minor variations and if the sample is failing by 0.1 per cent then the authorities should be given the discretion to see as to whether the case should not be instituted in the court or not.

Shri U. M. Trivedi: That discretion is already vested there. Do you mean to say that there must be a preliminary inquiry before that power is exercised?

Shri O. P. Malhotra: As it is under the Drugs and Cosmetics Act, 1938, in America they do not report the case on minor variations. This is expressly mentioned in it. If there is a minor variation, the matter should not be reported to the court.

Shri U. M. Trivedi: You can approach the local authorities.

Chairman: The discretionary powers are already very wide.

Shri O. P. Malhotra: It is expressly incorporated under that Act.

Chairman: It may not be necessary to incorporate it here. The discretionary powers are already very wide. Have you got any other point? No. Then, Mr. L. D. Bhatia. You can refer to any of the sections which are under consideration.

Shri L. D. Bhatia: I am speaking on section 16. I support the idea that the adulterators should be heavily punished. I want to cooperate with the Government in eradicating adulteration. But I want to stress this that the man who is punished must be an adulterator. From practical point of view, we come to the conclusion that *Hing* is a crude drug which is imported from Afghanistan. The impurities and foreign matters are but natural in it.

Shri U. M. Trivedi: You do not want to include it in the foodstuffs. That is for the Standards Committee to decide. They have included it in the foodstuffs. You want that it should be left out from the purview of this Act. That is the only point you are making. This Committee is not for standardising food articles. All these suggestions that are being made will go before the Standards Committee. This Committee is merely a Committee for making the law. We are not here to standardise the things. This is not within our jurisdiction.

Shri L. D. Bhatia: When the law comes into applicability, when there is a punishment prescribed, when there is infringement of the rules, unless and until my sample is tested, prosecution should not be initiated. From practical experience I can say that as an honest trader I cannot pull on with my business due to faulty procedures and lack of any provision to check the analysis in deciding the case whether the sample is correctly analysed or not. Until and unless

these are checked, I cannot be sure that my prestige is safe. I cannot pull on with my business as an honest man.

I will now come to the findings of the Central Committee of Food standards. In the beginning they said that *hing* should not contain sand, gravel or any other foreign mineral or material. Later, after nine years, through a letter of the Health Ministry they admitted that the presence of foreign mineral material was natural in *hing*. Who is responsible for the convictions of innocent people during these nine years? The law must protect them. Similarly in the case of compounded *hing*, in order to make it marketable, starches....

Shri U. M. Trivedi: You are telling the same thing again. You do not want *hing* to be included in the list of food articles. You are treating us as a Committee of Standards. We have told you that these things should be placed before the Standards Committee. This Committee cannot take cognizance of what you say.

Chairman: I was told by the Hon. Minister that when the circumstances compelled them, the standards were also relaxed to a certain extent. But she never said that the standards should be relaxed to that extent whereby people can supply all undesirable things.

Shri U. M. Trivedi: For this, they should go before the Standards Committee. Why are you anxious to tell us these things? We should not take cognizance of these things. You can go before the Standards Committee where all your views will be considered.

Chairman: If you want to give any suggestions regarding standards, you please give them in writing and we will pass them on to the Standards Committee.

Shri L. D. Bhatia: If I want to run my business as an honest man, as an

honest trader, Government will have to give me shelter.

Chairman: How many times have the members of your Association been convicted?

Shri L. D. Bhatia: Each and every member has been convicted and many have been acquitted. It is rather strange that there is so much variation in the results of these tests from laboratory to laboratory . . .

Chairman: I do not know by whom the samples are sent?

Shri L. D. Bhatia: The third part is being sent and this is maintained for the very purpose.

Shri R. K. Ramadhyani: It can be sent only to the appellate authority which exists for this very purpose in case the first analysis shows something which you wish to get verified. The Central Food Laboratory is the appellate authority and it is their duty to make sure that there is a second test and to see that there is nothing wrong in the first part.

Shri A. Pandey: But prosecutions will be launched before that. We can quote a number of such cases. Therefore, it will save a lot of harassment to the trader and a great deal of unnecessary litigation to Government if non-confirmatory samples are rechecked before prosecution.

Chairman: We shall note that point.

Dr. C. B. Singh: That the standards in various laboratories differ so widely is a very important point. Does it really differ, and if it differs why does it differ? This is an important point.

Chairman: Yesterday we discussed this very same point. Samples are given by the Food Inspector and by the vendor and it was explained yesterday that sometimes the part with the vendor is adulterated. Unless there is some adulteration there cannot be any variation. There is of course margin for minor variations,

say, to the extent of 1 per cent, for defects in the apparatus, etc.

Dr. C. B. Singh: If there is a chance for adulteration in between who is responsible for it? Not the trader. This point must be decided here. This is a very serious matter.

Dr. S. N. Mitra: Yesterday I gave some examples as to how this discrepancy is happening. In a majority of samples our report agrees with the report of the public analyst. In some cases there have been discrepancies. Offhand, and particularly in a case like this, it is not possible for me to give exact reasons for such discrepancies. These are scientific things. In my laboratory these discrepancies have been found due to some sort of adulterant. There were cases when we had asked the vendor to send his counterpart to the Central Food Laboratory and was found completely different from the results of the public analyst. Then I asked for the food inspector's counterpart which was found to be adulterated. The conclusion is obvious. This happens in some cases particularly in the case of milk products and liquid substances. In the case of asaloetida there may be genuine mistakes. I do not think all analysts are infallible. We take all possible precautions. Public analyst also takes lot of precautions. Actually, there cannot be any difference in the results at all. But there may be difference in the matter of interpretation of results on which I have no hand. I interpret it according to my own judgment and the public analyst interprets it in a different way. In the microscopic examination of certain adulterants we find that there are sometimes some genuine differences between the public analyst and the Central Food Laboratory.

Dr. C. B. Singh: Why should that be? You are a scientist, why should there be?

Dr. S. N. Mitra: As Dr. Singh may know, in the case of microscopic analysis it may be differently interpreted,

particularly when the adulterant is small. But this type of difference is rather much less than in the case of tampering.

Shri A. Pandey: You should send two samples to two different laboratories, one in the State and the other in another State, and only when both the laboratories find that there is an adulteration, then only prosecution should be started. This will save a lot of botheration to the Government also, as well as to ourselves.

Chairman: That is the arrangement. Only when it is not considered satisfactory it is sent to the appellate laboratory. You want it to be sent to two different laboratories in two States, and you don't want the appellate laboratory to work at all.

Shri L. D. Bhatia: We want justice.

Chairman: No one would like to sacrifice justice. The Committee has caught your point.

Shri L. D. Bhatia: As Dr. Mitra said, to err is human...

Chairman: We are not here to discuss philosophical matters.

Shri L. D. Bhatia: There must be some provision to check that the analyst has not done his work with a view to sabotaging my flourishing business. If that is done my business is lost.

Dr. C. B. Singh: I will not agree with you when you say that.

Shri L. D. Bhatia: It is possible.

Dr. C. B. Singh: It is not possible.

Shri L. D. Bhatia: I can show you from the extract of the *Times of India* dated 17th March, 1964.

Chairman: These offhand allegations cannot be made. You please submit it to the Committee.

Shri L. D. Bhatia: It is given as an appendix to our memorandum.

Chairman: That is all right.

Shri L. D. Bhatia: From this it is obvious that the samples were changed at the customs or in the laboratory, and the sample was declared adulterated.

Chairman: The Public Analyst does not know who is the vendor in a particular case.

Shri L. D. Bhatia: On the sample the name and address are written. And my business is flourishing. There is every possibility, and you must admit that there is the maximum corruption in the laboratories.

Chairman: If you want to suggest that instead of the names some numbers should be given there, we shall consider it, but you cannot go on making allegations.

Shri L. D. Bhatia: I would suggest this: don't give Delhi sample in Delhi; give Delhi samples in Punjab, Punjab samples in Bombay, like that.

Shri U. M. Trivedi: What you say amounts to this that all our officers are dishonest. How can you make that assumption?

Chairman: And that all analyses are wrong. If there are any positive and concrete suggestions which with an open mind you would like to make, we shall pass them on to the concerned committee.

श्री के० एल० बाल्मीकी : कोर्ट ने जो डिसाइड करना है, वह तो अलग बात है। आप बताइये कि आप कानून में क्या परिवर्तन चाहते हैं ?

Shri A. Pandey: There are some drawbacks. Even though it may be good quality *hing*, there may be very little alcoholic extract. This is a point which should be brought to the notice of the Committee. For instance, *Heera hing* and other good varieties have the minimum alcoholic extract.

Chairman: As I told you, as regards standards if you have any suggestions please give them in writing and we shall pass them on.

Shri A. Pandey: That will help the grading.

Chairman: The standards are fixed after testing hundreds of samples in different parts of the country, and the lowest available is fixed.

श्री के० एल० बाल्मीकी : स्टैंडर्ड्स क्या दुबारा बनाये जायें ?

श्री तुलसीदास जाधव : स्टैंडर्ड्स की बात आप बार बार क्यों कहते जा रहे हैं ? एक बार कह लिया है, काफी है।

Chairman: I think you have covered all the points?

Shri L. D. Bhatia: I want to say one thing about compounded *hing*. The Act says there is a lead of quality standard. But I fail to understand why the standard of compounded *hing* has been degraded from 10 per cent to 5 per cent alcoholic content. I find no reason behind this.

Chairman: You may give it in writing and we will pass it on to the committee that will sit there to consider these things.

Shri L. D. Bhatia: I am giving you a summary of the amendments. I have full faith, I want to suffer enhanced punishment, but I must be provided with shelters that I can continue to carry on my business. Otherwise I will have to leave the trade.

Chairman: I think you have explained your point at great length. Neither is it the intention of this Bill or this Committee or the Parliament to punish an honest vendor or dealer. It is only intended to punish the culprit, the adulterator.

Shri L. D. Bhatia: Surely, if that is the motive, I will welcome the Bill.

श्री तुलसीदास जाधव : आप सुनें चेयर-मैन साहब क्या कहते हैं। बार बार आप कहते हैं कि अगर यह उद्देश्य है तो मैं बिलकम करता

हूँ। यह कमेटी या पार्लियामेंट अगर कोई काम करती है तो क्या उसका जो उद्देश्य होता है वह अच्छा नहीं होता है? आप एबीडेंस देने के लिए आये हैं और आप अपनी बात कहें।

Shri L. D. Bhatia: I feel sorry.

Shri A. Pandey: The procedure is that five samples of the lot are taken and they should be made a composite mixture.

Chairman: There is provision only for three samples.

Shri L. D. Bhatia: The modified procedure provides that five samples should be taken. Secondly, it says that only two parts should be given, and the third part is not given to the vendor with the result that the vendor cannot prove his innocence or the genuineness of his stuff. He is at the mercy of the Institute. The third part should be given to the vendor.

Secondly, we understand from the Director-General of Health Services that this modified sampling procedure has been drafted on the lines of the ISI recommendations. On going through it I find the number of containers taken is the same, but what has to be done is that the samples from the various containers should be made into one and then only should it be tested. But what we find is that all the five samples are tested independently and only if all the five conform to the standard, then only the lot is released. If even one of them falls through, the whole lot is declared adulterated. That is not fair. *Hing* is a heterogenous substance. I challenge, if ten samples of *hing* are taken they will all differ from one another because it is a heterogeneous substance.

Chairman: It is not necessary that all the five samples should be of the same standard.

Shri B. K. Ramadhyani: The object of taking five samples is to obtain an idea of the composition of the consignment as a whole. All the five samples

are taken into account in arriving at the standard and it is not correct that the result of one of them is taken into account.

The rules contain the procedure prescribed for the express purpose of notifying whatever our intentions are regarding standards. When these notifications are put out, it is open to you to put forward your objections and difficulties. They are then referred to technical experts before any final decision is taken.

Shri Deokinandan Narayan: What should be the minimum price of your unadulterated *hing*? Secondly, they know much more than what we know about how *hing* is being adulterated. What are the adulterants according to their knowledge?

Shri L. D. Bhatia: There are many varieties of *hing*. The coarser variety is Rs. 10 per kilo and the finer variety is Rs. 90 per kilo. The coarser variety gives more alcoholic extract and the finer one less. The adulterants which are allowed to make it *bandhani* or compounded are starches, i.e., rice flour, *atta* and *maida*.

Chairman: The authorities say that you are making a misleading statement. The definition of *bandhani* or compounded *hing* is given here on page 34 of the rules. You should not say something which is not correct.

श्री के० एल० बाल्मीकी : आपका क्या विचार है। जो चीज कि लेबारेटरी में केमिकल आघार पर एडल्टरेटेड पायी जाए उसके आघार पर सजा होनी चाहिए कि इस आघार पर कि उस चीज में जो मिलावट है वह कम हानिकारक है या ज्यादा हानिकारक है? आपकी राय में सजा का आघार क्या होना चाहिए ?

Shri O. P. Malhotra: With the coming into being of the Prevention of Food Adulteration Act, there are two broadly classified provisions. There are certain absolute prohibitions in the rules that certain admixtures are not permitted. When the public analyst

says that it is an admixture, prosecution is initiated. There are others in which the percentage of adulteration is very material. Previously the Punjab High Court and other High Courts held that the public analyst or the Director, Central Food Laboratory should state the exact percentage of adulteration. If the percentage of adulteration was not given, no conviction was possible. But that has now been over-ruled by the Division Bench of the Punjab High Court.

श्री के० एल० बाल्मीकी : एक बोरे से एक नमूना ऊपर से लिया जाता है और दूसरा जरा गहरे में से लिया जाता है, तो दोनों में अन्तर आता है। ऐसा क्यों है। इसका अर्थ क्या यह नहीं है कि नीचे कुछ और माल है और ऊपर कुछ और है। इसके बारे में आपका क्या कहना है ?

Shri Malhotra: My respectful submission to this is that the very nature of the thing is heterogeneous.

Dr. G. S. Melkote: If all asafetida that comes into India from outside is standardised, then any further adulteration in the imported stuff should be punishable.

Shri O. P. Malhotra: If it is imported into India pure and then it is found to be adulterated in India, a dealer or the retailer should be given the maximum punishment.

Chairman: Thank you very much.

(The witnesses then withdrew.)

III. Delhi Katha Dealers' Association (Regd.), Delhi

Spokesmen:

1. Shri Rattan Chand Mehta
2. Shri Bishan Dass Mehta

(Witnesses were called in and they took their seats.)

Chairman: You were present here yesterday. Therefore, as you have heard, the evidence given by you will be treated as public unless you specifically mention that the whole or part of it may be treated as confidential. You may refer to any point submitted in your memorandum that you wish to elucidate or to any other point that you may desire to bring to the notice of the Committee.

Shri Rattan Chand Mehta: The Manufacture of *Katha* is done mostly in forests. It is a cottage industry. There are factories too, but there are only two or three factories in India. 90 per cent of the *Katha* used is made by hand, by indigenous methods in the forests. They are mostly farmers or petty contractors who prepare it. There is a tree called the *Khair* three which is auctioned by the Forest Department and these people have to purchase those trees. At the time of auction all sorts of trees, dry, semi-dry, green, hollow, moth-eaten etc. are sold. The Government knows that the produce from the dry, hollow or moth-eaten trees will be somewhat inferior to that from sound trees, still they auction every type of tree. Those trees have to be cut, small chips have to be made and those have to be boiled in earthen or aluminium pots. The water used is mostly stream water or rain water in pools. It is not pure or filtered. Therefore some sort of dust formation occurs in the manufacturing process. The drying up takes 30 to 40 days. That also is done in the open jungle where there is regular blowing of wind with the result that dust gets deposited on the surface of the slab that is made. So, in the manufacturing process, no foreign matter is mixed; whatever little dust comes in is due to the blowing of winds. According to the standards laid down, they have allowed only about $\frac{1}{2}$ per cent of un-soluble ash whereas sometimes the ash content is somewhat higher.

About a decade ago they used to mix soapstone to some extent which was injurious; but now there is absolutely no such mixing up in the manufacturing process.

Chairman: Why has it been given up?

Shri Rattan Chand Mehta: The trade has realised that the thing should be pure.

Dr. Sushila Nayar: Or, because the Act has been applied to *katha* so that the trade has thought it better not to mix soapstone?

Shri Rattan Chand Mehta: The Act was passed in 1956 or 1957 but this thing is coming in its pure form since 1953.

Shri Bishan Das Mehta: We came to know of the Act only in 1960.

Dr. Sushila Nayar: So, the trade itself realised that it should give pure *katha*?

Shri Rattan Chand Mehta: Yes.

Dr. Sushila Nayar: I am happy to hear that.

Shri Rattan Chand Mehta: If the Government wants to improve further the quality of *katha*, our suggestion is this. The forests are all owned by Government. At the time of auction, therefore, hollow or dry trees should not be auctioned for the manufacture of *katha*. Let them be sold as firewood, but they should not be sold for the manufacture of *katha* because *katha* manufactured out of those hollow, dry or moth-eaten trees will definitely contain more particles of dust etc., than that manufactured out of green trees.

Chairman: What is your point?

Dr. Sushila Nayar: That suggestion can be made to the Government.

Chairman: Have you got any amendment under consideration? If you want to say anything against any of the amendments etc. you may say so.

You may say what changes, modifications etc. you want to be done. You may make such submission to the Committee.

डा० सुशीला नायर : क्या इस कानून के संशोधन के बारे में आप को कुछ क्ना है ?

Shri Rattan Chand Mehta: There are two standards; hand-made *katha* and mill-made *katha*.

डा० सुशीला नायर : जहाँ तक स्टैंडर्डज का ताल्लुक है, इस कानून के नीचे एक स्टेटुटरी कमेटी बनी हुई है। स्टैंडर्डज के बारे में आप को जो कुछ कहना है, वह आप हैलथ मिनिस्ट्री को भेज दीजिए या मुझ से मिल कर बता दीजिए। लेकिन यह कमेटी केवल कानून की चन्द धाराओं में संशोधन करने और इस कानून को कड़ा बनाने पर विचार कर रही हैं। आप जानते ही हैं कि कानून को कड़ा बनाने की आवश्यकता क्यों पड़ी है। इस कानून की धाराओं के बारे में अगर आप कुछ बताना चाहते हैं, तो बतायें।

सभापति महोदय : क्या संशोधनों के बारे में आप को कुछ नहीं कहना है।

श्री रतन चन्द मेहता : नहीं। हम इस कानून के खिलाफ नहीं हैं।

श्री बेषकीनन्दन नारायण : आप ने कहा है कि यह काटेज इंडस्ट्री है। आप ने यह भी कहा है कि कंट्रैक्टर्ज यह काम करते हैं। अगर कंट्रैक्टर्ज इस काम में आ गए, तो यह काटेज इंडस्ट्री नहीं रहती है। क्या आप के ख्याल में कहीं कत्ये में एडल्टेशन होती है या नहीं ?

श्री रतन चन्द मेहता : मैनुफैक्चरिंग प्वायंट पर एडल्टेशन आफ़ ऐनी फ़ारेन मैटर नहीं होता है।

श्री बेषकीनन्दन नारायण : तो फिर एडल्टेशन कहीं होता है ?

श्री रतन चन्द मेहता : फ़ारेस्ट में ट्रीज में हालोनैस या ड्राइनेस होती है। इस लिये उस के पार्टिकलज उस में एन्टर कर जाते हैं।

डा० सुशीला नायर : आप कहते हैं कि आप की जानकारी में एडल्ट्रेशन नहीं होती है। लेकिन आप यह तो नहीं कह सकते कि दूसरे भी एडल्ट्रेशन नहीं करते हैं।

श्री रतन चन्द मेहता : गवर्नमेंट इस की जड़ें भी बेचती है।

डा० सुशीला नायर : कत्ये में सैंड एंड डर्ट, वाटर इनसालुबल रेजिड्यू इन एक्सेस और एल्कोहल इनसालुबल रेजिड्यू इन एक्सेस वगैरह मिलाए जाते हैं।

श्री रतन चन्द मेहता : फ़ार्मर्ज या मैनुफैक्चरर्ज के द्वारा जो कत्या तैयार किया जाता है, वह उसी तरह कन्ज्यूम नहीं किया जाता है। पान वाले और हाउस-वाइज उस को इस्तेमाल करने से पहले उबालती हैं। फ़ारेस्ट में मनुफैक्चरिंग के प्रासेस में कुछ चीज मिल जाती है। गवर्नमेंट की तरफ से कत्ये में हाफ़ परसेंट इसालुबल एण एलाऊ की गई है।

डा० सुशीला नायर : आप जानते हैं कि कत्या महंगी चीज है। अगर वह एक छटांक की जगह सवा या डेढ़ छटांर बन सकता है, तो ज्यादा दाम मिल सकते हैं। इसका मतलब है कि एडल्ट्रेशन में कुछ मोटिव है।

श्री रतन चन्द मेहता : मोटिव तो है ही। अगर कोई मिक्स्चर करता है, तो उस के पीछे प्राफ़िट मोटिव है। गवर्नमेंट की फ़ारेस्ट सेल में खामियां हैं, उन में इम्परूवमेंट की जानी चाहिये।

श्री के० एल० बाल्मीकी : कत्या बनाने के दो तरीके हैं—एक प्राकृतिक और दूसरा मध्य के द्वारा बनाने का,

जो कि कड़ाही में बनाया जाता है। कत्ये की कीमत पिछले बीस साल से लगातार बढ़ रही है और पान खाने वालों की संख्या भी बढ़ रही है। ताम्बूलम् मुखभूषणम्। ताम्बूल में कत्या ही उस की जान है, पान नहीं। कत्ये में जो मिलावट होती है, वह मनुष्य द्वारा बनाये जाने में होती है या प्राकृतिक तरीके में भी होती है?

श्री रतन चन्द मेहता : फ़ारेस्ट में कोई एडल्ट्रेशन नहीं होती है।

श्री के० एल० बाल्मीकी : आप की संस्था में कितने मेम्बर हैं?

श्री रतन चन्द मेहता : ३५।

श्री के० एल० बाल्मीकी : साइंटिफ़िक आघार पर जो स्टैंडर्ड तय किये गये हैं, उन को हम सही मानते हैं। इस बीच में जो सैम्पल लिये गये हैं, उन में से कितने एडल्ट्रेटिड पाये गये हैं?

श्री रतन चन्द मेहता : हमारी ऐसोसियेशन ने ये आंकड़े इकट्ठे नहीं किये हैं।

श्री के० एल० बाल्मीकी : आप इस कमेटी को ये आंकड़े भेज दीजिये कि पिछले साल, दो साल में कितने लोगों को सज़ा हुई।

श्री रतन चन्द मेहता : हम भेज देंगे।

श्री के० एल० बाल्मीकी : क्या कोर्ट में ऐसे कोई केस पेंडिंग है?

श्री बिशनबास मेहता : जी हां। हमारी दुकान के नौ सैम्पल १९६० में लिये गये थे। जब हम को पता लगा कि इस का स्टैंडर्ड बना हुआ है, उस वक्त हमारी दुकान में कोई मिक्स्ड माल नहीं था। हमारे पास ३५० रुपये मन से ले कर ६०० रुपये मन तक का माल था। जब कार्पोरेशन के द्वारा कोर्ट में सैम्पल भेजे गए, तो नौ सैम्पलों में से पांच पास

हो गए और चार फ़ैल हो गये। जो चार सैम्पल फ़ैल हुए, वे हमारे सब से अच्छे माल के थे। वे मायस्टर की बिना पर फ़ैल हो गये। कत्ये की जो हल्की क्वालिटी होती है, जो कि ड्राई ट्रीज या रूट्स से बनती है और जिस की कीमत ३२५ रुपये या ३५० रुपये मन होती है, उस में चार परसेंट एश होता है, जब कि गवर्नमेंट के ला के मुताबिक हाफ़ परसेंट होना चाहिये। जबकि गवर्नमेंट के लोगों के अनुसार उस में आधा परसेंट आना चाहिये था। हमने इसको आगे मूव किया। हम प्योर चीज़ बचते हैं और प्योर करके ही हमने बेचा था। उस में कोई मिक्सचर नहीं था। हम मिनिस्ट्री में गये और वहां पर इस मामले पर सोच विचार हुआ। जो स्टैंडर्ड बना था वह १९५५ में बना था। उस वक्त कोई भी कमेटी वगैरह ने इसको नहीं बनाया था। देहरादून फारेस्ट इंस्टीट्यूट के जरिये सिर्फ़ मिल मेड के कत्ये का स्टैंडर्ड ही बनाया गया। जो काटज इंडस्ट्री में बनता है, वह बहुत बढ़िया कत्या होता है। इसको मिनिस्ट्री ने भी माना और उसके आधार पर एडवाइस दे दी।

डा० सी० बी० सिंह : आपने अपने मैमोरेण्डम में कहा है कि कत्ये को आर्टिकल आफ फूड न माना जाए। आप क्या इस बात को मानते हैं कि कत्या लाखों लोग खाते हैं? अगर यह बात सही है तो किस तरह से आप कहते हैं कि इसको आर्टिकल आफ फूड न माना जाये?

श्री बिशन दास मेहता : कत्या हम रा मैटीरियल के तौर पर बेचते हैं। हमारे यहां से जो लोग कत्या ले जाते हैं उसको वे जा कर बायल करतें हैं और फिर छानतें हैं और तब उसको वे पान पर लगाते हैं। चूंकि यह एक रा मैटीरियल है जो हम बचते हैं इस वास्ते हमारा कहना

यह है कि इसको आर्टिकल आफ फूड न माना जाए।

डा० सी० बी० सिंह : वह खाया तो जाता है, यह तो आप भी मानते हैं। तब आपका यह कहना कि आर्टिकल आफ फूड इसको न माना जाए, वह गलत हो गया।

श्री तुलशीदास जाधव : यह तो ठीक है कि पतला करके लगाते हैं। लेकिन देहातों में कत्या खाने भी हैं, क्या यह आपको मालूम है?

श्री बिशनदास मेहता : नार्दन इंडिया और यू० पी० वगैरह में पतला किया जाता है।

श्री तुलशीदास जाधव : माराष्ट्र में पान के साथ इसका टुकड़ा खाने हैं पतला नहीं करते हैं।

सभापति महोदय : उनको मालूम हो कि खाया जाता है। लेकिन वह चाहते हैं कि कत्ये को इस में मत लाइये।

श्री रतनधन्व मेहता : हम इसके खिलाफ नहीं हैं कि अगर एडल्टेशन कोई करता है तो उसको सजा न दी जाये यह एडल्टेटिड चीज मार्किट में बिके जो अपराधी पाया जाये उसको सख्त सजा मिलनी चाहिये। हम अगर एडल्टेशन करें तो भगवान के और कानून के भी हम सजादार होंगे। लेकिन जो गुनाहगार नहीं उसको सजा नहीं मिलनी चाहिये, उसके खिलाफ एकशन नहीं होना चाहिये, यह हमारा कहना है। तूफान आदि आने से भट्टे के ऊपर उसका असर पड़ता है और क्वालिटी में भी फर्क पड़ जाता है। मिलों की तरह से काटेज इंडस्ट्री वालों के पास सहूलियतें तो हैं नहीं तो फिर मिलों के स्टैंडर्ड तक वे कैसे पहुंच सकते हैं?

सभापति महोदय : आपका प्वाइंट समझ में आ गया है। अब आपको क्या कुछ और कहना है?

श्री विशानचन्व मेहता : जो सैम्पल लिये जाते हैं उनको अगर डिफ्रेंस लैबोरेटरीज में भेजा जाए तो डिफ्रेंस रिजल्ट आते हैं , अलग अलग रिपोर्ट्स आती हैं । कोई ऐसी व्यवस्था की जानी चाहिये कि शुरू से ही दो लैबोरेटरीज की रिपोर्ट्स मांगी जायें । एक तो कारपोरेशन की जो लैबोरेटरी है उसकी रिपोर्ट मांगी जाए और दूसरी किसी और रिसर्पासिबल लैबोरेटरी की मांगी जाये और रिपोर्ट आने के बाद ही किसी के खिलाफ प्रोसीड किया जाए । इसका कारण यह है कि इसका जो एनैलैसिस होगा वह बहुत ही डेलीकैट होता है । इन वास्ते एक रिसर्पासिबल लैबोरेटरी से इसका एनेलैसिस करवाना बहुत जरूरी है ।

श्री विशानचन्व मेहता : मैं एक अर्ज और करना चाहता हूं । गवर्नमेंट चाहती है कि एडल्ट्रेशन खत्म हो जाये । शहरी होने के नाते हम भी इस मामले में आपको एक राय देना चाहते हैं । जो इस ट्रेड वाला है वह इस चीज को जितनी अच्छी तरह से समझ सकता है, उतनी अच्छी तरह से शायद दूसरा नहीं समझ सकता है । जब कोई केस चलाया जाए तो एसोसिएशन के एक मेम्बर की या किसी मैनुफैक्चरर की या इस ट्रेड में कोई आदमी जो लगा है और जिसको आप ईमानदार समझते हैं उसकी भी जुरिसडिक्शन केस में होनी चाहिये । जुरी में ट्रेड का भी रिप्रिजेंटेटिव होना चाहिये ।

Shri R. K. Ramadhyani: The Committee of Standards has got two representatives, one from trade and one from industry.

श्री विशानचन्व मेहता : अब तो ऐसा है कि मैजिस्ट्रेट को जो फैसला देना होत है उसे वह दे देता है और कह देता है कि चूंकि एडल्ट्रेशन पाया गया है, इस वास्ते इसको इतनी सजा दी जाती है । लेकिन आप देखें कि इनकम टैक्स के

मामले में क्या होता है । आई. टी. ओ. फैसला दे देता है, उसके बाद अगर कोई अपील करना चाहता है तो उसके लिये ट्रिब्यूनल होता है जिस में तीन आदमी होते हैं । अब उसमें तीन आदमियों का दिमाग काम करता है जब कि आई. टी. ओ. ने अकेले ही फैसला दे दिया होता है । इस वास्ते मैं कहना चाहता हूं कि एसोसिएशन के किसी मेम्बर को या ब्यापारी को किसी को जिसको गवर्नमेंट ईमानदार समझती हो और जिस पर उसका एतबार हो आनरेरी कैंपेसेटी में रख ले और फैसला देने से पहले उसकी भी राय ले ली जाए तो ज्यादा अच्छा होगा । इस तरह से जो यह एडल्ट्रेशन है यह जल्दी बन्द हो सकता है, बजाय इसके कि कानून को सख्त किया जाये ।

सभापति महोदया : आपको और की कुछ कहना है ?

श्री बसबन्त : मैं एक सवाल पूछना चाहता हूं ।

विटनेस ने कहा है कि ढालो लकड़ी होने से कत्था सब-स्टैंडर्ड बन जाता है । मेरे डिस्ट्रिक्ट में तो काटेज इंडस्ट्री इसकी बहुत है । वहां पर लकड़ी के पीस बना कर बायल कर लेते हैं और ढालो लकड़ी का कोई सम्बन्ध उसमें नहीं होता है ।

खैर की झाड़ु में पोला (हैलो) लकड़ी बहुत कम होती रहती है, क्या यह भी उनको मालूम है ?

श्री विशानचन्व मेहता : खैर ट्री के हांडवूड में तो कत्था निकलता है । जो झाड़ु का होता है उसमें से हल्की क्वालिटी का कत्था निकलता है और जो गंज होता है, उसमें से बढिया क्वालिटी का । इसकी उद्दत सा वेराइटीज होती हैं और यह पचास रुपये से ले कर आठ सौ रुपये मन तक बिकता है ।

Shri Rattan Chand Mehta: May I clarify that? When a magistrate is to try such cases, a representative from that trade should be associated to know whether it is actually adulterated in the real sense that there is some foreign matter or there is only a technical defect like excessive moisture.

Shri Yamuna Prasad Mandal: You have said on page 4 of your Memorandum that because the restriction imposed by the Government on Katha in this manner is bound to result in completely obliterating the cottage industry of manufacture of Katha in jungles and would therefore be opposed to the directive principles contained in the Constitution. Again on page 5 you say that it is void under Article 13 of the Constitution as violating the fundamental rights guaranteed to the petitioners under Articles 19(1) (f) and (g) and 14 of the Constitution. How do you explain this?

Shri Rattan Chand Mehta: The traders are dealing only in raw material; they are not selling it as ready-to-eat food. The traders or the manufacturers, what they are not mixing anything, are selling it as a raw product.

Shri Yamuna Prasad Mandal: You try to procure the raw material from, katha tree and not the adulterated raw material.

सभापति महोदय : आपका कहना कि जो बोने वाले हैं, जो गेहूं बेचने वाले हैं, जो आटा बेचते हैं उनको न पकड़ा जाए, बल्कि जो रोटी बेचते हैं उनको ही पकड़ा जाए ।

Shri Rattan Chand Mehta: Adulteration is possible only at that level.

Chairman: It is possible at all levels.

Shri Rattan Chand Mehta: As far as admixture of soap stone or earth

or clay is concerned, heavy punishment should be provided.

Chairman: You have made that quite clear. You need not elaborate that.

Shri Yamuna Prasad Mandal: I would request him to withdraw these things at least in his own interest.

Chairman: In his interest, he should withdraw these two points (3) and (5). You, being a lawyer, should know that the substitution of food by something else is an offence. After all it is ultimately consumed by the human beings. Anyway, you have tried to give your guidance in the course of your evidence.

On behalf of the Members of the Select Committee, I would like to extend my thanks to you.

(The witness then withdrew.)

(The Committee then adjourned to meet again at 13-30 hours.)

(The Committee reassembled at 13.30 hours.)

IV. The Tea Packeters Association of India, Calcutta

Spokesmen:

1. Shri T. S. Nagarajan
2. Shri R. N. Das.

V. Brooke Bond India Private Limited Calcutta

Spokesmen:

1. Shri T. S. Nagarajan
2. Shri J. C. Brock.

VI. Calcutta Tea Traders Association Calcutta

Spokesmen:

1. Shri J. C. Brock
2. Shri M. R. Smith
3. Shri J. Hollander.

W.I. Calcutta Tea Merchants' Association, Calcutta

Spokesmen:

1. Shri M. G. Patel
2. Shri Jayantilal H. Shah
3. Shri P. M. Rajgopal.

(Witnesses were called in and they took their seats)

Chairman: Gentlemen, the evidence that you will be giving here will be treated as public unless you specifically mention that the whole of it or a part of it should be treated as confidential. Even in the latter case, it will be circulated to the Members of the Committee and to the Members of Parliament. We have received the memoranda from you and they have been distributed to all the Members of the Committee. If you want to stress any other points pertaining to the amendments under consideration, you are most welcome. You may explain within five or ten minutes whatever you want to explain and then the Members would like to put certain questions to you and you can answer them afterwards.

Shri T. S. Nagarajan: I am very grateful to the hon. Members for giving us an opportunity to appear before you to represent our difficulties and our viewpoints that we wish to make.

I would like to emphasise that we are fully aware that there is a need for strengthening and tightening the rules for prevention of adulteration. We wish to point out certain practical difficulties which we are confronting here.

The first amendment is one under clause 7 which is classified under (a) and (b) of the Bill. There are two types of punishments. Under (a), the minimum sentence of six months is imposed upto a maximum of two years and fine. We have no difficulty about that. We feel that that is very necessary. But there are other things which are of a minor or technical

nature. Suppose it may be the question of the code number of the packet or the label or certain other smaller details of the packet. At the present movement it is upto the discretion of the judge to decide what the quantum of punishment should be. It may be either punishment or fine or both depending upon the gravity of the offence. But in the new amendment which is proposed, it is said that the punishment will be imprisonment for two years and fine. We feel that would cause a lot of hardship to the traders who will have to go to jail just for a simple or a technical offence. I make that submission for the consideration of the Committee.

The next point is again relating to the same thing which covers clause 2 of the present Bill which classifies the types of offences from (a) to (k). There again, we feel that clauses (a) to (k) indicate deliberate and wilful intention. We are trying to make a distinction here between wilful and deliberate intention and the accidental offence. After all, the purpose of the Act is to prevent adulteration of food with dangerous and injurious chemicals and to punish the people concerned. We do not want them to escape the law whoever it is. This anti-social evil must be dealt with severely. There is one sub-clause (1) which relates to chemical standards. In the plantation industry, both for tea and coffee particularly we have a problem. There are certain prescribed standards in the Act under (1). It has been our experience that there are certain types of genuine teas which do not sometimes conform to the prescribed standards. We have had a series of experiments carried out. We had sent some of the teas to two or three laboratories and we found wide variations. It is because tea is a commodity which is grown in gardens and it varies from plantation to plantation in different parts of Darjeeling and Assam. It is not possible to establish a definite standard which every type of tea should conform to.

I would like to submit that when you consider tea, you must remember

that it is more consumed for its taste and flavour than as an item of food. You must have heard about famous tea tasters. They taste the product in certain types of blends and then they buy it. Even the quality control practised in the plantation industry is based on taste. There are certain teas which may be chemically all right according to the prescribed standards but then the tea tasters would not pass them for the taste because they will reject them on the basis of taste. Similarly there are teas which have been passed by the tea tasters, but which do not conform to the tea standards, one way or the other.

We feel that the minimum of six months' imprisonment for any type of offence including non-conformation of standards will be hardly fair. There is no way of knowing whether the articles which we get conform to the standards or not. For instance, we buy coffee seeds from the Coffee Board. Therefore, some distinction may be made between adulteration coming under sub-clauses (a) to (k) and what is contained in sub-clause (1). As it is, under the law, even for an offence falling under sub-clause (1), one is punishable with 6 months' imprisonment. We have, in this connection, a proviso to be incorporated in clause 7 of the Bill on page 2 of our memorandum, which says:

"Provided, however, that in the case of Tea and Coffee, and such other similar products, if they are found to be affected only under sub-clause (1) of clause (1) of Section 2, the person dealing in such products shall not be liable for the penalty of imprisonment".

Again, it is upto the judge to decide the matter. It may be a marginal case. It is upto him to decide whether that requires a definite punishment of 6 months' imprisonment or fine or even acquittal.

There are two other points which the Tea Packers Association have made and Shri Das will deal with those points.

Shri E. N. Das: Our memorandum covers mainly three items. The first relates to clause 7 which Shri Nagarajan has just now explained. I do not have much to add to what he has said, except one or two things. After that I will take up clauses 5(ii) and 5(iii) as covered by the memorandum.

The first thing is that there should not be any compulsory imprisonment for the first offence. Reading the Act as it stands today and reading the proposed amendment as published in the gazette, I have no doubt that the purpose behind this legislation is to stop adulteration and not to give definite punishment to the people who adulterate. On behalf of the Tea Packers Association, I can assure you that we are prepared to give 100 per cent support to this policy. We also agree that there should be stringent law as far as adulteration is concerned. But looking at the definition of the word 'adulteration', this Bill covers not only adulteration as it appears to a lay man, but also other technical things.

Dr. Sushila Nayar: Do you agree with (a) to (k) in the definition?

Shri E. N. Das: There I agree with what Shri Nagarajan has said.

Having said that, I will now refer to clause 5(ii) of the Bill, as covered by our memorandum on pages 2 and 3. So far as this clause is concerned, it is proposed in the Bill to insert a proviso after sub-section (4) of the Act. That proviso reads:

"Provided that whenever the food inspector keeps in the safe custody of the vendor such article, the vendor shall execute a bond for a sum of money equal to the value of such article with one or more sureties as the food inspector deems fit".

The suggestion of the Tea Packers Association as covered in their memorandum is that there will be no difficulty so far as execution of bond is concerned. But there are practical

difficulties in the matter of giving sureties sometimes. The idea behind the legislation is not to make monetary gain for the Government, but to stop adulteration. There are already sufficient measures taken against the offender because he can be punished if he tampers with the seized article of food. In addition to this, if sureties are also to be furnished by the dealer, then it becomes very difficult. The suggestion is that the provision regarding one or two sureties may be deleted. Let the proviso remain as it is upto the execution of bond. We have indicated in our memorandum a draft of the proviso.

Coming to clause 5(iii) of the Bill, it is proposed in the Bill that the words "as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures" contained in sub-section (7) of the Act will be deleted. Under the proposed amendment, the clause provides only for one witness. The suggestion made by the Tea Packeters Association in their memorandum is that the law should provide for independent witnesses. That will be very fair for both the parties. Since the number is going to be reduced from two to one, independent witness should be provided for in this clause.

These are the three suggestions which I would like to place before the Committee.

Shri T. S. Nagarajan: Speaking for the Brooke Bond India Private Limited, I have nothing more particularly to add to what is contained in our memorandum except that we have got a table to submit in order to prove what we have stated here that there is no noticeable relationship between the trade standards and the chemical specifications required under the Act so far as tea and coffee are concerned. We usually go by taste. Similarly, we buy coffee seeds from the Coffee Board which is a Government owned body. We have no control over the raw material so far as

coffee is concerned. Then, some cognizance must be taken of the fact that as the word 'adulteration is defined ...

Dr. Sushila Nayar: You said that (a) to (k) is all right, but (1) should not come under this. We have caught your point. Anybody else?

Shri J. C. Brock: I have got an analysis table. I will pass it on to you.

Here there are three tables. The first table shows the analytical results relative to one tea that appeared to us to be of a reasonable standard according to the normal practice of sight and taste which was later analysed by seven different analysts to see whether in fact it was of the standard—there was some doubt about it. And Table I shows the results of the seven different analysts who tested the same tea. The difficulty we would like to stress is that they vary considerably and that at present the basis for imprisonment or any other sentence in clause (1) is that the tea does not come up to a particular standard. It is quite obvious that the different analysts produce different results, and where the variation can be as much as 5 per cent on a particular item it is very difficult to know whether the tea is actually below a particular standard or not.

Dr. Sushila Nayar: The analysis is very difficult to be exact, that is your point?

Shri J. C. Brock: We feel that there should be at least two analytical results if any serious action is to be taken.

Shri N. C. Chatterjee: What is the point, that the same tea analysed by different people produces different results?

Shri J. C. Brock: Yes, it varies considerably, and therefore any one analytical test is not sufficient to carry any weight.

Shri N. C. Chatterjee: Samples from the same tea?

Shri J. C. Brock: Exactly the same tea.

Going on to Table II, when we found out the results of Table I, we decided to take three teas sold in auctions and have them analysed to see whether the analytical results vary. Though the variation is not so great, you will see a noticeable variation in the case of one tea which to my astonishment was one that had been sold in the auction five or seven times. From our trade standards we never knew that there was anything wrong with it. But the acid insoluble ash was high. Our trade standards cannot possibly cope with it.

Table III shows the analytical results in respect of coffee. And we found that a large percentage of the coffee sold at Government auctions is sub-standard according to the specifications.

Therefore it is quite impossible for traders to conform to these standards, because the standards appear to be too high. Though we will take this up with the Health Ministry, if this amendment is put through we will be in extreme danger, because a lot of coffee is sub-standard.

Dr. Sushila Nayar: Anyway, we shall examine it.

Chairman: The next is the Calcutta Tea Traders Association.

Shri J. C. Brock: That is myself again.

In addition to our memorandum, one point I would like to stress is that it is commercially impracticable to have the teas analysed on a wide scale. As I have already pointed out, quite a large quantity of tea and coffee is being sold which are sub-standard and not adulterated. If the penalty of imprisonment is retained, there would be a danger of the producers, brokers, buyers and everybody going to jail for no true offence.

The other point is that if this is brought in it is a very serious matter because all of us will be liable to go

to jail and this would certainly cause a considerable stir. And in the tea industry in particular the speed of handling the commodity is a very important factor. As you know, it is export-oriented and a lot of tea goes for export. And if we have to do analytical business on this scale it will delay and hold up the whole system in Calcutta, and it would also have very unpleasant export publicity in the export markets.

Chairman: The next is the Calcutta Tea Merchants' Association.

Shri Jayantilal H. Shah: I have not very much to add. We agree to sub-clauses (a) to (k) in clause 2. But only about sub-clause (1), as Mr. Nagarajan has already explained, I want to stress that we must understand that adulteration is nothing but the addition of an extraneous matter, which is foreign matter, which is not part and parcel of the tea.

Dr. Sushila Nayar: Suppose used tea, brewed tea, is dried and put back. Is that foreign matter?

Shri Jayantilal H. Shah: Yes.

Dr. Sushila Nayar: That is only tea leaf.

Shri Jayantilal H. Shah: But it will give a different result in the analysis.

Dr. Sushila Nayar: Say, dust.

Shri Jayantilal H. Shah: Any matter which is added to tea should be taken as an adulterant and not sub-standard tea.

Dr. Sushila Nayar: If the decoction has been taken out and the leaves are dried and put back again, it will be only sub-standard.

Shri Jayantilal H. Shah: It will give some different result on analysis.

Dr. Sushila Nayar: So you are going back to analysis.

Shri Jayantilal H. Shah: Some of the gentlemen from ISI are here. They can guide us in this matter. We

had so much discussion on this matter. Dehra Dun tea which is being marketed is sub-standard according to the P.F.A. Act at present, because it does not conform to the standard. But the infused tea, that is tea once used, and the Dehra Dun tea will not give the same results.

Dr. Sushila Nayar: In other words you are confirming that analysis of tea is necessary, what your other friends have been objecting to.

Shri Jayantilal H. Shah: We say it is necessary when it is found that some tea is sub-standard. After all, it is not possible for the Health Department to check all the tea.

Dr. Sushila Nayar: There can be only random sampling.

Shri Jayantilal H. Shah: Therefore we say that for sub-standard tea the punishment should not be like that.

Dr. Sushila Nayar: You don't want imprisonment for sub-standard tea?

Shri Jayantilal H. Shah: Exactly.

Dr. Sushila Nayar: What is your definition for sub-standard tea?

Shri Jayantilal H. Shah: Tea which is varying with the prescribed standard.

Dr. Sushila Nayar: How do we put the standard for tea? It is against the lowest standard or the highest standard. What they have done is that they have taken a large number of samples; and having taken a large number of samples and having analysed them they have taken the lowest denominator, not the highest denominator, as the standard. They have put in their standard the lowest.

Shri Jayantilal H. Shah: It leaves no margin.

Dr. Sushila Nayar: If your tea does not even conform to the lowest standard, the implications are quite obvious. In fact, as I explained to some other friends, the charge against us is that because we take the lowest

denominator we leave the door open for the adulterator. He adulterates and brings it to the lowest denominator; in doing so he sometimes overshoots and comes below the lowest denominator and gets into trouble and comes to us and says 'you should alter the standards'. Having already taken the standard at the lowest it becomes very difficult. I think that the thing to do for the Standards Committee is not to fix it at the lowest but to take the average or something like that. But the whole idea was not to be hard on the trade. So far as you are concerned you are a highly organised trade, but there are all kinds of trade, and that is why the lowest denominator was taken. But here it seems that there is objection even to that.

I would like to explain one or two points here. With regard to sub-clauses (a) to (k) and (1) we shall examine it, and the Committee may have other questions to ask. With regard to sureties and bonds, the whole idea was this. Sometimes it is a vendor, a hawker, who is going round selling something. You take a bond from him. Then he just disappears. You cannot trace him afterwards. And he may have been selling something which was very very dangerous for health. That is why the idea of surety was brought in. It is not meant for the man that you can get at who has an established place of trade and so on. About 'independent witness' again, I am told that the definition of the word 'independent witness' will create so many complications that almost nobody may be an independent witness. He either knows one party or the other party with the result that every case will fail on the definition of 'independent witness'.

Chairman: What is your idea about 'independent witness'?

Shri R. N. Das: What is meant here is that the witness who is not brought by the food inspector.....

Chairman: If he is brought by the vendor?

Shri R. N. Das: We do not want either the food inspector's man or the vendor's name. We want one who is not interested in either party. Since the food inspector is treated as a public officer, he can ask anyone to come as a witness. That man cannot refuse it because if he refuses to come, he will be charged for refusing to obey the public officer's command. Therefore, there is a definite provision of food inspector to get witness who is neither connected with him nor connected with the vendor.

Dr. Sushila Nayar: With regard to the standards that you have complained of and that there are difficulties and differences, these things were presented to the Government and the Government set up a committee with the Indian Standards Institute and that Committee has met in Calcutta. Dr. Subramaniam was the convener of the Committee and the Brooke Bond and some other Tea Packeters and the Tea Board were all represented in the Committee. They have prepared some draft standards as a result of that meeting and these are at present under circulation. After they are examined and the objections received, if any, they will be revised accordingly. So, there is no difficulty about revising the standards.

Shri N. C. Chatterjee: All that you are saying is that your raw material is derived from nature and that raw material varies in different zones. That is the question of fixing standards.

Shri J. C. Brock: The standards are slightly too high. They are not the lowest common denominator. It does mean that purities should be reduced and definitely some of the coffees are sub-standard. The standards are a little higher.

Dr. Sushila Nayar: Anyway, these standards are under examination. There is a large-scale adulteration of tea going round in the market. Two or three years back I was travelling in a train and there was lying a very huge consignment of these packages of Lipton's tea and the man

travelling with those packages informed me how they were mixing some saw dust which was roasted and made to look like tea. This is the most highly paying proposition. A large scale of adulteration in tea is going on at present.

Shri J. C. Brock: I would like to say, probably you are mis-informed. I am certain that it is not the Liptons or Brooke Bond....

Dr. Sushila Nayar: Not the Liptons or Brooke Bond. The original people may not be doing it. But there are some other people who are doing this. They mix roasted saw dust with tea. All kinds of rubbish is put in with a little amount of tea and that is sold to the consumer.

Shri J. C. Brock: That is not very often.

Dr. Sushila Nayar: Here are the adulterants in tea and coffee, coal tar dyes, exhausted tea and coffee extracted, redried and sold; foreign leaves in tea; date husks; tamarind husk; black gram husk in tea and coffee; chickory in coffee without declaration; sand and grate; saw dust; waste products and excessive stalk in tea. If you put a lot of stalks in tea instead of leaves, the consumer does not get what he is paying for.

Shri J. C. Brock: I can appreciate all this. There must be chemical standards. There is no doubt about that. What we do feel is that coffee and tea is sold through the normal trade channels without any question of adulteration.

Dr. Sushila Nayar: Have you got your own laboratory facilities.

Shri J. C. Brock: There is no relation between the standards....

Dr. Sushila Nayar: Standards are being revised in consultation with you.

Shri J. C. Brock: We shall have no objection. But at the moment we are worried that under this Act we are liable to sentence if we have sub-standard tea. We fully realise that we have got to have some standards. The standards should be

lowered. Everybody is trying to prepare the best possible tea. The majority of the tea is exported.

Dr. Sushila Nayar: It is almost impossible to get good tea in the market, in Delhi, at present.

Shri N. C. Chatterjee: We are so used to bad tea that there is a sort of repulsion to good tea.

Shri Jayanti Lal H. Shah: I would like to stress one another thing. There is the Tea Board. They are well-equipped with all these analysis laboratories and other things. Why this is not handed over to them instead of taking it under P.F.A. Act?

Dr. Sushila Nayar: That is not possible. The Health Ministry cannot give up its responsibility to the Tea Board.

Shri Jayantilal H. Shah: The overall control of the Health Ministry may be there. There are the municipalities in small towns. They are not well-equipped with laboratories. If the Health authorities agree, all the samples could be sent to the Tea Board or to one laboratory at one place. The analysis report may be taken from one centre only. So, the reports will not vary. The general trader is not harassed unnecessarily.

Dr. Sushila Nayar: There is only one appellate authority for the whole of India. You can go in appeal. It will be only one laboratory, that is, the Calcutta laboratory. There will be one analysis report.

Shri Jayantilal H. Shah: By the time we go in appeal, it takes two years and the goods get deteriorated.

Dr. Sushila Nayar: You can say that the process should be expedited.

Chairman: As to whom it should be entrusted, that Government will consider. Your point is that the procedure should be expedited.

Shri Jayantilal H. Shah: What I mean to say is that there should be some provision in the Act that the result of the analysis be known...

Chairman: Let us restrict ourselves to the amendments under consideration.

Shri Jayantilal H. Shah: There are analysis methods.

Dr. Sushila Nayar: What you are saying is already provided for. The results of analysis shall be sent to the court within a month. It is already provided.

Shri Jayantilal H. Shah: But that goes to the court. The party should be intimated.

Dr. Sushila Nayar: You want to get the result of the analysis within a month?

Shri Jayantilal H. Shah: Within 15 days. There is no scope for the party to get things decided.

Dr. Sushila Nayar: We have understood your point. Any other point?

Shri Jayantilal H. Shah: There are teas which are going to outside countries such as Port Sudan or America. Every country has got its own prescribed limit. Port Sudan has a different limit; USA has got different limit.

Shri P. K. Deo: Limit of what?

Shri Jayantilal H. Shah: Limit of standard. If we export tea to Port Sudan to suit their limit, then it should not be treated adulterated. I do not want to mix up adulteration and sub-standard. These are two different things.

I also suggest that one more extra set of samples be given to the trader or vendor so that he can get it analysed by any Government approved analyst.

Chairman: If you want to add anything to what your brother witnesses have said, you are most welcome. It is no use repeating the same thing. After all, your problems are more or less similar.

Dr. Sushila Nayar: I would like to tell these friends that the Tea Board and the Ministry of International Trade have firmly opposed the export of sub-standard tea which our friends here want to export. If we export sub-standard tea, we lose foreign market and we get a bad name for the country, I am sorry we cannot lower the standard for purposes of export simply because a certain country does not care for good tea. We want every country to know that tea produced in India is of a high standard.

Shri P. K. Deo: Is it true that Ceylon has stolen a march ahead of India so far as tea export is concerned because of our sub-standard tea?

Shri Jayantilal H. Shah: I would not say no. In Ceylon the cost of production is lower than in India. That is why Ceylon is having much better export of tea.

Dr. Sushila Nayar: Why is the cost of production less there? Wages are higher there.

Shri Jayantilal H. Shah: It is due to many factors. For instance, yield is more there.

Shri P. K. Deo: Or, is it because of middleman's profit here?

Shri Jayantilal H. Shah: I do not think so.

Shri J. C. Brock: The answer to that question is this. In recent years Ceylon did more effective propaganda abroad. Now of course Tea Board is doing it for Indian tea. But Ceylon took a lead for a while. Added to that, unfortunately, in the last two years our Northern Indian crop has been very bad due to drought conditions whereas Ceylon crop was very good. Naturally Ceylon's export has gone up and Indian export has come down. But now Indian crop is going ahead.

Shri N. C. Chatterjee: Has it anything to do with export of sub-standard tea?

Shri J. C. Brock: It has nothing to do with that. India has maintained very good standard. It is a question of supply and demand. When we have a sure crop, we will improve our export especially when countries like Russia and Egypt do not buy from others even when our price is higher than elsewhere.

Dr. Sushila Nayar: A friend of mine sent me a packet of Ceylon tea. It was so delicious that I tried to hide it in my cup-boards so that I could have it daily for my morning tea. Unfortunately some rats got at it and I had to throw it away.

Dr. C. B. Singh: But that won't be the general standard in Ceylon.

Shri J. C. Brock: Ceylon tea is extremely nice and I am glad that the Minister appreciated it.

Shri Yamuna Prasad Mandal: You referred to propaganda and publicity. Do you think that this amendment will affect our export publicity?

Shri J. C. Brock: In a way it could affect because of these very heavy punishments provided for in the Bill.

Shri Yamuna Prasad Mandal: For that reason do you think that adulterated tea should enter foreign market?

Shri J. C. Brock: There is no question of tea being adulterated. Adulteration means mixing with foreign matter. This tea is being produced from the gardens and there is no question of adulteration.

Dr. Sushila Nayar: If there is too much stalk in tea, would you call it adulteration?

Shri J. C. Brock: For that there should be some standard of tea waste. That would make it quite simple.

Dr. C. B. Singh: You make a point in your memorandum that if the article is not found adulterated under any of the sub-clauses (a) to (k) of section 2, but only under sub-clause (L), it should not be treated as adulterated, there being no wilful attempt.

to adulterate. You agree that the extreme penalty of imprisonment only should be awarded in cases of wilful adulteration. On whom will lie the onus of proof that there is no wilful attempt to adulterate?

Shri R. M. Das: If the public analyst's report does not say that any foreign material is added, if the public analyst does not say that what he has analysed is injurious to health, but it contains only a very few percentage of certain chemical substances which are not within the control of any human agency, then there is no wilful attempt to adulterate it. In the tea industry what happens is that the tea is plucked from the garden and sent to the brokers for auction in Calcutta. Teas from different gardens and with different tastes are brought and blended. The tea tasters go for the taste and flavour. They can give a guarantee that it is hundred per cent tea leaf.

Dr. C. B. Singh: On whom lies the onus of proving that there is no wilful adulteration? I am quite specific in my question.

Shri J. C. Brock: I have been informed that through various tests the chemists can tell whether there has been actual adulteration or not.

Dr. Sushila Nayar: The chemist cannot tell.

Dr. C. B. Singh: In other words, no one can recognise it.

Shri R. N. Das: The Public Analyst can say whether something has been added to it from outside or whether something has been extracted from it.

Dr. C. B. Singh: What is the International practice for tea?

Shri J. C. Brock: The international practice for tea is entirely based on taste and palate, controlled by tea tasters and buyers who buy on those standards and those standards alone. If there are any standards in U.K., they are certainly never used, and it is purely palate and taste. This is

what is done in every country in the world.

Dr. Sushila Nayar: You will agree that the menace of adulteration is not quite the same in that country as it is in India.

Shri J. C. Brock: I would like to stress that we do realise that you have got to have standards and you have got to try and stop adulteration. What worries us basically is that it may prevent genuine tea to pass. If we can have the assurance that this will allow genuine tea to pass, there is not really any problem.

Shri N. C. Chatterjee: What do you think about the punishment when foreign material is added?

Shri J. C. Brock: We would think the penalty is too lax.

Dr. Sushila Nayar: Too light. When you collect tea, there are two leaves which are not good tea, and there are the tender leaves which make good tea. One method of adulteration is to use the inferior leaf which should not go into tea.

Shri J. C. Brock: I do not think so. The only adulteration which really takes place is the one to which you made a reference earlier, that is tea which has already been used, brewed tea, being put back again. I do not think there is any sub-standard tea coming from the garden.

Shri N. C. Chatterjee: You have stated here:

"Provided, however, that in the case of Tea and Coffee and such other similar products, if they are found to be affected etc".

What are they?

Shri J. C. Brock: We could not take too partisan a view, and we thought there might be other plantation products which are in the same position as tea and coffee. We can only speak of tea and coffee.

Shri N. C. Chatterjee: Therefore you don't want anything for products other than tea and coffee?

Shri J. C. Brock: Not for ourselves.

Dr. Mahadeva Prasad: In the memorandum of the Tea Packeters Association it has been said:

"In the interest of justice we propose that the law should provide for *independent* witnesses, particularly as the proposed Amendment contemplates only one witness instead of two."

May I know what you mean by these independent witnesses and how many of them do you want to be provided in the Act?

Shri R. N. Das: Independent witness means a person who is not interested either on the food inspector's side or on the seller's side. Since the law gives power to the food inspector to call anybody, any shopkeeper, as a witness, the shopkeeper cannot refuse him. What we have intended is, let not a man be brought by the food inspector who is his own employee and ask him to stand as a witness. Let there be impartiality. We are not suggesting the seller's man.

Chairman: This question was answered a few minutes back.

Dr. Mahadeva Prasad: Who is independent and who is not? You may say he is not.

Shri R. N. Das: I can only say, whom an ordinary prudent man would consider independent. Nothing further than that.

Shri J. C. Brock: May I answer that? A person not attached to the Food Department or the Government, and not attached to the actual firm which is selling it, is an independent witness.

Chairman: That is to say, by independent witness you mean what is given in the relevant section of the Criminal Procedure Code, that is, some respectable witness in the locality?

Shri R. N. Das: Yes, according to the ordinary law of the land.

Shrimati Yyotsna Chanda: It has been stated in your memorandum:

"The mere fact that the ultimate product is sub-standard as compared to the standards prescribed in the rules, through nobody's fault, should not make the persons handling the commodity liable for compulsory imprisonment as proposed in the amendments."

What do you suggest instead of this?

Shri J. C. Brock: The original punishments in the P.F.A. Act should be retained where the magistrate has the right and the discretion to determine whether he is going to impose a fine or imprisonment, depending on the nature of the case.

Shri Tulshidas Jadhav: In our statement you have said that inferior quality of tea can only be called sub-standard, not adulterated. When sub-standard tea is used, is it not harmful to the health?

Shri J. C. Brock: No, it may be sub-standard on a minor issue like insoluble ash content. In fact, you can get very good tea from brewed stalks, if necessary.

Chairman: Mr. Nagarajan referred to clause 7 of the Bill and said that (a) to (k) may be treated under clause (i) where the minimum punishment of six months can be imposed and that (l) may be treated differently; and he made a reference to (b) of clause 7 on page 3 of the amending Bill which says "in other cases, with imprisonment for a term which may extend to two years and with fine". That means, which may extend from a single day's imprisonment to two years in the case of others. It has to be interpreted that way.

And in the case of clause 5, sub-clause (ii) of the amending Bill, perhaps Mr. Rajagopal said....

Shri Jayantilal H. Shah: I said.

Chairman: ...something about sureties. The question of the sureties making the compensation would arise only where the sealed stuff is tampered with. Till then it does not arise at all. It is left to the discretion of the inspector to choose one or two. The main idea is that a surety will be able to fully compensate in case any loss is incurred.

Shri Tulshidas Jadhav: In the memorandum of the Calcutta Tea Merchants' Association they have said that this "has already done considerable damage to the prestige of Indian tea in the different export market. What is the meaning of that; that our tea is not sold in the foreign market? .

In the second para, you have said:

"The wide publicity that is given to the seizure of teas which are alleged to be not conforming to the specifications in the existing Prevention of Food Adulteration Act, in the considered opinion of our Association, has already done considerable damage to the prestige of Indian tea in the tea export markets."

Shri Jayantilal H. Shah: It is correct. In many cases, it has happened that the food inspector goes to the godown of a genuine trader and seizes the tea. Next morning in the paper it is publicised. In most cases, it is found that the teas are released after two or three months as they are genuine. But publicity has already been given in the papers. So, we had approached the Tea Board for this reason and ultimately we had an agreement between the Corporation, the Tea Board and the Association that they would not give any publicity to this unless the man is convicted.

Shri Hari Vishnu Kamath: I take it, Mr. Brock, that you are a good connoisseur of tea.

Shri J. C. Brock: I do happen to be an expert.

Shri Hari Vishnu Kamath: In your experience of the wide world, you have come across various countries which like Indian tea and which do not like Indian tea also.

Shri J. C. Brock: Indian tea used to be consumed in Egypt. During war, because of allocation difficulties, they switched over to Ceylon tea. They did not want to go back to Indian tea. It is a question of people getting used to a particular type of tea.

Shri Hari Vishnu Kamath: To what extent is this popular belief in this country correct that most of the superior quality tea produced in our country is exported while inferior quality is dumped upon the Indian people for their consumption?

Shri J. C. Brock: That is not true. Many of the grades consumed in this country are extremely good. In general, with the exception of a small percentage, the tea consumed here is pretty well up to the standard. Of course, a good range of tea is exported right up to the best tea.

Shri Hari Vishnu Kamath: I have seen some of your advertisements in the papers and I find that there is a very elaborate process before your Brooke-Bond tea reaches the consumer. There are so many tests. You do it very well; advertising is a fine art with you. Have you got any supervisory or controlling machinery within the organisation to keep a check on the tea which the retailers sell at the village level?

Shri J. C. Brock: Yes. Indeed our salesmen check the stocks and draw back the old stock. We take steps to see that the stock is fresh and good.

Shri Hari Vishnu Kamath: Have you not received reports from the rural areas, particularly, that the tea doled out to the poor people in the villages is mixed with all kinds of things and it is not tea dust only, but real dust?

Shri J. C. Brock: So far as we are concerned, we are very careful to

have the tightest possible control on our supplies and the freshness of our stocks. But it does occasionally occur that our cases are refilled, but I do not think it is a major problem.

Dr. Sushila Nayar: It is not only given to the poor people, but to everybody.

Shri Hari Vishnu Kamath: Then it is worse; the Minister supports me.

Shri P. K. Deo: We find that the tea that we get at the Parliament House tea board counter is much better than the same stuff sold in the market.

Shri J. C. Brock: I know that the tea sold in the Government departments is the best quality possible. But it is not available on a large scale. But yet, the standard of tea drunk in India is quite good.

Shri Hari Vishnu Kamath: In the Tea Board counter in Parliament, there is a Brooke-Bond tea which is labelled Sansad. Is it the same as Supreme tea?

Shri J. C. Brock: It is slightly better than our Supreme tea.

Shri Hari Vishnu Kamath: Can there be anything better than supreme?

Shri N. C. Chatterjee: Since how long have you been in India?

Shri J. C. Brock: I have been in India since 1952. But I have been tasting tea all my life.

Shri N. C. Chatterjee: So far as your Association is concerned, you are maintaining the same standard?

Shri J. C. Brock: We try to maintain the best possible standard. I am satisfied that we have always given value for the money.

Dr. Sushila Nayar: What is inferior tea and what is superior tea? If the leaf is bigger, does it constitute inferior tea?

Shri J. C. Brock: That is a question for which I do not think anybody has got a complete answer. There is no

doubt that if tea grows slower and is manufactured properly, it has got more flavour. Where you put a lot of manure and bring it up quickly, it is not so good.

About the hon. Minister's remarks about the quality of Indian tea, I think we have to do sometimes about it.

Dr. Sushila Nayar: Not for the Minister, but for the Indian people.

Shri J. C. Brock: The Indian people generally are turning towards better quality tea.

Shri Hari Vishnu Kamath: I am glad to find in the memorandum of Brooke Bond's coming as it does from traders, that they are of the view that any attempt at food adulteration must be strictly and effectively checked.

Shri J. C. Brock: Indeed, we feel strongly about it because, in the first place, it is an anti-social practice and makes people ill and, in the second place, it puts the whole trade into disrepute.

Shri Hari Vishnu Kamath: I am sure you are aware of the law and practice in other countries and the kind of draconian and drastic punishment meted out to such anti-social, anti-people offenders and criminals.

Shri J. C. Brock: I do not think that in most of the countries that I visited there is any adulteration.

Shri Hari Vishnu Kamath: Neither in Europe nor in America?

Shri J. C. Brock: Certainly not; I have never heard about it.

Dr. Sushila Nayar: Shri Kamath will be glad to know that Shri Brock considers the punishment proposed by us for people who adulterate is too mild.

Shri J. C. Brock: It is a very serious thing and I do not think you can punish people harsh.

Shri Hari Vishnu Kamath: For the real adulterators there should be harsher punishment.

Shri P. K. Deo: As tea is the largest foreign exchange earner of this country, we are anxious that not only the tea that is consumed here but also the tea which is exported should be free from all sorts of adulteration and should be pure and of the requisite standard. Of course, the Prevention of Food Adulteration Act may not be operative in the case of goods which are for export, but do you not feel that we must have a very high standard for tea which is exported and there should be some procedure for examining it before it is actually packed?

Shri J. C. Brock: I do not think we have to worry about the quality of tea which is exported.

Shri P. K. Deo: Have you received any complaint from the foreign consumers?

Shri J. C. Brock: Never. Indian tea has got extremely good influence. The only complaint that is heard is that it is becoming too expensive for the last two or three years.

Shri U. M. Trivedi: You have said that if there is a sub-standard grade, it should be subject to nominal penalty only. On the one hand, you say that there is no adulteration and you do not accept the definition of adulteration but at the same time you yourself suggest that for sub-standard goods there should be a penalty. How do you reconcile it?

Shri J. C. Brock: I do not think we would be able to convince anybody that sub-standard products should be exempted from punishment. Therefore we have suggested that the penalty should be commensurate with the crime.

Shri U. M. Trivedi: We have provided penalty only for adulteration but

you suggest penalty for sub-standard goods also. Therefore, sub-standard thing must also be classified under the definition of adulteration.

Shri J. C. Brock: No. What we feel is that sub-standard products are not to be classified in the same category as adulterated products.

Shri N. C. Chatterjee: Your point is that adulteration means that there should be some foreign material in it.

श्री के० एल० बाल्मीकी : ब्रुक ब्रांड चाय काफी मशहूर है। आपने कहा है कि आपने खुद सैम्पल चैकिंग के लिये भेजे हैं। मैं जानना चाहता हूँ कि फूड इंस्पेक्टरस ने खुद आ कर कितने सैम्पल लिये हैं और उन में से जांच के फलस्वरूप कितने सैम्पल में एडल्टरेशन पाया गया या कितने बिलो स्टैंडर्ड पाये गये ?

Shri J. C. Brock: It is a question that I cannot answer. But the number of samples drawn would be very small. Occasionally the food inspectors draw up samples to check up quality. We have had some trouble with our coffee standards but we have not had any other trouble at all.

श्री के० एल० बाल्मीकी : फूड इंस्पेक्टरस ने कितने लिये हैं ?

डा० सुशीला नायर : बता नहीं सकते हैं। कहते हैं बहुत थोड़े लिये हैं। जहाँ तक स्टैंडर्ड का ताल्लुक है उन्होंने बता दिया है कि चाय के स्टैंडर्ड के बारे में उन्हें कोई तकलीफ नहीं हुई है, काफी के स्टैंडर्ड के बारे में जरूर हुई है।

श्री के० एल० बाल्मीकी : जो जितनी ज्यादा बड़ी कम्पनी होती है, उसके सैम्पल लेने से फूड इंस्पेक्टर उतना ही ज्यादा घबराता है क्योंकि वह म्यूनिसिपल कमेटी के जैर-साया होता है। मैं जानना चाहता हूँ कि क्या ऐसी भी कोई वहाँ पर दिक्कत है ?

सभापति महोदय : यह वह कैसे बता सकते हैं ।

श्री के० एल० बाल्मीकी : चाय के छोटे-छोटे पैकेट्स जो देहातों के अन्दर बिकते हैं उनमें समझता हूँ कि 30-40 परसेंट के करीब डस्ट होती है, ऐसा क्यों ?

Shri J. C. Brock: I can assure you that Brooke Bonds' products are always up to the standard as far as tea and coffee are concerned and we have never had any worry about it except recently over the coffee standards when we have had some trouble.

श्री के० एल० बाल्मीकी : आपने लिखा है :—

"In fact there is no visual or tasting standards which would let the seller or buyer know whether any tea does or does not comply with the PFA chemical specification".

कैमिकल स्पैसिफिकेशन को क्लेरिफाई कीजिये ।

डा० शीला नायर : इसके लिये उनकी लैबोरेटरी है ।

श्री के० एल० बाल्मीकी : स्वाद को बढ़ाने के लिये क्या कोई कैमिकल साल्यूशन या कोई ऐसा प्रासेस भी आप करते हैं अथवा फ्लैवर के लिए ?

Shri J. C. Brock: As far as we know there has been no research into the question whether chemical properties in any way affect flavour.

श्री के० एल० बाल्मीकी : और ब्लेंडिंग करने के लिये ?

Shri J. C. Brock: It is a physical process. Tea is put in a drawn and is mixed. A lot of different kinds of tea is mixed to bring a particular flavour.

श्री के० एल० बाल्मीकी : कैमिकल प्रासिंसिग जब आप करते हैं तो उस में इस तरह की कोई चीज़ तो नहीं होती है जो हेल्थ के लिये इंजूरियस हो ?

डा० मुशीला नायर : ऐसा कुछ नहीं है । ड्रम में डाल कर उसको धुमाया जाता है और अलग अलग किसम की चाय तैयार कर ली जाती है ।

श्री के० एल० बाल्मीकी : मैं कोई साह यूनान तो नहीं डालते ?

डा० मुशीला नायर : नहीं ।

Shri Hari Vishnu Kamath: For sheer flavour, which brand of yours is the best?

Shri J. C. Brock: It depends upon what type of tea you like. If you like flavour Samsad and green label tea is best. If you like thick tea our red label tea is the best. Free advice. Thank you very much.

An Hon. Member: Do you mix up any things in the blending?

Shri J. C. Brock: No. Tea is a natural product. There is no chemical process associated at all.

Chairman: We thank you very much. We thank you who are representatives of the different associations of the tea industry who have come all the way. You have been kind enough to give us your views. Thank you.

(The witnesses then withdrew).

VIII. West Bengal Spice Dealers' Federation, Calcutta.

Spokesmen:

1. Shri Chittaranjan Barat
2. Shri Nishi Kanta Halder
3. Shri Hirendra Chandra Burman.

IX. Bengal Spice Dealers Association, Calcutta.

Spokesmen:

1. Shri Ajit Kumar Kar
2. Shri Dharendra Chandra Deb
3. Shri Dinabandhu Roy.

X. Ahmedabad Spices and Condiments Dealers Association, Ahmedabad.

Spokesmen:

1. Shri Kantilal Ambalal Shah
2. Shri Jayantilal Jethlal Patel
3. Shri Ramanlal Jivanlal Shah.

XI. Calcutta Kirana (Spices) Merchants Association, Calcutta.

Spokesmen:

1. Shri M. L. Tambi
2. Shri Joy Kumar Jain
3. Shri B. B. Pal.

(Witnesses were called in and they took their seats.)

Chairman: Copies of your Memoranda have already been circulated to all the Members. If you want to say anything important relating to the amendments under contemplation you may stress that point. If you want to add anything, you are also welcome. All that you say will be treated as public. Even such portion which you may treat as confidential may be circulated to Members of Parliament. Main spokesman will have 5 to 6 minutes each. Afterwards hon. Members will put questions which you may kindly answer.

Shri Chittaranjan Barat: The standards laid down in the rules are rather arbitrary and of a tentative nature and should be revised in view of the standards of the Indian Standards Institute. The standards laid down for these spices should be uniform.

The ISI may also be asked to make arrangements for preparing further standards in those things which are not tackled by them as yet.

Dr. Sushila Nayar: I.S.I. should be associated with laying down standards. All right. Anything else?

Shri Chittaranjan Barat: The rules may be replaced in the light of such standards.

Dr. Sushila Nayar: Any other point?

Shri Chittaranjan Barat: As regards the punishment for infringement they might be according to the gravity of the offence. I might define it a little more. There may be some accidental damage to the goods. They might not be given the maximum penalty. They might be destroyed in the presence of some higher authorities. If it is proved that a person has intentionally adulterated the goods in line with the provisions of the law he might be imprisoned or given any other strict punishment. That is all I have got to say.

Chairman: We take up the next Association, the Bengal Spice Dealers' Association, Calcutta.

Shri Ajit Kumar Kar: My humble suggestion is that to stop the adulteration of spices the standard laid down in PFA Rules, as already told by the representative of the previous Association should be changed, amended and modified and chemical examination of spices should be omitted. The total refraction is 5 per cent in all spices. This should be enhanced to a reasonable extent.

Dr. Sushila Nayar: You mean 5 per cent foreign material and this should be enhanced to a reasonable extent. What is your definition of 'reasonable extent'?

Shri Ajit Kumar Kar: So far as we have seen, the total refraction does

not come below the limit of 12 per cent or 13 per cent. So, the specification should be revised accordingly.

Dr. Sushila Nayar: There is a statutory committee which does all these things. Whatever is the correct standard according to your opinion, you can pass it on to that Committee for consideration.

Shri Ajit Kumar Kar: Without changing the standards . . .

Dr. Sushila Nayar: We are not saying that it should not be changed. This Committee is not revising the standards. This Committee is revising the law and the law provides for a Committee of Experts to go into the standards. Whatever your views regarding the right standards may be passed on to this Committee.

Shri Ajit Kumar Kar: I shall be highly obliged if honourable Minister advises us to whom we should send our views.

Dr. Sushila Nayar: You please send it to the Health Ministry. We will pass it to the Committee.

Shri Ajit Kumar Kar: In sub-clause 1 (b) of Clause 2 of Amending Bill, please insert the following lines—for the purpose of standardisation two alternative representatives should be taken, who will be nominated by the Spice Dealers Federation and the Grain Dealers Federation of Calcutta, Bombay, Delhi and Madras.

Dr. Sushila Nayar: On the Standards Committee you want representatives of your trade.

Shri Ajit Kumar Kar: The proposed amendment in Section 7 of the principal Act should not be done.

Dr. Sushila Nayar: We are not making any amendment to that at all. You don't want the words "in the interest of public health" there. There may be some poisonous matter which

is dangerous to the health of human beings. It may not cause infectious disease, but it may injure the health of the people. That is why we have put this there.

Shri Ajit Kumar Kar: The only poisonous article mixed up with spices is lead chromate.

Dr. Sushila Nayar: It is a very serious poison.

Shri Ajit Kumar Kar: For instance, if this honourable committee can stop the production of coloured turmeric, this problem will be solved.

Dr. Sushila Nayar: We are not making the law only for spice dealers.

Shri Ajit Kumar Kar: We are speaking only of spices. Section 4 of the amending Bill says: For section 9 of the principal Act, the following section shall be substituted, namely:

9(1): The Central Government or a State Government may, by notification in the official gazette appoint such persons as it thinks fit having the prescribed qualifications to be Food Inspectors for such areas . . ." Here, we may say 'having the qualifications prescribed by the Central Government . . .'

Chairman: Under Section 23(e) of the original Act it is stated 'the Central Government can make rules in connection with the qualifications, powers and duties of Food Inspectors and Public Analysts . . .'

Shri Ajit Kumar Kar: In sub-section 2 of Clause 10 of the original Act, the following should be inserted:

'Article of food which is exposed for sale only'.

Dr. Sushila Nayar: You want samples to be taken only from the articles of food exposed for sale and not from godowns or other places.

Shri Ajit Kumar Kar: In Sub-section 7 of the Amendment Bill . . .

Dr. Sushila Nayar: What do you want there?

Shri Ajit Kumar Kar: In place of one or two inspectors being called as witnesses, it should be raised to four.

Dr. Sushila Nayar: Instead of reducing from two, he wants to enhance it to four.

Chairman: It is very difficult to get the witnesses.

Dr. Sushila Nayar: Have you finished or have you any other point?

Shri Ajit Kumar Kar: In sub-section 2 of Section 16, the following can be substituted:—

“For the first offence there should be only monetary fine.”

Dr. Sushila Nayar: You want to limit the first offence to fine.

Shri Ajit Kumar Kar: For subsequent offence, there should be either imprisonment, fine or both. Add the following new section after Sec. 16 of the Principal Act:—

“That any previous conviction under this Act, shall not be treated as previous conviction till after six or twelve months of the first offence.”

Dr. Sushila Nayar: So, you want to go on adulterating continuously, that is, for 12 months and still you want to be immune and get a little fine! What else do you want?

Chairman: My request to the main spokesman is that if he wants to add to the points already raised by the spokesmen of the other Association, he can do so.

Shri Ramanlal J. Shah: I appreciate the suggestion given by you. Instead of the words ‘in the interest of public health’ the words ‘if the same is injurious to public health’ should be substituted.

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The next point is with respect to Section 5. There, our suggestion is that some adequate and reasonable provisions regarding stamp duty on bonds should be made. Such bonds should be exempt for stamp duty. At the same time there should be no compulsion.

So far as sureties are concerned, our submission is that production of sureties should either be deleted or it should be made applicable only in cases where the value of the article in question exceeds Rs. 2,000.

Another point is with respect to Section 14. Here, our suggestion is that the old section 14 should be dropped. Under Section 9 of the new Bill the Central Government is going to appoint Food Inspectors and hence section 9 being a general section, Sec. 14 of the old Act is not necessary. Amendment by substitution of a new section 14 is sought to be inserted. My suggestion is that this is an impracticable provision.

Dr. Sushila Nayar: Why is it so?

Shri Ramanlal J. Shah: I have explained that in my memorandum. If you want, I may read out from the memorandum.

Dr. Sushila Nayar: Not necessary.

Shri Ramanlal J. Shah: I would like to say that if the new section 14 is to be retained, then there should be the following words being added at appropriate places:—

“as far as possible in the circumstances of the case”

The above may be added after the word ‘disclose’.

Regarding Section 7, as proposed for Section 16, the words ‘in the interest of public health’ should be substituted by the words ‘if the same is injurious to public health.’ So far as punishment is concerned, this Association is fully in agreement that stricter punishment is necessary. Cer-

tain considerations should be shown with respect to word 'food' as defined in the Section. It has been defined comprehensively in the Act of 1954. Our submission with regard to the words 'adulterated and misbranded' is that the element of human agency is not sought to be considered. If the word 'adulterated' according to the dictionary meaning is to have this meaning, it can be by virtue of anything that a human being does with respect to that item and in that case, the word 'adulterated' would have the proper meaning. The definition as contained in the Act, 1954 is such that a person who has not done anything with a view to adulterating the article, will also be taken in and the punishment will be meted out to him. He will also fall a prey in that respect. That is why our submission is that so long as the definition of the word 'adulterated' and the word 'misbranded' in the original Act is not changed, the stricter punishment should be considered.

Shri P. K. Deo: How would you differentiate between these two words?

Shri Ramanlal J. Shah: If it is not possible to differentiate, it is also equally not wise to pick any person who is innocent.

Shri P. K. Deo: He did not mean that. He simply asked you as to whether it is possible or not.

Shri Ramanlal J. Shah: So far as adulteration by human agency is concerned, the motive behind it is profit motive. If it is the profit motive, that is to be checked. Then, some provision with respect to that shall have to be made differentiating from the other one.

Dr. Sushila Nayar: You want innocent, profit motive and everything to be defined.

Shri Ramanlal J. Shah: With regard to punishment I would say that there is no clarification to the article

of food either in the original Act or in the Bill in question.

Therefore, my respectful submission is that there should be some classification according to the importance of the items of food and also according to their use. There are certain articles of food which are generally used by all human beings. With respect to those articles if any adulteration is done or if the provisions of the Bill are infringed, then no doubt stricter punishment should be meted out. But all articles of food, even though technically covered by the definition of food are not equally important and they are not equally in use.

Dr. Sushila Nayar: So they can be poisoned.

Shri Ramanlal J. Shah: That is not the point I was making. An adulterated item would not necessarily be poisonous.

Dr. Sushila Nayar: But they can be.

Shri Ramanlal J. Shah: If it becomes poisonous, then also the law can take care of it and he can be penalised even under the Indian Penal Code. If anything that he does results in death, then of course the punishment can be given.

Dr. Sushila Nayar: His suggestion is that the Indian Penal Code is enough. Why bother about this Act?

Shri Ramanlal J. Shah: That is not my submission. The provisions of punishment under the Bill in question ought to be compared with the provisions of punishment under the Drugs Act. Under the Drugs Act also, the punishment has been provided under section 27 of the Drugs Act and section 30 of the Drugs Act. Section 27 of the Drugs Act considers the case where the offence is committed for the first time. For subsequent offences, there is section 30 of the Drugs Act. Now, if we were to compare the provisions of punishment under the Drugs Act vis-a-vis the provisions of

the Bill in question, we would find that the punishment that is sought to be meted out under the Bill in question is far more stricter than what it is meted out even in the case of drugs where the scientific and technological knowledge is more perfect than with respect of articles of food.

Chairman: Are you referring to the old Drugs and Cosmetics Act or the new one?

Dr. Sushila Nayar: Under the new Drugs Act there is ten years imprisonment and confiscation of property. You are being dealt with lightly as compared to that.

Shri Ramanlal J. Shah: With respect to the punishment, the gravity and the nature of the offence should also be taken into consideration.

Then, I would refer to section 8 of the Bill. A new section 19(2) (c) is sought to be added. There, I particularly emphasize the words 'in the same state'.

Dr. Sushila Nayar: We are giving a protection to the dealer which was not there. Do you object to it?

Shri Ramanlal J. Shah: What I object to is that it would be perhaps impossible for the dealer to prove and establish it along with section 19 (2) (a) and (b) and also (c) because of 'the words in the same state'.

Chairman: In the same condition.

Shri U. M. Trivedi: What is your suggestion?

Shri Ramanlal J. Shah: My suggestion would be that section 19(2)(a) and (b) is enough.

Shri U. M. Trivedi: You want to take away part (c).

Shri Ramanlal J. Shah: If the words 'in the same state' are retained, then I would say if the dealer purchases it from the semi-wholesale dealer . . .

Shri U. M. Trivedi: How does it become inconsistent with (a) and (b)?

Dr. Sushila Nayar: We have understood your point.

Chairman: I think you have covered all the points.

Shri Ramanlal J. Shah: That is all.

Chairman: Thank you. Now, we take another Association. Shri M. L. Tambi.

Shri M. L. Tambi: Respected Chairman and the hon. Members of the Committee: Our Association is representing the whole sale dealers for ungrounded spices, that is, whole spices.

At the outset, I may say that so far as these whole spices are concerned, the majority of them are agricultural products and those products which are cultivated in the various parts of the country.

Chairman: I request you not to repeat the points which have been stressed by the other members of the various Associations.

Shri M. L. Tambi: I will take full note of it. What I was submitting was that in case of the whole spices which are agricultural products, there should not be such standards which cannot be detected by naked eyes or by taste or by touch. The chemical ingredients fixed for the various commodities, for these whole spices, which are agricultural products have often been found to vary. Our Association also sends samples for analysis. Even in the case of whole turmeric, if you send a sample of the original seed to the analyst, you will find that the lead found in that turmeric is more than 2 parts per million which is the standard which has been prescribed under the present Bill.

Shri Hari Vishnu Kamath: Not prescribed; but allowed.

Shri M. L. Tambi: With much respect to the hon. Member, I may say that has been prescribed by the rules.

Dr. Sushila Nayar: You are mixing up the words. That is all.

Shri M. L. Tambi: It was pointed out to us that lead chromate is a very dangerous thing. I would submit that this lead chromate will never be found if the colouring of the turmeric is totally prohibited. Lead chromate is put in the turmeric in the process of colouring. If the colouring is not done, you will not find a single part of the lead chromate in the turmeric.

Dr. Sushila Nayar: It is not allowed but it is being done by unscrupulous traders.

Shri M. L. Tambi: I will request your honour to specify the instances. I can assure you that lead cannot be given to the turmeric if it is not coloured at all. I will first take up the amending Bill. I will be confining myself to two things. First I will explain the effect of the proposed amendments and secondly I will explain what further amendments are necessary to be included in this Bill or in the Act.

Chairman: This Committee is not authorised to deal with amendments which may be made in the original Act. You can speak only on amendments that are under consideration according to this Bill.

Shri M. L. Tambi: In clause 2(i)(b) (i) of the proposed amending Bill, we suggest that the following words be added:

“and four representatives of trade, and manufacturers, and cultivators nominated by the Federation of Indian Chamber of Commerce and Industry, New Delhi”.

As regards clause 5, our submission is that there should not be any provision for execution of sureties. Secondly, the number of sureties should not be left to the discretion of the food inspector as is proposed to be done under the proposed amending Bill.

Now I come to sub-clause (iii) of clause 5 of the proposed Bill. In this

respect I will draw your attention to the fact that already there are a number of decisions according to which this provision has been held to be directory and not mandatory. Taking into consideration the serious punishment which is going to be imposed on the person against whom the charge of adulteration is proved, it is most essential that the number of witnesses should not be reduced. If two persons are available in the locality, their signatures must be taken.

Dr. Sushila Nayar: You want two witnesses to remain. Any other point?

Shri M. L. Tambi: It should be clarified that no person in any way connected with the official duty of the food inspector should be made such a witness.

Chairman: No explanation is necessary. You want two independent or respectable witnesses.

Shri M. L. Tambi: I was submitting that such witness should not be in any way connected with the local authorities or food inspectors or the officers concerned with the prosecution.

Dr. Sushila Nayar: He may be connected with the shopkeeper.

Shri M. L. Tambi: Not necessarily.

Dr. Sushila Nayar: But there may be no objection.

Shri M. L. Tambi: Clause 6 proposes to insert a new section 14 in the place of the existing section 14. We do not oppose this section. But you will note that this section provides that every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food. In our humble view the words “other particulars” should be qualified with the words “within the knowledge of the vendor”. Sometimes the things are imported from abroad or from other States and one may not be knowing the details of the firm, etc. But, all the same, the name, address and other particulars within

the knowledge of the vendor can be given. This has been also made punishable under new section 7.

Coming to new section 16, the amendment wants to give stern punishments on the charges being proved. Before we increase the quantum of punishment, we must make sure that the standards fixed are correct and practicable. If we cannot be sure of that, then the punishments should not be so stern.

Secondly, according to the definition of the word 'adulterated', even articles which, due to any reason beyond the control of any human agency are below the standards fixed, come under that. Therefore, the word should be defined in two ways, one to cover adulteration understood by everybody, and the other to cover substandard goods. In the case of substandard goods being sold, it should be possible to find out how it was possible and there should be some fine imposed. But if there is any proof of adulteration, then there may be stern punishment. But because of the technicalities of the standards, if any innocent person is made to suffer, then it is great injustice.

Thirdly, so far as penal Acts are concerned, usually the maximum limit of punishment to be awarded by the Magistrates is prescribed. In this law, it is the minimum that has been prescribed. In my humble opinion there may be some cases where the judge or a Magistrate may be of opinion that the offence is only of a technical nature and therefore does not warrant any severe punishment. But in this case, he is helpless because he has to award the minimum punishment prescribed. That will be also against the principles of natural justice. The Magistrate should be given the discretion to give punishment according to particular circumstances and facts of each case. If you prescribe the minimum punishment, there is no importance to *mens rea*.

Before we push through this Bill, we have to examine one more aspect. There have been prescribed percentages of availability of the foreign seeds. In a majority of cases the figure of 5 per cent is given. In this respect, I will draw your attention to section 3 of the Food and Drugs Act of England. There is a provision there that in such cases defence is allowed to the accused so that he can prove by adducing evidence that it was unavoidable and it is beyond the control of anybody to remove that particular percentage of seeds. My own submission in this respect is that we should define the meaning of foreign seeds in the Act or Rules. In some cases it has been found that the Magistrates or food inspectors do not know what seeds are simultaneously grown in the same field and on the same plant. In my humble submission it is necessary that we should also make a provision for that.

The next point is this. Under section 19 we should also take notice of one important fact that the vendors do not always purchase these things: sometimes they also receive the goods from upcountry people or other dealers to be sold on their account as commission agents. But no consideration has been given to that. I therefore want in section 19 (2) (a) of the Act the following words to be added between the words "purchased" and "the article of food", namely, "or received as commission agents from a principal", so that that defence may also be there.

One more thing. The definition of the word "adulterated" also takes into account insect-infested goods. I want to make it clear that in the rainy season it is beyond the control of the traders to prevent insect infestation, and a certain percentage of the goods stocked in their godowns will get insect infested and there will be either living or dead insects found. In such a case there is no provision in the Act for about the percentage of the insect-infested article. Suppose a bag of three maunds contains 4 chhetaks

of insect-infested article. Under the technicality of the present Act the trader is deemed to be an adulterator and punished and the whole of the stuff is to be destroyed. There should be a provision.....

Dr. C. B. Singh: The standard is not to be discussed and he is all the time on the standard.

Dr. Sushila Nayar: Please finish.

Shri M. L. Tambi: In the report of the hon. Committee it should also be taken into consideration that the Act does not fix any time-limit for the release of the goods which are not found to be adulterated, and also a time limit for starting the prosecution proceedings in case the goods are found to be adulterated, because there have been long delays in this respect.

The next thing is that in our present Act there is no prescription of a particular system of analysis to be followed in the case of chemical analysis. There are different systems of analysis and the results may vary in the different systems.

The second thing in this connection is that the Act makes the report of the Director of the Central Food Laboratory as the conclusive and final proof. It should be made final and conclusive with this exception that if the accused wants to call the person who analysed that sample as a witness he should be produced in the court.

Shri P. K. Deo: He is produced.

Shri M. L. Tambi: Under the Act the prosecution is not bound.

Dr. Sushila Nayar: If the court asks him.

Shri M. L. Tambi: I am finishing. So far as spies are concerned, any sort of colouring, natural or unnatural, should be totally prohibited, and from the standards chemical ingredients should be eliminated.

Shri N. C. Chatterjee: Mr. Barat or Mr. Kar will be able to enlighten me on this point. Is it your case that you are not manufacturers or producers of spices but you are buying from outside Bengal or from other States:

Shri Ajit Kumar Kar: On behalf of the Bengal Spice Dealers Association I can say that practically we are retailers and we purchase the spices from the local market at Calcutta. We are not producers or manufacturers.

Shri N. C. Chatterjee: You have said that first of all a thorough examination at the point of first sale in all big *mondis* or markets of producing States should be effected. What do you mean by that? Please explain. Where do you get your *elachi* from?

Shri Ajit Kumar Kar: It comes from Mysore.

Shri N. C. Chatterjee: Suppose it comes from there in proper condition and you do something to it in Calcutta?

Shri Ajit Kumar Kar: If it is done by me, I should be punished.

Shri N. C. Chatterjee: What is your suggestion? That you should make a law that in every case before actually despatching it there must be an examination there?

Shri Ajit Kumar Kar: Yes, there must be an examination there under the supervision of the Central Government to test and analyse it and affix a seal of purity like *agmark*.

Dr. Sushila Nayar: Why should not the purchaser make sure that it is genuine? Why should the Government do it?

Shri Ajit Kumar Kar: Because we cannot believe all the producers.

Shri N. C. Chatterjee: I wanted to understand the position. Is it the position that these are poor traders who buy from outside and the stuff is brought from outside, and they do

not mind going to jail provided the stuff coming from the producing States is genuine; that there is no machinery, laboratory or any such thing for testing them, and so they are demanding that there should be some system of checking and putting the Government stamp on it. Is that your idea?

Shri Ajit Kumar Kar: Yes.

Shri N. C. Chatterjee: Will it be practical? Can you suggest a practical scheme?

Shri Ajit Kumar Kar: I cannot suggest, but I think it will be practicable for the Government.

Dr. C. B. Singh: Think of the market and villages. Will it be practicable for the Government? How can it be practicable?

Shri Ajit Kumar Kar: In this respect, if the Government undertake to analyse all the spices at the wholesale stage in the producing centres....

Shri N. C. Chatterjee: Can you give us an idea of how many centres there would be?

Shri Ajit Kumar Kar: Suppose a commission agent in Rajasthan stocks jeera got from the cultivators, farmers or agriculturists of the villages. When the jeera is in the godown in Rajasthan.....

Shri N. C. Chatterjee: You want that to be verified and checked and analysed and tested?

Shri Ajit Kumar Kar: By Government.

Shri N. C. Chatterjee: And thereafter the movement can take place?

Shri Ajit Kumar Kar: Yes.

Shri N. C. Chatterjee: And thereafter if something is found wrong, you can be punished. That is your point?

Shri Ajit Kumar Kar: Yes.

Shri N. C. Chatterjee: How is it to be done? Government can set apart ten, twelve or twenty centres.

Shri M. L. Tambi: In my submission it is possible like this that at the producing centres it should be made compulsory that no article other than those which have been tested and sealed in a particular manner under the Agricultural Marketing Act by the officers appointed thereunder should be accepted for carriage by railways or any transport companies. And they should not be found in possession of the traders.

If any trader is found in possession of that, he should be given the strictest punishment. I know of an instance at a particular market where there is an auction committee of the Central Government selling zira, the rates varying between Rs. 100 to Rs. 140 per maund.

I want provision should be made to see that at the source itself there is effective check, so that adulterated things may not come into the market. Then it will be very easy to detect the adulterators than to detect now, because now you make a great queue of persons in which the real adulterators are hiding and it has become just an identification parade for the food inspectors.

Dr. Sushila Nayar: You want that you should escape and somebody else should be punished. But somebody else want, they should escape and you should be punished. For the Government, it is not possible to make a distinction between the wholesaler and the retailer or the man who stores. Anybody who is selling should see to it that he is selling the genuine stuff.

Shri Hari Vishnu Kamath: There is something in what he is saying. It should not be brushed aside like that.

Shri N. C. Chatterjee: You say that the party should be prepared to suffer the consequences of going to jail, provided you get the genuine stuff at the source.

Shri M. L. Tambi: There should be provision for prevention of adulteration. If you allow the adulterated

food freely to come into the market, will it be possible to detect the source where it has been adulterated? You must make some practical provisions by which things cannot be adulterated.

Dr. C. B. Singh: You want that the Government should set up agencies in the big *mandis*. That is very big problem. We agree with you that there must be some agency, but don't you think that the trade itself should take some responsibility? If you cooperate, it can be done. How can Government do it by itself?

Shri M. L. Tambi: We are ready to take up that responsibility. The trade will always like to find out the persons who are making the trade appear bad in the eyes of the public, the press and the Government officers. But there must be guarantee to detect the adulteration.

Shri P. K. Deo: You mean there should be no railway-booking unless it has been checked by some agency of the Government?

Shri M. L. Tambi: This cannot be done by the Government alone. It should be done in cooperation with the big association which you will find everywhere in each *mandi*. Just as in the Forward Contract Regulations Act, it should be made a joint responsibility.

Dr. Sushila Nayar: You want the Government to collect, pack and sell it. You want all the trade to go into the hands of the Government? Surely you do not want that. If the trade makes up its mind that adulteration should be stopped, it can do it more effectively than the Government. You can have your own agency—your cooperative or whatever else you like—and see that your members get genuine stuff. If you have obtained it from a particular person in a sealed condition, if you have not tampered with it, you will not be punished. That defence is available to you. But if you are found in possession of adulterated goods and the goods are in a condition in which you yourself

could have adulterated them, then it is difficult for you to say that you are not responsible. You are most welcome to arrange that you will purchase only standard goods and you will supply standard goods to the members of your association, but you cannot ask the Government to give you the standard goods.

Shri M. L. Tambi: But standard goods must be made available to us.

Dr. Sushila Nayar: Who is going to make it available?

Shri M. L. Tambi: It should be the combined effort of the Government and the trade. It cannot be done only by the trade.

Chariman: Food consists of so many things. When wheat or *atta* is collected from different cottages, growers are not in a position to give it in a sealed condition. It is not practicable to get it in sealed tins. How will it be possible for us to see that pure goods are given?

Shri M. L. Tambi: I was impressing on you the same difficulty. If that is the difficulty for the producer, the same thing applies to the traders also. If the Act remains like that, no honest trader can trade in these circumstances. In West Bengal the milk supplied by the West Bengal Government contains only 3 per cent fat as against the minimum of 3.5 per cent. They plead that they have lowered the prices. The traders are ready to do anything on their part which the Government seek from them including finance, inspection, etc. But committees should be appointed in each town and village consisting of the food inspectors, representatives of the trade and some MLA or MP or any public leader that place. They will inspect the thing.

Dr. Sushila Nayar: You have said earlier that Indian Standards Institution should be associated with the laying down of standards. I want you to know that the standards committee has already appointed a sub-committee with which the Indian Standards Institutions is very prominently associated.

With regard to your other suggestions, of course Members will ask you such questions as they want, but I must say that I find it very difficult to understand the attitude that has been taken by you. You want intention to be proved. You want deliberate adulteration to be proved. You want the type of injury to health to be defined. You want the profit motive to be proved. All that you want will make it impossible for any Act to function at all. The impression that I get is that your one interest is to see how the trader can escape the penalties under this law whereas we want the trade to be partners in improving the quality of goods and in putting an end to adulteration. You want that the previous offence should not be taken into account and every new offences should be the first offence. That is a very difficult situation.

Chairman: You cited the example of Calcutta Government Dairy. It is toned milk with 3 per cent fat which is allowed to be sold in the market. So, I do not wish you to seek some protection under that.

Shri M. L. Tambi: We do not want to take shelter behind that.

Shri U. M. Trivedi: Are you not satisfied with the defence that is provided to any honest man who is caught in clause 8 for the amendment of section 19 of the Principal Act? Do you want anything more than that?

Shri M. L. Tambi: May I draw your attention to a similar provision in the English Act?

Dr. Sushila Nayar: We do not want the English Act. We have seen that.

Shri M. L. Tambi: We want that there should be defence available to the trade to prove that they were not responsible for the particular adulteration.

Shri U. M. Trivedi: Will you kindly read clause 8(2)(b) of the Bill? What better protection than this do you want?

Shri M. L. Tambi: I agree with the hon. Member that it gives better protection than the existing Act.

Dr. Sushila Nayar: He wants absolute protection.

Shri M. L. Tambi: If I am innocent, I must get absolute protection under the Act. Then and then alone the law will be successful.

Shrimati C. Ammanna Raja: If you are in possession of something which is adulterated, you cannot escape.

Shri M. L. Tambi: That is true. But is it due to my fault?

Dr. Sushila Nayar: You buy stuff mixed with stand; you buy *ilatchi* which has been boiled and then you say that you are not responsible.

Shri M. L. Tambi: If such persons are found, they should be hanged and not only imprisoned. But why should you have a presumption that everyone is doing that?

Dr. Sushila Nayar: We have said that you can say that you bought it from So-and-so. But you say that we should not even ask you that. Objection has been taken to that also by some of you.

Shri M. L. Tambi: We do not say that. We must answer that; but you should make the Act so simple and clear that adulterators may not hide behind innocent persons.

Chairman: Please make concrete proposals.

Shri U. M. Trivedi: May I ask Shri Barat whether he is a chemist?

Shri Chittaranjan Barat: I am a chemist by profession.

Shri U. M. Trivedi: Have you any experience of chemical analysis of foodstuffs?

Shri Chittaranjan Barat: To some extent; not much.

Shri U. M. Trivedi: In your memorandum you have suggested that the standards prescribed by the Food

Adulteration Rules are not commensurate with the proper analysis of the article concerned.

Shri Chittaranjan Barat: I said that it is not conclusive and so we should better follow the standards laid down by the Indian Standards Institute.

Shri U. M. Trivedi: Would you be satisfied if you are called to give evidence before the Standards Committee, so that...

Shri Chittaranjan Barat: Yes.

Shri U. M. Trivedi: Mr. Chairman, I find that the Ahmedabad Spices and Condiments Dealers Association has sent their memorandum to us through some advocate. Is it not a question of privilege? Why could it not be sent to us direct?

Chairman: It is a breach of privilege. It should be sent on behalf of the Association and not through a lawyer.

Shri Ramanlal J. Shah: The only explanation that I can give is that the Association people, not knowing the procedure, have sent it like this.

Chairman: But the advocate advising them must know the procedure.

Shri Ramanlal J. Shah: I was not aware of the position. Had I known it, I would not have done it.

Dr. C. B. Singh: On page 9, paragraph 7, you say:—

"We do concede that the adulteration and misbranding of Drugs is a serious matter and calls for a strict punishment as in most cases, human life is endangered. But are all articles of food, even when adulterated, equally dangerous to human life?"

This is what you have said. May I tell you that it is even more dangerous than adulteration of drugs? Millions of people are more or less poisoned and people do not know about it. How do you claim that drugs are more dangerous than this?

Shri Ramanlal J. Shah: That statement has been made keeping in view the definition of the word "adulterated". All that I was wanting to suggest thereby was that because there was no human agency and by virtue of the definition the commodity that was found to be adulterated might have been a sub-standard commodity, but it might not be injurious to health. In that context the sentence was written.

Dr. Sushila Nayar: Nothing can be done without human agency. Even if you say that all the seeds were sown in the field they have to be grown by human agency. You can say it is not done by you personally but you cannot say it is not done by human agency.

An hon. Member: What limitation do you want to put on sub-standard articles?

Shri Ramanlal J. Shah: So far as standard articles are there, commodities are available. There are other varieties of the same commodity which are equally available. The standards of those commodities are not the same. There are other varieties. The best variety may be got; but there are other varieties also. Therefore it is very difficult to say. If different standards of the same article in question could be fixed with accuracy then the question could be solved. Otherwise not.

An hon. Member: Have your association given any sub-standard or adulterated article to food inspector before purchasing?

Shri M. L. Tambi: Under the act the sellers are not given the chance to get their samples analysed before they decide to sell. Our association sent a sample of uncoloured turmeric. The result was found to be 4 part per million instead of 2.5 part per million. Food inspector does not see all these things. We cannot send to public analyst. There should be some provision that before we purchase we should be able to get the

things analysed. Under the Act we cannot get it analysed.

Dr. Sushila Nayar: You are free to take the sample at random and give the sample to the analyst. In fact this should be the job of your association.

Shri M. L. Tambi: We agree to try that. In Calcutta there is an inadequate number of public analysts. The laboratories are also not adequate.

Dr. Sushila Nayar: You are going into extraneous things. You have not been able to get it. For how many times you have tried?

Chairman: He has not sent.

Dr. G. S. Melkote: One of the witnesses mentioned that the words 'in the interest of public health' need not be there. Does he mean to say that products infested with germs may be allowed to be sold in the market? What is his intention?

Shri M. L. Tambi: In certain varieties of spices like coriander seed because of a particular effect of the climate the plant itself is infested with germs, but those seeds are not injurious to health. Still, under the present Bill, they are to be treated as adulteration.

Dr. G. S. Melkote: What steps have your organisation taken to advise its constituents about what to buy and what not to buy, where to purchase their goods etc. so that the consumers are protected from the adulterated articles?

Shri M. L. Tambi: Under the other Acts there is similar provision. For example, in foreign Acts like English Act, they have made provision for marketing, storing facility etc. They have also made provision for prevention of adulteration at the source. In the case of articles which are agricultural products where the chemical ingredients cannot be checked at the source, if the standards are to be eliminated, we are ready to take the responsibility and we can give you samples of every article.

Dr. G. S. Melkote: Many of the witnesses have been continuously pleading modifications in the provisions of the Bill in order to protect themselves. May I ask, as a public man, what are the measures you would suggest so that the consumers need not purchase adulterated things?

Shri M. L. Tambi: Section 3(5) of the original Act should be amended. There should be various sub-committees for fixing the standards and for a particular commodity there should be representative of the producers and traders of that particular commodity on the committee concerned.

Dr. G. S. Melkote: What is the measure your organisation will take?

Shri M. L. Tambi: As we already stated, these things should be checked at source and they should be sealed and protected.

Dr. Sushila Nayar: You have stated in your note that the samples are to be taken only from those things which are exposed for sale and they should not be taken from your godowns. Do you realise that what you expose outside for sale may be good stuff and what you have got inside may be bad stuff? Occasionally only the Inspector can go and take samples; he may not be sitting all the time to check. I am not saying you are doing it. I am saying trader A or B may do that. How do you expect anyone to accept this suggestion from you?

Shri Ajit Kumar Kar: As I have told you, we are retailers and we are to clean all those spices which we purchase from the wholesalers. Then only we can sell to our customers.

Dr. Sushila Nayar: Is it your contention that before the articles are cleaned sample should not be taken?

Shri Ajit Kumar Kar: Yes.

Dr. Sushila Nayar: Whichever stock you open, you will clean that. Whichever stock is unopened, the law says if you prove that it is in the same state you have purchased and you have not tampered with it you will not be punished. That protec-

tion is there. You said that there should be on the Standards Committee the producers and wholesalers. Let me tell you that there are already two representatives of the trade and commerce on the Standards Committee. You thought the Standards Committee consists of experts who are not in any way interested in the whole trade or have any kind of connection with business interests. It is not so. In addition to the representation given to the trade and commerce, any individual having a different point of view can go and give evidence before the committee. The Committee can invite you for a hearing. You were saying something about sureties also. You said that sureties should be only for goods worth Rs. 2,000. I want to tell you that sureties are generally contemplated for a small vendor who may not have a shop. For the man who has a shop and godown, the funds are available. If it is to be only for Rs. 2,000, then it will defeat its own purpose. In view of this, I think you will have no objection to the sureties.

Chairman: You referred to stamp duty. That again comes under the purview of State Government.

Dr. Sushila Nayar: Section 14 says that every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food. You must know what is the meaning of this.

Shri Ramanlal J. Shah: I shall answer that question also. So far as the bond of surety is concerned, what I was submitting was that in respect of small dealers who are just maintaining themselves in the trade, it will not be possible for them to obtain persons to be as sureties. Their position being humble, people would not come as sureties for them.

Dr. Sushila Nayar: Their own people would be able to say that he is an honest man and they would be

able to stand as sureties for them. The question is that when the court sends for them, they are not available.

Chairman: The surety is there in order to compensate if the stock which is sold is tampered with. The main thing is that the offender must have got certain goodwill of some people who are quite confident in him and it should not be difficult for them to stand as sureties.

Shri Ramanlal J. Shah: When we consider the case of a trader in a village, he will have some responsibility there. It will not be possible for him to run away because his samples have been taken.

Dr. Sushila Nayar: Not in villages. These things are taking place in towns. The villager who comes into contact with these people knows as to who has become corrupt.

Shri Ramanlal J. Shah: There should be some provision in so far as the traders in the cities are concerned.

Dr. Sushila Nayar: The point is that the man concerned who is mobile is going on selling goods which are injurious. The man takes the samples, gets it analysed and in the meantime when the man concerned is summoned by the court, he cannot be traced because he is mobile. Now, if there is any truth, the surety concerned should be able to present himself or give some satisfactory answer.

Shri Ramanlal J. Shah: If that is the real intention in providing this provision of such people to stand as sureties and if the surety is insisted upon such persons, then, we would be harassed in that respect.

Chairman: Then what is it that you suggest for a small trader or a big trader to stand as surety when the stock itself is sealed by an Inspector?

Shri Ramanlal J. Shah: The difficulty is this. With respect to small traders, it is difficult for them to get persons as sureties.

Dr. Sushila Nayar: Anyway the law is not discriminatory.

Shrimati V. Vimla Devi: In response to Mr. Deo's question he stated that it is difficult for an honest trader to compete in the open market under the present provisions of the Act. May I ask him then how is it possible for an honest trader to come in the market to compete with the horrible adulterators?

Secondly what is it that this particular Association has been doing in order to protect the honest trader from dishonest traders?

Shri Ramanlal J. Shah: So far as the Ahmedabad Spices and Condiments Dealers' Association is concerned, they have passed resolutions amongst their own members to see that such a sort of food or article, condiment or spices may not be sold. For that purpose, they have their own office-bearers in the Association which are inspecting the shops and godowns of their members.

Dr. Sushila Nayar: Have you punished anybody? Has the Association punished anyone found to have adulterated in goods? What action has been taken by this Association against them?

Shri Ramanlal J. Shah: Some sort of a fine was imposed on some members.

Shrimati V. Vimla Devi: How can the honest traders compete with the adulterators in the market?

Shri Ramanlal J. Shah: An honest trader cannot compete with the adulterators. But the difficulty is that when conditions of trade are taken into consideration and when the person who deals in certain commodities is not himself in a position to decide whether it is adulterated or misbranded, how is it possible for an honest trader to compete.

Dr. Sushila Nayar: Let me tell you that it is so common that it is not simple. The percentage of adulteration in Bengal is 28.5 in spices; in Punjab it is 22.9 per cent; in Madras it is 26.6 per cent; in Bihar it is 22

per cent; in Assam it is 37.1 per cent and in Orissa it is 39.5 per cent while in Gujarat it is 20 per cent.

Shri P. K. Deo: As the problem is gigantic, you being a citizen of this country, we all need your cooperation to make a comprehensive and fool-proof legislation by which we can put a stop to any sort of adulteration. In that regard, we very much value your evidence at this stage. If all the suggestions that are given by you are implemented, will it be possible to put a full stop to adulteration?

Shri Ramanlal J. Shah: My answer to that would be that even with the passing of this Bill, it is not going to put an end to food adulteration. The problem is such that there are inherent difficulties in the problem itself.

Chairman: I would request you to be brief and specific to your answer. You have already said that it is practically impossible. If we take all these measures, do you think that we can put a full stop?

Shri Ramanlal J. Shah: The point that I was making out is that there are certain conditions in our country which make it impossible to carry on our trade. If you implement the provisions *verbatim*, then it will be difficult to carry on the trade because there are not many commodities where effective checks are in operation at the sources.

Chairman: I have got your point.

Shri P. K. Deo: We expect that there should be a national perspective to this whole problem instead of a parochial problem. This is from your own stand point of view.

Shri Ramanlal J. Shah: That is how the Ahmedabad Condiments and Spices Merchants' Association has made their representation.

Shri P. K. Deo: My second question is that you stress so much that various commodities you are dealing, they should be checked either by naked eye or by picking them up. We wonder as to how it could be possible especially in the cases of

powdered spices by seeing or picking them up to judge that the stuff is not adulterated?

Shri M. L. Tambi: This was the submission made by us on behalf of Kirana Merchants' Association and I told that we were dealing in whole spices. So far as whole spices are concerned, it cannot be checked by naked eyes if there is any chemical ingredient and whether it is adulterated or unadulterated. That was my submission on that point.

Shri P. K. Deo: So, you agree that in cases of powdered spices, they must go to a chemical analyst.

Shri M. L. Tambi: So far as powdered spices are concerned, I cannot give any opinion. But, I can assure you that so far as the whole spices are concerned, there are three types of standards fixed. At present, one is fixed under the Food Adulteration Rules and the second is fixed by the Indian Standards Institute.

Shri P. K. Deo: We have followed it from what you have been quoting from the British Law etc. Will you kindly let us know what the law is?

Chairman: He has given in his memorandum.

Shri M. L. Tambi: I have not given that. But, I wish, particularly, to draw the attention of the hon. Members to Sec. 1, 2, 3, 109 and 111 of the Foods and Drugs Act, 1955.

श्री के. एल. बाहसीकी : आपका एसोसिएशन के क्या ऐसे भा सदस्य हैं जो अधिकतर पिसे हुए मसालों का भी काम करते हैं और यदि हाँ, तो एसोसिएशन को तरफ से क्या कोई सुपरविजन भा रहता है ?

Shri M. L. Tambi: Our Association does not deal in powdered spices.

Shri Hari Vishnu Kamath: One of the spokesmen, if I heard him aright, said that 2 parts of lead per million in turmeric is prescribed by rules and when I said that it was not prescribed but allowed, he insisted that it was prescribed by the rules. Does he still think that it is prescribed?

Shri M. L. Tambi: What I was saying was that that is the maximum limit fixed under that sub-section. That was my idea. That is the maximum limit fixed for the lead which is to be allowed us it is prescribed under the rules.

Shri Hari Vishnu Kamath: I am reading from your own Memorandum. It says:

"It shall not contain more than 2.5 parts per million of lead."

It is not prescribed.

Shri M. L. Tambi: So far as I am concerned, I mean the rule says that the maximum limit permissible under the rules is that 2 parts per million of lead can be allowed to remain in turmeric.

Chairman: For the information of all the Members, I am informed that these are natural contents. The lead comes along with the raw materials from the earth.

Shri P. K. Deo: After it is chemically treated. You can verify it from Mr. Mitra.

Chairman: I am saying this after getting it verified from the experts.

Shri P. K. Deo: I just verified it from him.

Shri Hari Vishnu Kamath: I suppose, we have before us the spokesmen of four Associations comprising of...

Shri M. L. Tambi:.. 3 persons from each Association, that is, who are present here.

Shri Hari Vishnu Kamath: How many members are there in each Association?

Shri M. L. Tambi: In our Calcutta Kirana (Spices) Merchants Association, there are 80 to 90 members who are wholesale dealers.

Shri Hari Vishnu Kamath: You have just now told the Committee about the difficulties that you face because you get stuff from wholesale

dealers which cannot be tested by analysts. Have you at any time given any thought to setting up or formulating a code of conduct amongst the retailers themselves?

Shri M. L. Tambi: Our Association has from time to time given consideration to this. It has been in correspondence with the Government also. It has been taking steps on its own initiative also. We are not representing retailers in our Association.

Chairman: Mr. Deo, about the lead content in turmeric I have got this information from the experts. To the extent of 2 parts per million, the lead will come up along with the materials. Only to that extent it is allowed because it may come up in nature along with the material.

Shri M. L. Tambi: But it comes more than that in the nature.

Chairman: After testing so many samples and other things of course, this standard has been fixed.

Shri Hari Vishnu Kamath: I would like to know whether the retailers' association had any time formulated or attempted to formulate a code of conduct to regulate the conduct of retail traders on pain of expelling them from membership of your association if they violate the code of conduct?

Shri Ramanlal Shah: So far as Ahmedabad Association is concerned, we have not done that in so many words.

Shri Hari Vishnu Kamath: Do you propose to formulate it?

Shri Ramanlal Shah: I am told that the members of the association would think on those lines.

Chairman: Some people complained here that the samples never come upto the standard because the standards prescribed are very high. An analysis made in the Central Food Laboratory of the samples collected from your place indicates that out of 15 samples, 13 of them have come up

to the standard. Only two were found below the standard. That means there is adulteration in those two samples.

Shri M. L. Tambi: These two samples may have come from such parts of the country where it was not possible to comply with the provisions regarding the standard.

Chairman: This is from different parts of the country. We cannot have any better authority than the appellate food testing laboratory.

Shri B. B. Pal: So far as the wholesale spices dealers of Calcutta are concerned, we assure the Government of our support and co-operation in stopping adulteration.

Chairman: Without much explanation, you can add any new point without repeating what has already been said.

Shri B. B. Pal: We are not used to this kind of giving evidence before this Committee. The principle of the Act is prevention of adulteration. We agree with that principle of prevention, but all we want is some sort of chemical examination. If it is not feasible, then it should be checked by a committee of merchants and Government officials and public. We want to ascertain how much percentage of adulteration is there.

Chairman: You have got your federation and union. You can have it checked there.

Shri B. B. Pal: How is it possible? They cannot understand the chemical ingredients. How is it possible for a layman to understand it without chemical experts?

Chairman: You can take the help of some technical persons just as some of you have engaged a legal adviser to present your case.

Shri B. B. Pal: Even at the source the commodity should be checked and we should know that such and such commodity is genuine. Otherwise, how is it possible to understand that the commodity is genuine?

Chairman: We have heard a lot on this. There was a lot of discussion over it in your presence. If you can add any new point, you can do so.

Shri B. B. Pal: Unless and until the commodities are tested there and unless and until the tested marks are there on the commodities, railways and steamers should not be allowed to handle them.

On behalf of our association, we are ready to co-operate with the Government to have supervision in order to see that no adulterated food is sold after testing.

Chairman: On behalf of the Committee I extend our thanks to the witnesses who have appeared before us for the guidance and information they furnished to us.

(The witness then withdrew).

XII. Ghee Merchants' Association, Belgaum.

Spokesmen:

1. Shri Arvindrao Joshi
2. Shri S. Y. Kakatkar
3. Shri V. V. Pendse
4. Shri Babubhai Padamshi
5. Shri Ramkrishna Kalghatgi
6. Shri Shantilal J. Modi.

XIII. Gujarat Sudhh Ghee Vepari Mahamandal, Ahmedabad

Spokesmen:

1. Shri Jamana Shanker Pandya
2. Shri Chinubhai N. Shah
3. Shri Shantilal C. Shah
4. Shri Jivanlal R. Patel
5. Shri Sunderlal G. Modi.

(Witnesses were called in and they took their seats.)

Chairman: Your memoranda have been circulated to the Members. If you want to stress anything or add anything pertaining to the amendments under consideration, you are most welcome.

The evidence given by you will be treated as public unless you specifically want that the whole or any part of it should be treated as confidential. Even then it will be circulated to Members of the Committee and Members of Parliament.

श्री बी० बी० पेंडसे : चेअरमैन महोदया, मैं इस ज्वाएंट कमेटी के सामने अपने कुछ विचार बहुत संक्षेप में हिन्दी में प्रकट करूंगा ।

हम लोग बेलगांव के घी व्यापारी हैं और हमारी घी मर्चेंट्स असोसियेशन है । हमने आप की सेवा में पहले ही अपना लिखित ज्ञापन भेज दिया है जिसमें हमने विस्तार से अपनी मांगें पेश की हैं । इस अघसर पर मैं संक्षेप में इस फुड ऐडल्ट्रेशन बिल की तरमीम के कारण हम घी के व्यापारियों को जो प्रैक्टिकल डिफिकल्टीज पैदा हो गयी हैं उन को आप के सामने रखना चाहता हूं ।

बेलगांव के लिए घी की आर० एम० वैल्यू जो कि १९ से २६ के रेंज में बैरी करती है, उस के बजाय गवर्नमेंट ने सारे बेलगांव के वास्ते एक युनिफार्म आर० एम० वैल्यू २६ फिक्स कर दी है । २६ का मिनिमम स्टैंडर्ड सारे बेलगांव के लिए रख दिया है । अगर आर० एम० वैल्यू २६ से कहीं कम पाई जाती है तो वे आर० एम० का लोअर नम्बर नहीं बतलाते या ठीक तौर से यह नहीं बतलाते कि उसमें क्या मिलावट है । वे अपनी टेबुल के अनुसार कह देते हैं कि इसमें फीरेन फैट इतने परसेंट है । हमारे विचार में इस तरह का एक डायरेक्ट कनक्लूजन निकाल लेना एक गलत चीज है और बहुत से बेगुनाह व्यापारी इन रिपोर्टों के कारण सफर कर रहे हैं । हम इस बारे में पिछले दस सालों से यह मांग रखते आ रहे हैं कि हमारे रीजन के घी की आर० एम० वैल्यू तमाम साल एक सी नहीं रती और इसलिए एक युनिफार्म स्टैंडर्ड और वह भी २६ का फिक्स करना हम लोगों के साथ एक बड़ी ज्यादती है ।

यह हमारा अनुभव है कि हम घी की अपने रोजन में मुख्तलिफ़ सीजन में मुख्तलिफ़ आर० एम० वैल्यू पाते हैं। मिसाल के लिए मैं आपको बतलाऊ कि अक्टूबर से मार्च तक 27 टु 32 आर० एम० वैल्यू होती है, अप्रैल से जुलाई तक 27 से 20 तक आर० एम० वैल्यू रहती है और अगस्त से सितम्बर तक 20 से 27 तक आर० एम० वैल्यू घी की रहती है। यह असमानता आबोहवा की तबदीली और कंटिल के फ़ौडर में असमानता के कारण पाई जाती है। आर० एम० वैल्यू की लिमिट 20 से 40 तक है। कभी कभी तो आर० एम० वैल्यू 20 से भी नीचे चली जाती है। जब आर० एम० में इतनी वैरिएशंस हैं तो यह कना मुश्किल है कि फलां घी मिलावटी है क्योंकि उस का आर० एम० कम है और आर० एम० का होना फ़ौरन फ़ैट उसमें होना साबित करता है। इसलिए आर० एम० स्टैंडर्ड के बारे में सरकार को फिर से नये सिरे से विचार करना चाहिए। हमारा इस सिलसिले में एक अनुभव और भी है और वह यह है कि जब लो आर० एम० घी हाई आर० एम० बल्क के साथ मैल्ट किया जाता है तो वह ऐगमार्क लेबल पा सकता है। यह कैसे है? इस हाई आर० एम० वैल्यू के फलस्वरूप घी में काफी मिलावट की जा रही है। आर० एम० वैल्यू का हाइएस्ट रेंज एनीमल फ़ैट (टैलो) मिला कर 35 से 38 है। कुछ अवांछनीय लोग इसका नाजायज़ फायदा उठाते हैं। वह एनीमल फ़ैट (टैलो) को हाइयर रार आर० एम० बटर और घी में इस प्रपोरशन से मिलाते हैं ताकि एवैज आर० एम० का 22 से 24 आ जाय। टैलो चूंक सफ़ेद रंग का होता है इसलिए वह आसानी से घी और मक्खन में मिलाया जा सकता है।

बनस्पति आयात का भी प्रयोग कुछ लोगों द्वारा घी में मिलावट करने के लिए किया जाता है क्योंकि घी की तरह उसका भी रंग सफ़ेद होता है। हम पिछले कई वर्षों से लगातार

भारत सरकार से अनुरोध करते आये हैं कि घी में मिलावट बन्द करने के लिये यह जरूरी है कि बनस्पति प्रोडक्ट्स को रंग दिया जाय। लेकिन अभी तक अभाग्यवश हमारी इस सलाह को अमल में नहीं लाया गया है। हमारी यही प्रार्थना है कि सरकार जल्द से जल्द बनस्पति आयात में रंग मिलाने की व्यवस्था करे और ऐसा होने से हमारे विचार में बहुत हद तक घी में मिलावट बन्द हो सकती है।

हमारा निवेदन यह है कि आर० एम० का स्टैंडर्ड एक फलप्रव मेजर नहीं है और न यह कोई एडल्ट्रेशन को रोकने की एक यार्ड-स्टिक है। यह उल्टे एडल्ट्रेशन को स्कोप देता है और बहुत दफ़े बेगुनाह व्यापारियों को इससे नुकसान पहुंचता है। इसलिये हम प्रार्थना करते हैं कि कि इस घी और बटर के स्टैंडर्डस—खास तौर से आर० एम० वैल्यू के बारे में सरकार साइटिस्ट्स और डेयरी इंस्ट्री के टैकनीशियंस से सलाह मशविरा करके एक नीति निर्धारित करे। मुझे आशा है कि हम ने जो यह सुझाव रखे हैं उन पर यह प्रवर समिति व सरकार सहानुभूतिपूर्वक विचार करेगी।

श्री जमनाड़ाकर पांड्या : चेअरमैन महोदया व संयुक्त प्रवर समिति के सदस्यगण, हमने अपने लिखित मेमोरेंडम में विस्तार से अपने सुझाव भेज दिये हैं। लेकिन जो एक सब से खास चीज है वह यह कि हमारी गुजरात स्टेट के तमाम भागों में अमेंडेड प्रीवेंशन ऑफ़ फूड एडल्ट्रेशन ऐक्ट 1954 के मुताबिक देशी घी की बी० आर० और आर० एम० वैल्यू युनिफ़ार्म नहीं हैं। कच्छ और सौराष्ट्र में स्पेसिफिकेशंस कम वैल्यू के हैं जब कि गुजरात के दूसरे हिस्सों में वे ऊंचे हैं। पुराने ऐक्ट के मातहत सौराष्ट्र की आर० एम० वैल्यू 21 थी। जब कि गुजरात के दूसरे हिस्सों में वह वैल्यू 26 थी लेकिन मौजूदा अमेंडेड ऐक्ट के मातहत वे रिवाइज कर दिये गये हैं और अब सौराष्ट्र और अक्छ में आर०

एम० वेल्यू और बी० आर० वेल्यू के स्पेसिफिकेशंस 21 और 45 हैं जब कि गुजरात के दूसरे हिस्सों में वे 24 और 43.5 हैं। गुजरात के तमाम व्यापारी सन् 1957 से यह मांग कर रहे हैं कि तमाम गुजरात के लिये युनिफार्म स्पेसिफिकेशंस रखे जायें। सौराष्ट्र और गुजरात के दूसरे हिस्सों में कौटिल डाइट और क्लाइमेट एक सी है इसलिए यह समझ में नहीं आता कि क्यों सौराष्ट्र का एक एरिया कौटन जोन एरिया डिक्लेयर किया गया है और बाकी को नोन कौटन जोन डिक्लेयर किया गया है ?

सभापति महोदय : क्या समानता हो सकती है ?

श्री जमनाशंकर पांड्या : जी हां समानता हो सकती है। हमारे वहां पहले सौराष्ट्र को कौटन जोन एरिया और गुजरात को नोन कौटन जोन बनाया गया था। मैं आपके सामने फीगर्स पेश करता हूँ कि सौराष्ट्र में जहां 3 लाख 87 हजार टन कौटन बन रही हैं वहां गुजरात रीजन में उसका उत्पादन 18 लाख 38 हजार टन का है। इन फीगर्स से साबित हो जाता है कि सौराष्ट्र की अपेक्षा गुजरात के बाकी जिलों में कौटन का प्रोडक्शन अधिक है। काटन जोन और नोन काटन जोन के आधार पर जो असमानता है, उसको समाप्त कर देना चाहिए। वह सारा क्षेत्र काटन जोन बनाया जा सकता है। सारे गुजरात में एक सी आबो वा है, पशुपालन का एक ही तरीका है और एक सी खुराक दी जाती है।

श्री य० एम० त्रिबेदी : आपका क ना है कि सौराष्ट्र की आर० एम० वेल्यू अलग है और गुजरात की अलग है। आप चा ते हैं कि सारे गुजरात में एक ही आर० एम० वेल्यू तय कर दी जाये। आप क्या आर० एम० वेल्यू फिक्स कराना चाहते हैं ?

श्री जमनाशंकर पांड्या : जो कुछ सरकार के टेकनीशन्स तय करें। लेकिन

वह एक सी होनी चाहिए। हमारा विचार है कि 20 से 22 होनी चाहिए।

श्री के० एल० बाल्मीकी : आर० एम० वेल्यू जगह जगह डिफर करती है। अगर सरकार कहीं लोअर, कहीं मिडवे और कहीं हायर आर० एम० वेल्यू तय करती है, तो लोअर को मिडवे और हायर तक लाने के लिए किसी न किसी चीज की मिलावट करनी होगी। इनके इस प्वाइंट में जान है। क्या श्री पांड्या का यही मतलब है कि अगर आर० एम० वेल्यू कहीं 19 और कहीं 23, 26 या 41 होगी, तो मिलावट होगी ?

श्री जमनाशंकर पांड्या : गुजरात स्टेट में एक ही आबोहवा है, एक ही पशुपालन की रीति है और एक ही खुराक है। लोगों ने गुजरात स्टेट गवर्नमेंट से यह डिमांड की है कि सब जगह एक ही स्टैंडर्ड होना चाहिए। वहां पर इस समय पाई जाने वाली असमानता को दूर करने के लिए एक कमेटी बनाई जानी चाहिए, जो कि इस बारे में जांच करे।

श्री के० एल० बाल्मीकी : मैं बोलगाम की घी मरचेट एसोसियेशन के प्रतिनिधि से यह प्रश्न पूछना चाहता हूँ। उनके यहाँ मिलिटरी डेयरी हैं। लैबोरेटरी में उसके सैम्पल भी जाते हैं और आपके भी जाते हैं। मिलिटरी के डेयरी के सैम्पल तो आप टु दि स्टैंडर्ड उतरते हैं और आपके नहीं उतरते हैं। ऐसा क्यों है ?

श्री बाबूभाई पवमशी : मिलिटरी डेयरी फ्रीम, टैंबल बटर तैयार करती है, जब कि हमारी एसोसियेशन का काम देशी बटर, घी और कर्ड से सम्बन्धित है। फ्रीम टैंबल बटर और देशी बटर की अलग-अलग स्टैंडर्ड हैं।

श्री के० एल० बाल्मीकी : क्या यह ठीक है कि मिलिटरी डेयरी में कम एडल्ट्रेशन है और आपके यहां ज्यादा है ?

श्री बाबूभाई पद्मश्री : हर एक प्रान्त में आर० एम० वैल्यू के बारे में तकरार है। बलगाम में आर० एम० वैल्यू 26 तय की गई है। अगर किसी सैम्पल में उससे कम आर० एम० वैल्यू पाई जाती है, तो उसको एडल्ट्रेशन समझा जाता है। लेबारेटरी की रिपोर्ट में कह दिया जाता है कि उसमें फ़ारेन फ़्रंट मिली हुई है। यह समझना उचित नहीं है कि अगर आर० एम० वैल्यू 26 से कम हो गई, तो उसमें एडल्ट्रेशन किया गया है। अगर कुदरती तौर पर आर० एम० वैल्यू 19 है, तो फिर उसकी सजा बयों दी जाती है। कई व्यापारी टेलो को घी में मिस करते हैं, ताकि उनके घी की आर० एम० वैल्यू हायर हो सके और उनको एगमार्क लेबल मिल सके। एगमार्क लेबल से हमारा कोई झगड़ा नहीं है, लेकिन हमारा कहना यह है कि केवल आर० एम० वैल्यू देख कर यह नहीं कहा जा सकता है कि अमुक घी प्योर है या एडल्ट्रिड है। इसलिए इस घी की प्यूरिटी देखने के लिए आर० एम० वैल्यू का टेस्ट नहीं रखा जाना चाहिए। कई कैमिस्ट कहते हैं कि और भी कई टेस्ट हैं, लेकिन उनमें तीन दिन का समय लगता है। मैं यह पूछना चाहता हूँ कि क्या केवल तीन दिन की मे नत से बचने के लिए किसी निरपराध व्यापारी को फांसी पर लटका देना चाहिए।

भाज-कल हालत यह है कि सब घी और बटर को आर० एम० वैल्यू के हिसाब से चैक किया जाता है। अगर आर० एम० वैल्यू 26 हो गई तो सैम्पल पास हो गया। और अगर आर० एम० वैल्यू 19 हो गयी, तो सैम्पल फ़ेल हो गया। जब आर० एम० वैल्यू कुदरती तौर पर कम या ज्यादा होती है, तो हमारा क्या कसूर है ?

इसलिए आवश्यकता इस बात की है कि व्यवहार और साइंस के बीच में कोई तरीका निकालना चाहिए और इस काटेज इंडस्ट्री को प्रोत्साहन देने के लिए सरकार

की तरफ से सहायता और सहूलियत दी जानी चाहिए।

श्री के० एस० बाल्मीकी : क्या आपकी संस्था ने मिलावट को रोकने के लिए कोई आचार-संहिता, रेजोल्यूशन या नियम बनाए हैं कि कोई मिलावट न करे और अगर कोई करेगा, तो आपकी संस्था उस को सजा देगी ?

श्री बाबूभाई पद्मश्री : जरूर। जब व्यापारियों की दुकान से कोई माल आया और हमको लगा कि उसमें एडल्ट्रेशन है, तो हमने म्यूनिसिपल अधिकारियों को सूचित कर दिया।

Shri U. M. Trivedi: I do not know how these standards were framed and adopted. The standards for Kathiawad and Saurashtra in Gujarat are different. One may be separated from the other by a field only.

Chairman: In Gujarat in areas other than the territories of erstwhile Saurashtra and Cutch, the RM is fixed at 26.

Shri U. M. Trivedi: In Gujarat it is 26; in Saurashtra and Cutch it is 21.

Chairman: It is fixed after taking samples from those areas. But these standards are in the process of being revised.

Shri U. M. Trivedi: They ought to be revised. They ought to have been revised long ago.

Dr. C. B. Singh: He has made a very good point that the standard has got to be revised. Obviously, it has been laid down on insufficient data. It must be on the record that the standard laid down is on insufficient data and must be revised.

Chairman: The standards in Gujarat as also in Mysore are under consideration. Anyway, I do not think that it is quite possible to bring about uniformity in RM value, but as far as possible it should be uniform within a particular radius.

एक साक्षी : आर० एम० के बारे में बहुत तकलीफ हो रही है। हम गुजरात वालों के लिए आर० एम० के बदले कुछ और हो जाए तो अच्छा है।

श्री बसबन्त : कुछ महीनों में आर० एम० नीचे और कुछ में आर० एम० ऊंचे होने का क्या कारण है, क्या आप इसको बतला सकते हैं ?

श्री बाबूभाई पबमशी : यह कुछ तो कुदरती कारणों से होता है और कुछ जो चारा आदि दिया जाता है, उसके कारण से होता है। आज हिन्दुस्तान की हालत यह है कि आदमी को तो खाने को अच्छा नहीं मिलता है तो फिर जानवर को कैसे अच्छा खाने को चारा दिया जा सकता है। हम गवर्नमेंट के ऊपर कोई किसी किस्म का अटक नहीं करना चाहते लेकिन जो पोषीशन है, उसको भी हमें देखना होगा। आज ज्यादातर देहातों में गरीब आदमियों के हाथों में दूध घी का घंघा है। अगर जानवरों को बनोले नहीं डाले जायें तो किस तरह से वे अच्छा दूध दे सकते हैं।

श्री बेबकीनम्बन नारायण : आपने अपनी एसोसियेशन का नाम शुद्ध घी व्यापारी महामंडल रखा है। आपने अपने मैमोरेण्डम के पेज 4 पर लिखा है :

"to enable the small producers to sell directly to consumers".

इसका मतलब यह है कि जो स्माल प्रोड्यूसर गांव में रहता है और जो घी तैयार करता है, उसको क्या कंज्यूमर को बेचने की अनुमति नहीं है। क्या यह सही है ?

एक साक्षी : जो काटेज इंडस्ट्री में घी तैयार होता है उसको वे लोग व्यापारियों को दे देते हैं। और व्यापारी उसको दूसरों को दे देते हैं। जो एगमार्क करते हैं उनके लिये आर० एम० बेल्यु आना चाहिए। आर० एम० बेल्यु तब आयेगा जब मायसचर चला जाएगा। जो बीच की एजेंसी है वह बहुत बढ़ गई है।

श्री बेबकीनम्बन नारायण : मैं समझा नहीं। गांव वाले व्यापारी को देते हैं, डायरेक्ट कंज्यूमर को नहीं देते हैं, ऐसा क्यों है ? क्या कंज्यूमर को डायरेक्टली बेचने पर कोई पाबन्दी है ?

एक साक्षी : पाबन्दी नहीं है। वे टैस्ट से डरते हैं।

अगर वे डायरेक्टली दें तो आर० एम० बेल्यु और मायसचर का सवाल पैदा हो सकता है और घी को टैस्ट किया जा सकता है। इस वास्ते वे बेचने से डरते हैं।

श्री बेबकीनम्बन नारायण : खानदेश में बहुत घी पैदा होता है। वहां कोई रोक नहीं है। वे लोग डायरेक्टली कंज्यूमर को बेच सकते हैं। उसी में ज्यादातर मिलावट होती है। आप जानते हैं कि आज ऊपर से नीचे तक मिलावट होती है। प्रोड्यूसर भी करता है, बीच वाला भी करता है और दूकानदार भी करता है। इसको किस तरह से बन्द किया जाए ?

एक साक्षी : कोई वैज्ञानिक तरीका अपनाया जाना चाहिये जिससे मिलावट करने वाले पकड़े जा सकें और उनको सजा दी जा सके।

श्री बेबकीनम्बन नारायण : यह तो आपने जनरल बात कह दी। कोई आल्टरनेटिव बताइये।

एक साक्षी : लोगों में नैतिकता की भावना जगाई जाये, कानून में जो लूपहोल्ड हैं, उनको दूर किया जाये। तब यह हो सकता है।

श्री तुलशीदास जाधव : पृष्ठ ३ पर आपने कहा है :

"We request and hope that the Select Committee should study this problem minutely and also visit the region if need and consult the State Government and find out the vested interests who are playing role for keeping this differentiation only for the lopsided benefits of one region"

at the cost of the benefits of the other region" etc.

ये कौन हैं ?

एक साक्षी : सौराष्ट्र के कुछ जिलों में आर० एम० वैल्यू कम होने की वजह से वैस्टिड इंटरिस्ट पैदा हो गये हैं और उनकी मोनोपोली हो गई है। सात डिस्ट्रिक्ट्स के अन्दर उनकी मोनोपोली है। गुजरात वाले अगर घां भेजते हैं उधर तो उनको मुनाफा नहीं मिलता है। गुजरात सरकार ने अभी तक एगमार्क कम्पलसरी नहीं किया है। गुजरात वाले घाटे में हैं और सौराष्ट्र के जो व्यापारी हैं उनके वैस्टिड इंटरिस्ट बन गये हैं और वे बड़े सक्सैसफुल हो गये हैं।

श्री तुलशीदास जाधव : वहां क्या राजस्थान का विरोध करते हैं।

श्री चिन्नुभाई शाह : हमारी ऐसी आशंका है।

श्री तुलशीदास जाधव : डिपार्टमेंट जांच करता है कि कितना आर० एम० कहां है। अगर डिपार्टमेंट जांच न करता तो हम उन से कहते।

श्री चिन्नुभाई शाह : हमारी शक की बुनियाद यह है कि गुजरात सरकार यूनीफार्म पालिसी बनाने के लिए कहती है। फिर भी चीज आगे नहीं चलती।

सभापति महोदया : आप गुजरात सभा के प्रतिनिधि हैं।

श्री चिन्नुभाई शाह : जी हां।

श्री तुलशीदास जाधव : गुजरात स्टेट इन्तिजाम करती है और आप भी करते हैं। फिर भी आप को शंका है यह मेरी समझ में नहीं आया।

श्री चिन्नुभाई शाह : कुछ न कुछ फर्क पड़ता है इसीलिए शंका है।

Chairman: For the information of these gentlemen and for Members I would like to give this information. They have taken different samples from different parts and districts of the same State, it is said. The agricultural department and agricultural directorate have taken the sample. They collaborate with them in testing the samples. In the Gujerat area other than Kaira district and erstwhile State of Saurashtra and Kutch it is different. Other than the district of Kaira the RM is different. It is decided, they say, not on the basis of district or taluk wise or district or State wise but they have got R.M. zones.

श्री बसबन्त : बम्बई गवर्नमेंट ने अपने यहां के लिए आर० एम० वैल्यू मुकरर की है। बलगांव वाले कहते हैं कि उनके यहां के दूध की आर० एम० वैल्यू कम होती है क्योंकि कैटिल को अच्छा चारा नहीं मिलता।

An hon. Member: It varies from season to season and place to place.

श्री बसबन्त : खानदेश में आर० एम० वैल्यू ज्यादा आती है। बम्बई राज्य के कुछ हिस्सों में जहां इंजन का पाला पशुओं को मिलता है परसेंटेज बहुत ज्यादा है तो आपका कहना है कि आर० एम० वैल्यू पशुओं को जो चारा मिलता है उस पर निर्भर करता है।

Chairman: On behalf of the Members of the Committee I thank you for having come over here and given us the benefit of your views.

(The witnesses then withdrew.)

XIV. The Ghee Merchants Association, Bombay.

Spokesman:

Shri Shantilal J. Modi.

(The witness was called in and he took his seat.)

सभापति महोदया : आप कहां से आते हैं।

श्री शान्ति लाल जे० मोदी : हम गुजरात शुद्ध घी व्यापार महा मंडल के प्रतिनिधि हैं ।

हमारे यहां अनेक क्षेत्रों से डब्बों में बन्द घी आता है । और उन में अलग अलग की प्रकार० एम० वैल्यू अलग अलग होती है । जो छोटे व्यापारी हमारे यहां से घी ले जाकर और डब्बों को खोल कर बेचते हैं, उनके जब सम्पल लिये जाते हैं तो उनमें कभी कभी कम प्रकार० एम० वैल्यू वाला घी पाया जाता है । केवल इसी बात पर चालान कर दिया जाता है । हम को यह भी बतलाना चाहिए कि उसमें क्या मिलावट की गयी है । प्रकार० एम० वैल्यू सब जगह के घी की बराबर नहीं होती ।

सभापति महोदय : क्या चीज मिलायी जाती है ?

श्री शान्तिलाल जे० मोदी : वेजीटेबिल की मिलावट चल रही है । हम चाहते हैं कि वेजीटेबिल को रंग दिया जाये ।

श्री के० एल० बाल्मीकी : चरबी भी मिलायी जाती है ?

श्री शान्तिलाल जे० मोदी : जी हां ।

श्री के० एल० बाल्मीकी : क्या सब से ज्यादा चरबी सुभर की किलायी जाती है ?

श्री शान्तिलाल जे० मोदी : प्रकार० एम० वैल्यू के साथ क्या मिलावट है यह भी बतलाना चाहिए ।

श्री के० एल० बाल्मीकी : आप तो कहते हैं कि आप बन्द डब्बों के घी का व्यापार करते हैं । आप ने खुरजा के महेश घी और शिवा घी का नाम सुना होगा । क्या इन में मिलावट पायी गयी ?

श्री शान्तिलाल जे० मोदी : ये अच्छे घी हैं ।

श्री के० एल० बाल्मीकी : क्या खुरजा के घी में इसलिए मिलावट नहीं होती कि वह एगमार्क होता है ?

श्री शान्तिलाल जे० मोदी : जी हां ।

श्री के० एल० बाल्मीकी : क्या सब घी एगमार्क होना चाहिए ।

श्री शान्तिलाल जे० मोदी : एगमार्क होने से कन्ज्यूमर को मंहगा पड़गा ।

श्री के० एल० बाल्मीकी : आप ने कहा कि घी में ज्यादातर वेजीटेबिल मिलाया जाता है । जिन मंडियों में घी बिकता है, उनमें वेजीटेबिल भी बिकता है । क्या आपका कहना है कि वेजीटेबिल को रंग दिया जाये ।

श्री शान्ति लाल जे० मोदी : वनस्पति प्रोडक्ट्स में जब कोई उपयुक्त कलर मिलाया जायेगा तभी इस देश में लोगों को शुद्ध घी सुलभ हो सकेगा क्योंकि उसके कलर होने से घी में मिलावट बहुत कम हो जायेगी ।

श्री के० एल० बाल्मीकी : आप की असोसियेशन के कितने सदस्य हैं ।

श्री शान्तिलाल जे० मोदी : १५ सदस्य हैं ।

सभापति महोदय : घी में मिलावट रोकने के वास्ते आप ने वनस्पति को रंगने का जो सुझाव दिया है उस पर सरकार गम्भीरता से विचार कर रही है और कोई उपयुक्त रंग की एक्सपर्ट्स के जरिए तलाश भी करवा रही है जो कि स्वास्थ्य के लिए हानिकारक भी न हो और साथ ही परमानेंट भी हो । अभी जो रंग मिले हैं वे टैम्पोरेरी हैं । गवर्नमेंट के सामने यह मामला विचाराधीन है ।

श्री शान्तिलाल जे० मोदी : पन्द्रह वर्ष से सरकार वनस्पति में रंग मिलाने के बारे में सोच रही है लेकिन आश्चर्य का विषय है कि उसे अभी तक कोई उपयुक्त रंग नहीं मिल पाया है । जब कि हर चीज के लिए रंग मिल जाता है तब वेजीटेबुल आयल के लिए रंग क्यों नहीं मिलता है ?

श्री के० एल० बाल्मीकी : क्या आप बतला सकते हैं कि किस स्टेट के बन्द डिब्बों में मिलावट पकड़ी गयी ?

श्री शांतिलाल जे० मोदी : सीराष्ट्र के घी प्रोड्यूसर्स के डिब्बे पकड़े गये हैं लेकिन गुजरात के और उत्तर प्रदेश के नहीं पकड़े गये हैं ।

श्री तुलशीदास जाधव : आप के पास सीराष्ट्र, गुजरात, मैसूर, आंध्र प्रदेश और महाराष्ट्र आदि से अलग अलग घी के डिब्बे बिकने के वास्ते आते हैं, मैं जानना चाहता हूँ कि आप उन्हें उसी तरह अलग अलग बेचते हैं या उनको एक में मिला कर बेचते हैं ?

श्री शांतिलाल जे० मोदी : हमारे पास रेकांड रहता है कि कितने कितने डिब्बे किस किस जगह से हमारे वहाँ बिकने के लिए आये हैं, अलग अलग पार्टीज का हमारे पास पूरा ध्योरा रहता है लेकिन जिस तरह से वह अलग अलग हमारे पास आते हैं उसी तरह से हम अलग अलग ही ग्राहक की मंशा के अनुसार उनको बेचते हैं । हर एक घी का भाव भी अलग अलग होता है और इसलिए मिक्स करने का उनको कोई सवाल नहीं है और उनको उसी तरह से अलग अलग ही बेचा भी जाता है ।

श्री बाबुभाई पदमशी : मैं यहाँ पर थोड़ा सा चेन्नरमैन साहब की इजाजत से निवेदन करना चाहूँगा कि हमारा शहर बतौर खुद घी प्रोड्यूस नहीं करता है । वह केवल एक बड़ा कंज्यूमिंग सेंटर है और विभिन्न राज्यों से घी मंगवाता है जिनके कि अपने अलग अलग घी के स्टैंडर्डस हैं । हमारे रिटेल डीलर्स जोकि २६ आर० एम० से नीची वैल्यू का घी बेचते हैं उनको बड़ी दिक्कत का सामना करना पड़ रहा है क्योंकि उनका सैम्पुल बिलो स्टैंडर्डस का माना जाता है हालांकि वह पड़ोस की रियासतों का जैनविन इम्पोर्टेड घी है । जाहिर है कि हमारा कंज्यूमिंग सेंटर प्रोड्यूसिंग स्टेट्स से भिन्न

स्टैंडर्ड नहीं रख सकता है । इसलिए यह प्रार्थना की जाती है कि घी टिनों पर प्रोड्यूसिंग सेंटर का मार्क साफ साफ बना हुआ हो और वह उसी स्टैंडर्ड से टेस्ट किया जाय जोकि स्टैंडर्ड उसका प्रोड्यूसिंग सेंटर में है ।

सभापति महोदय : यह आप के मेमो-रेंडम में सब दिया हुआ है इसलिए उसे दूराने की जरूरत नहीं है । कमेटी ने आपका सुझाव नोट कर लिया है ।

श्री देवकीनन्दन नारायण : आप घी गांव वालों से डाइरैक्ट लेते हैं या बल्क प्रोड्यूसर्स से लेते हैं ?

श्री शांतिलाल जे० मोदी : प्रोड्यूसर्स के वहाँ से आता है ।

श्री देवकीनन्दन नारायण : अब बल्क प्रोड्यूसर्स के यहाँ तो किसान लोग दो, दो ढाई सेर अलग अलग हंडियों में घी भर कर लाते हैं और वह उनको इकट्ठा करते रहते हैं और बाद में टिनों में भर कर भेज देते हैं । इसलिए दरअसल आप घी किसान प्रोड्यूसर्स से नहीं लेते हैं बल्कि घी के व्यापारियों से लेते हैं जोकि घी अपने वहाँ इधर उधर से जमा करते रहते हैं । जब ऐसी बात है तो आप को क्या भरोसा है कि वह व्यापारी जो इस तरह से दसियों जगह से घी इकट्ठा करते हैं व उसमें मिलावट नहीं करते हैं ? वह व्यापारी उन टिनों को सील करके आप के पास भेजते हैं । उन पर आप लोग नम्बर डालते हैं । इस बात की क्या गारन्टी है कि जो वहाँ आप के एजेंट या घी व्यापारी हैं वे सील करने से पहले उसमें मिलावट नहीं करते हैं ?

श्री शांतिलाल जे० मोदी : गवर्नमेंट की लेबोरेटरीज में उस को चैक किया जा सकता है ।

Chairman: The members have got sufficient information and on behalf of the Members of the Committee, I would like to offer my thanks to the spokesman of the Association.

(The witness then withdrew.)

XV. The Guntur Kirana Retail Merchants Association, Guntur.

Spokesmen:

1. Shri M. Satyanarayar
2. Shri S. Varahala Rao.

XVI. Andhra Pradesh Retail Kirana Merchants Federation, Vizlawada

Spokesman:

Shri V. V. Punnaiya

XVII. Bhesal Pratibandhak Kamkaj Committee Poona.

Spokesmen:

1. Shri M. E. Jeena
2. Shri R. S. Joshi
3. Shri Chimam Lal Panachand
4. Shri Chuni Lal Shankar Lal

XVIII. Dukandar Samiti Dehra Dun.

Spokesmen:

1. Shri Balgobind Khanna
2. Shri Tara Chand.

XIX. North Calcutta Traders Associations, Calcutta.

Spokesman:

Shri Sontosh Kumar Lodh.

XX. Bezwada Commercial Association (Regd.), Vijayawada.

Spokesmen:

1. Shri Anumalasetty Sreeramulu
2. Shri Kakaraparthi Venkateswarlu.

(Witnesses were called in and they took their seats.)

Chairman: Gentlemen, the copies of the memoranda submitted by you have been distributed to all the members. If you want to stress any point that you have mentioned in your memoranda or any other point pertaining to the amendments under consideration, you are most welcome. The evidence that will be given by you will be treated as public unless you specifically mention that a part of

it or whole of it should be treated as confidential. Even then, that will be circulated to the members of the Select Committee and Members of Parliament.

Shri S. Varahala Rao: On behalf of the Guntur Kirana Retail Merchants Association, Guntur, I want to assure that whatever Government want us to do we shall do. Let me also make it clear that we have not come here to plead the cases of those who are committing or violating the law of Adulteration. We are also not against awarding deterrent punishments to the offenders. Our request is to give a patient hearing to the retailers' case. On previous occasions, they wanted to represent their cases or difficulties experienced by them but they had not got the opportunity to do so during the last ten years of the implementation of this Act. We should request the hon. Members to do justice and not to favour our Association from what we submit to you.

Chairman: We have already got your memorandum. You only stress on any point because we have already listened to so many representative bodies of the Kirana Merchants. Therefore, the Members are able to grasp it in no time. Please emphasise on any special points.

Shri S. Varahala Rao: This being an important matter for all of us, we want to say that for the last ten years of the implementation of this Act, an opportunity was denied to this hon. Committee in touring the States.

Chairman: For the information of the Members of this Committee, I would like to say that these people have requested the members to tour round the country. That is why they say that all of them were denied the opportunity to represent their case to the Committee.

Shri S. Varahala Rao: Under the prevailing conditions in this country, all the retail dealers know 's to what is happening regarding the proposed amendment or its consequence or the

Act as it stands to-day. The hasty manner with which the legislation is being pushed by Parliament is depriving them of opportunities to represent their case.

Chairman: Please come to the point. We do not want to take hasty action. We are listening to you. Let us restrict ourselves to the relevant points only.

Shri S. Varahala Rao: The amendments will show that the Government find that the Act is not working upto their satisfaction. In implementation of this Act, there are certain inherent difficulties and there are certain lapses, omissions and commissions in the original Act found during the last ten years which, these Retailers' Association feel, should be taken note of. This is our submission. Then, as regards the steps to be taken or recommended by this esteemed Committee, we are going to suggest three or four important points. First, effective checking must take place at the place of production.

Chairman: We have followed it.

Shri S. Varahala Rao: Also at the point of assembling. I suggest this because a large amount of commodities are available there. That reduces the amount of adulteration. Secondly, extensive arrangements for laboratory facilities for scientifically testing food articles may be provided at least to cover all important towns. Thirdly, the issue of warranty certificates by the wholesalers should be made compulsory. Hitherto warranty certificates are not being issued compulsorily. It is left to the option of the wholesalers. We request you to make it compulsory on the part of wholesalers to issue the warranty certificates to the retailers when they supply the goods.

Chairman: You think that is essential.

Shri S. Varahala Rao: Yes; because that certifies that the commodity supplied by the wholesalers to the

retailers is genuine in quality. Fourthly, we put it for your consideration to see whether it is possible for you to advise the wholesalers as well as the retailers to sell the minimum possible quantities of food articles either in the form of packets or parcels or tins and they may be Ag-marked.

Dr. C. B. Singh: You want the minimum and the maximum level?

Shri S. Varahala Rao: An ordinary consumer's level should be taken into account in fixing the minimum possible quantities for each and every article of food.

Shrimati C. Ammanna Raja: That means even the smallest quantity must be tested and Agmarked?

Shri S. Varahala Rao: Of course, it implies that.

Shrimati C. Ammanna Raja: Do you think it is an easy thing for the Government to test and Agmark each and every article of food even in the smallest quantity?

Shri S. Varahala Rao: The easiest thing is to supply them through any of the Governmental agencies, cooperative societies or something like that. The retailers are quite prepared to purchase from you.

In the Act, agricultural and manufactured commodities were combined in the list of food articles. I suggest that agricultural articles should be separated from the manufactured articles because they are different in nature and quality. So far as the agricultural commodities are concerned, the articles like foodgrains, pulses and other things, there adulteration can be found out easily with naked eyes as to whether they are adulterated or not. It can also be known whether they are injurious to human health or not. If they are not injurious to human health, they can be eliminated from the list of food articles so that it can give some relief....

Chairman: There is no possibility of these things being adulterated?

Shri S. Varahala Rao: It can easily be found out. Moreover, some of the wholesalers and retailers take the trouble of cleaning them also and even the housewives will be cleaning the articles at home. Such things never cause an injury to health.

Chairman: The housewives have not got any profit motive or any commercial motive. Therefore, they cannot venture to adulterate.

Shri S. Varahala Rao: Even for the improper cleaning done by the agriculturists, the responsibility is being laid upon the dealers.

Chairman: If it is adulterated at the stage of retailer or the wholesaler, then what do you suggest?

Shri S. Varahala Rao: It is being adulterated at several stages. We do not deny that. So far as the retailer is concerned, his profits are meagre and he cares more for the goodwill of the consumer than earning more profit through adulteration.

Shrimati C. Ammannna Raja: Are you trying to mislead the Committee?

Shri S. Varahala Rao: Certainly not.

Chairman: Do you think the Committee will be misled by you?

Shri S. Varahala Rao: I am not capable of it.

Chairman: You are giving us some information and guidance. We are here to seek your advice.

Shri S. Varahala Rao: My submission is that agricultural commodities should be separated from manufactured articles. That will give some relief.

Dr. C. B. Singh: Will you clarify the point as to what do you mean by

agricultural commodities and what do you mean by manufactured articles?

Shri S. Varahala Rao: The pulses and the foodgrains are agricultural commodities. The manufactured articles are, like, oils, ghee, butter and several other things. The articles like ghee, butter and oils may be separated from agricultural commodities because agricultural commodities cause no harm to the health of the human being. That is our submission.

Then I come to another point. While in the Act, adulteration was elaborately defined, no definition was given as to who the actual adulterator is. Unless and until that is defined clearly and unambiguously, retailers cannot be unnecessarily harassed. The mere possession of an adulterated stuff by an innocent dealer does not mean that he is an adulterator. An innocent dealer does not know whether it is adulterated or not as there are not laboratory facilities for him to know whether the stuff is adulterated or not. He is being harassed as an adulterator for the mere offence of possessing an adulterated stuff which he purchased innocently from the wholesaler.

Shrimati C. Ammannna Raja: You said that it is visible to the naked eye and now you are saying that they innocently purchase adulterated stuff from the wholesaler.

Shri S. Varahala Rao: I have differentiated agricultural commodities from the manufactured articles. In the case of agricultural commodities, it can be detected with naked eyes whereas in the case of manufactured articles, it cannot be detected without having scientific tests and all that. I want agricultural commodities to be eliminated from the list itself because they are not harmful to the human beings. The practical difficulty is that the retailers are going to the wholesalers and purchasing stuff without knowing whether it is adulterated or not. They are denied the facility

of knowing it due to the scarcity of laboratory facilities. For the mere possession of an adulterated stuff, the retailer is being taken to task and branded as an adulterator and being punished in the court of law. If adulterator is also defined in the Act, that will be much better. The word 'Adulteration' has been elaborately defined. The word 'Adulterator' should also be defined.

Shri Deokinandan Narayan: We have got this memorandum. He is repeating practically every sentence and every point contained therein. There is nothing new in his evidence.

Shri S. Varahala Rao: I will explain the remaining points. When local co-operative stores and local retail private dealers are purchasing foodstuffs from the same place, only the retail private dealers are taken to task. Whatever stuff the co-operative stores may sell, they are exempted from any punishment.

Then we request that articles such as Vanaspati and Dalda may be covered by this legislation.

Chairman: We have recorded that already because other associations too have said it.

Shri S. Varahala Rao: It has come to my notice very recently, from no less an authority than the health officer of a particular municipality, that there exist some factories which are manufacturing stone powder for adulteration with spices and other commodities.

Chairman: Can you give us the name of place, not openly, but confidentially.

Shri S. Varahala Rao: I have not secured the address myself. I will try to send it to you.

Dr. C. B. Singh: We have heard that sort of thing.

Shri S. Varahala Rao: Our submission is that the analyst's report should be made available earlier. The sample taking authority must have

the status of a gazetted officer. That will stop the harassment of retailers by food inspectors or local Government servants. If the mark on the goods is found to be spoiled while with retailers, they can be penalised. As regards preservation of standards and qualities prescribed by the Government, we request that some margin should be allowed in respect of unsold goods. When the article deteriorates, our request is to permit us to destroy the stuff.

Dr. C. B. Singh: That will depend upon you. How can the Government allow you to sell it?

Shri S. Varahala Rao: My last submission would be that inspection staff and laboratory facilities should be made available throughout the country.

Shri V. V. Punnaiya: Adulteration takes place at different stages and at different levels—at source, at the stage of wholesalers, retailers and lastly at the level of consumers. The retailer, being more sensitive to public opinion, cannot afford to do it because if he does it, he loses his business. If a retailer is known to be a supplier of adulterated or sub-standard food articles, he loses his business, and goodwill.

Chairman: Do you mean to say that the wholesaler does not lose his goodwill?

Shri V. V. Punnaiya: He can afford because he has a vast market.

Chairman: Do you think that the retailer will not supply adulterated stuff?

Shri V. V. Punnaiya: I was only speaking about the sensitiveness of the retailer. There are certain commodities where adulteration is impossible at a lower level and at the level of retailers. It is impossible for the retailer because for that purpose he requires colouring materials and other things apart from technical knowledge.

Chairman: If adulteration of that nature is not possible, adulteration of a different nature is possible for him.

Shri V. V. Punnaiya: There are certain things which can be adulterated at every stage. There are certain others which can be done only by the wholesalers. There are again certain adulterations which are visible or which can be detected by the naked eye. There are certain type of adulterations which cannot be detected except with the help of technical equipment. Take the case of mustard seed. The dust or sand contained in mustard seeds is removable and can be detected by the naked eye. Supposing after the test it is found out that the oil content in the mustard seeds is not upto the standard. You cannot find out that unless you have the testing capacity. Real adulteration is different from this kind of thing. Sub-standard is different from adulteration. That is my important suggestion. The percentage of oil content in this case cannot be easily detected and this is not due to adulteration. It is due to various factors such as the soil factor, fertiliser, etc.

Knowing the human nature and the structure of our society, I think it is always the bigger man who goes free. The small man is not able to resist it. The bigger man can resist it. I will give you another instance. Take the question of water supply. But putting chlorine at every tap you cannot purify the water supply system. On the other hand, if you chlorinate water at the source, the whole town is safe. On the same analogy, if you check the commodities at the source or wholesaler's level or manufacturer's level or producer's level, 90 per cent of the whole trouble will be over. I do not say that 100 per cent we will be successful. Sometimes when the bigger people are in trouble, they know how to manage, but not the small man. I use the word 'manage' in a harmless way.

Chairman: That is his opinion.

Shri V. V. Punnaiya: That is natural. The bigger man can manage to escape but not the smaller man.

Coming to adulteration, I want to say this that the mere possession of those goods cannot be an offence.

Then, the laboratory facilities are not adequate at all. Every municipality can be insisted upon to open a laboratory where things can be tested locally and round about towns.

Chairman: That point is clear.

Shri V. V. Punnaiya: That is one of the main things which will serve the purpose to a great extent. In the absence of it any amount of this tinkering will not do.

And agmarking is also very essential.

This analysis business is taking a lot of time. We know the results after four or six months.

Dr. C. B. Gupta: You want rapid results?

Shri V. V. Punnaiya: And a time should be fixed for different varieties of goods. For instance, milk deteriorates after twentyfour or fortyeight hours.

Chairman: We follow, perishable and non-perishable articles.

Shri V. V. Punnaiya: Because sometimes the quality itself deteriorates by the time the results come.

Then, along with agmarking, there should be the warranty forms, and these should be sent not at the request of the retail merchant, but the condition should be that it should follow the goods and bill. Then I think most of the things may be eliminated. The warranty forms guaranteeing the quality of the goods supplied should not be a thing to be given at the request of the retail dealer but should be made compulsory to be supplied along with the invoice whenever a stuff is supplied.

Chairman: Who should insist? It is the person who purchases.

Shri V. V. Punnaiya: But if that man refuses, what am I to do?

Chairman: If you say that the other man refuses to give the warranty, that means he is not selling the proper goods, and you are not taking the goods from the proper person.

Shri V. V. Punnaiya: But suppose all are the same, I have to purchase. Suppose all the five who manufacture are the same.

Chairman: Why do you create difficulties? We are trying to solve them.

Shri V. V. Punnaiya: From experience I am talking.

Chairman: All people are like that?

Shri V. V. Punnaiya: Not all people. But now it is not made obligatory. It should be made obligatory.

Chairman: It is up to the person who makes the purchase to say, "I want a warranty".

Shri S. Varahala Rao: It is because of the fear of adulteration that we want this.

Chairman: So you should not take these things from a person who is unwilling to give a warranty.

Shri V. V. Punnaiya: There is a warranty clause in the Act. It is only optional and not obligatory. Our request to you is to make it obligatory.

Then, when the food inspectors inspect and take samples, they are supposed to do it in the presence of two witnesses. Generally they are only the peons of the food inspectors. We want that the food inspector or whoever is asked to do the inspection must do it in the presence of two independent people, and not his peons. I think I have made myself sufficiently clear. When I say it is only the peons who are asked to serve as witnesses, what I want to point out is that it can lead to any kind of mischief. After all, the servants of the food inspectors cannot be called independent witnesses. That is a very important point.

Chairman: For the information of Mr. Shiv Charan Gupta and others I am giving this information about the warranty clause. According to section 19(2) (i) of the existing Act which contains the provision about warranty, the responsibility of proving that he is innocent is upon the purchaser. Now, that section is going to be substituted by another in the amending Bill under which the responsibility will be thrown upon the seller to prove that he supplied the proper goods and he did not know that it was adulterated and that he is innocent. The onus of proving is shifted from the purchaser to the seller. In other words, the warranty clause is dropped, but by the new amendment the seller has to prove that he is innocent.

Shri V. V. Punnaiya: It should be made obligatory in respect of whatever he supplies.

Chairman: I think you approve of the amendment. The onus of proving that he is innocent has shifted from the purchaser to the seller. It is the seller who has to prove it.

Shri S. Varahala Rao: That is exactly what we are demanding.

Chairman: I do not know whether you have seen it.

Shri S. Varahala Rao: That is exactly what we want.

Shri M. E. Jeena: On behalf of the Bhesal Pratibandhak Kamkaj Committee, we submit our views on the Prevention of Food Adulteration Act Amendment Bill No. 59 of 1963 for the kind and sympathetic consideration of the Members of the Joint Select Committee.

Chairman: It is not a body actually dealing with these things but a Federation. Am I correct?

Shri M. E. Jeena: Yes.

Chairman: You have submitted your memorandum.

Shri M. E. Jeena: I want to say something outside the memorandum.

Chairman: It should pertain to the amendments under consideration.

Shri M. E. Jeena: My two friends have covered most of the points. In two or three minutes I will refer to the things which are left.

Penalty for infringement of the provisions of the Prevention of Food Adulteration Act and Rules thereunder with imprisonment and fine will be unnecessarily harassing to the businessmen unless the Act will be applied and implemented in the whole country. At present the Act is applicable only to urban areas of the country, and the rural areas which are more than 60 per cent are outside the purview of the Prevention of Food Adulteration Act and Rules.

Chairman: What brought you to this conclusion that it is applicable only to the urban areas and not to the rural areas? Where is it, please show me.

Shri M. E. Jeena: In Maharashtra it is so.

Dr. C. B. Singh: There is no such distinction. It is applicable to the whole of India.

Chairman: It is applicable to the whole of India. If you say that it is not administered properly, that is a different matter.

Shri M. E. Jeena: In Maharashtra it is applied only to a certain section of the population.

Chairman: The State enactments are no longer there. This will be the central enactment applicable throughout India.

Shri Tulsidas Jadhav: Is there any provision that this Act should be implemented by the State Governments as they like?

Chairman: No.

Shri M. E. Jeena: We humbly and respectfully request the Joint Committee to kindly give good thought over the present issue before recommending the Bill and to please see that

there is no injustice done to anybody in the country whether he is from rural areas or from urban areas for no fault of his. We may also mention that the maximum quantity of food commodities in the country is received from rural areas where the Act is not applicable.

Chairman: It is a wrong thing. If the whole of that note refers to this thing, you may drop it and refer to other points.

Shri M. E. Jeena: About section 10 (ii), which says that vendor shall execute a bond, it is not necessary in the case of municipal licensed premises under the State rules. In section 14, along with the proposed amendment, it should also be added that every manufacturer or wholesaler or retailer must give warranty for the food commodity.

Chairman: I have explained to you that the warranty clause is being dropped and a more powerful clause is going to be substituted. Previously the moment the warranty was given, it was the purchaser who was responsible for proving it and the seller was to a certain extent relieved from the liability. But in the substituted clause, it is the seller who has to prove that he is quite honest. So, the responsibility of proving honesty and sincerity has shifted from the purchaser to the vendor.

Shri M. E. Jeena: We also want to submit that the standards laid down under the Prevention of Food Adulteration Rules 1955 are to be justified by examining many more samples of food commodities and confirming the standards laid down at present under the Prevention of Food Adulteration Rule 1955. In our opinion the present standards need adulteration and amendment.

Chairman: If you want to give any suggestions regarding the standards, you may please give them and we shall pass them on to the standards

committee, which is specially constituted for this purpose. They will examine them.

Shri M. E. Jeena: The Maharashtra Government have made 15 or 16 rules under this Act which we want to bring to your notice.

Chairman: You give it in writing and we shall pass it on to the Ministry.

Shri M. E. Jeena: Yes; we shall give you a copy.

About warranty, if the commission agent has given a warranty, the court is not accepting it.

Chairman: The warranty clause is being dropped and substituted by another clause. You need not worry about that.

Shri M. E. Jeena: The wording now is only "purchaser" and not commission agent. Do you say now the commission agent also will be included?

Chairman: Everybody will be included. The commission agent is acting for the principal and he will be responsible for all that the principal does.

Shri R. S. Joshi: It will not stand in the Poona court. The Poona court is not allowing that warranty.

Shri M. E. Jeena: If I want to sell genuine dal, the fees for testing one sample in the laboratory is Rs. 20, whereas the cost of one bag of dal itself is only Rs. 120, I have to pay Rs. 20 for testing that one sample. I request the Committee that it should be made according to what is charged from the Corporation. From the Corporation they are charging only Rs. 4. So, the fee should be reduced to Rs. 4.

Chairman: Why can you not get it analysed there?

Shri M. E. Jeena: We have to pay Rs. 20 for that.

Chairman: Why not get it tested in the municipal laboratory?

Shri M. E. Jeena: Municipal laboratory is not there. As regards the result, we get the result after 1½ to 2 months. They send the result only of sub-standard or adulterated things, but we want everything. Our retailers should get the written results.

Shri K. Venkateswarlu: We are dealers in gram dal and Bengal gram. Andhra Pradesh is mainly an importing State. We import from Madhya Pradesh, Rajasthan, Punjab and UP. Therefore we should not be held responsible for adulteration of the stuff that is imported from other States. Our suggestion is that there must be strict check at source. That check must be implemented by proper agmarks. With regard to the question of warranty, when section 19 is amended the entire burden is thrown on the vendor. So, in order to have effective implementation of this Act and in order to check adulteration there must be a centralised organisation as stated in the statement of objects of the Bill. Unless there is a strong, well-organised central administration, it is not possible to put into effective operation the amended section 19(2).

Shri K. L. Balmiki: Do you mean to say that there should be a separate cadre for this purpose?

Shri K. Venkateswarlu: Yes. The Act proposes to make certain amendments and also takes some powers to appoint some food inspectors and to create five zones. With regard to the question of witnesses, there should be two independent witnesses. With regard to the penal provisions, unless the consignments are checked at source or unless it is effectively implemented at the source, this penal provision will not solve the problem and it becomes the Damocles' sword on the business community's head. Therefore, if these checks are implemented, there is no further need to raise the penal provisions and the present provisions themselves are sufficient. With regard to the question of agricultural products just like Bengal gram and all those things naturally there will be

a mixing of dust etc. with those things. They can easily be separated from those foreign matter. On behalf of the wholesaler I submit that we sell in bags. They can easily be verified. They can testify and verify whether they are tampered or not tampered. That is very easy.

Chairman: Please proceed to the next point.

Shri Balgobind Khanna: We are retail traders in spices and all sorts of food articles. The manufacturers and wholesalers are trying to put the responsibility of adulteration on the small trader. You can get it checked up. There are 4 or 5 big shops, wholesale shops. They sell atta, maida, suji, sugar, etc. The board is put in the shop saying, food articles sold here are not meant for human consumption. They have got signboards on the shop indicating this. There are 2 or 3 shops. In Dehra Dun there are 5 big shops in the main centre. You can enquire and you will know the position even tomorrow morning. If you delay they will remove the signboards. Another point. There is a factory for manufacturing hing. It is slightly outside the limits. Since it is slightly outside the limits of Dehra Dun, the inspectors do not go there to check up. They say that it is beyond their limits. It is not good hing. The raw material is not available in India, as far as I know. It is something that comes from Kabul. They make some mixture in it so that they can add weight and sell it out. There is a board that the hing manufactured is for use in the field to kill insects etc., and not to be used by people. When it goes out in the market the signboards do not go along with the article. When it comes to the wholesaler and retailer it is sold as hing.

Chairman: Is the State Government taking action?

Shri Balgobind Khanna: The inspectors say it is outside the municipal limits. They say there is the sign board that it is not fit for human consumption. But the sign boards do

not go along with the articles. Everywhere it is consumed by human beings. It is sold in the open market. In such cases of adulteration etc. the article should be collected from the people who make those articles. Otherwise he may say, the contents have been replaced etc. There are people who manufacture ground chillies. There is a big firm doing it. The packing can be temporary. You can remove the contents and put other contents and still the packet looks as if it has been packed. When the time of prosecution comes, that man says, "Well, I don't know, this might have been tampered on the way". So, you should exercise check at the source where they are packed, where they are canned, where they are manufactured. There should be no difficulty in absolving and exempting the retail trader absolutely in such cases where samples cannot be altered after manufacture.

On other point. In all these cases of adulteration the time factor is to be considered. The date of expiry should be put on the tin. After that date it should not be sold. If it is accepted or offered the responsibility will be that of the manufacturer. We do not know after how much time it will become deteriorated. In the case of those things which cannot be altered like sabudhana, katha, hing etc., the responsibility for proving that they are unadulterated also comes on the retailer, whereas . . .

Chairman: There may be variety of adulteration at the retailers' level also subsequently.

Shri Balgobind Khanna: But the things cannot be altered.

Chairman: If one pav of sabudhana is made to weigh 1½ pav by adding something like matti, who is responsible? I do not mean personally anything. Some of the retailers may do it.

Shri Balgobind Khanna: It is manufactured from roots of some tree; the juice is extracted. The raw material is available only in the South. The

responsibility should not be with the retailer. All eatables should be packed and labelled before they are sold. There should be nothing like a loose thing. If I don't do adulteration, why I should take the responsibility? If I sell a staled and packed thing to my customer, why should I take the responsibility? When the responsibility is equally with the manufacturer and the wholesaler and the retailer, there should be some distinction and there should be some proportion in which the sample should be collected—as is given in our memorandum 75 per cent with the supplier, 15 per cent with the wholesaler and 10 per cent retailers. If you don't nip the thing in the bud, you know what would be the result? There is a poisonous tree and is yielding poisonous fruit. If you pluck one branch and throw away that, it would not have the effect. You have to axe the root. Why should there be difference between manufacturers, wholesalers and retailers in the matter of collection of samples?

Chairman: We have understood your point. You say that manufacturers also should be made responsible.

Shri Balgobind Khanna: And to a greater extent. That is my point. Regarding the standards, when a lower standard is due to a mixture of a foreign matter, it should mean adulteration. But, when the thing itself is of lower quality, it is not adulteration. If the whole spices are unclean, they should not be taken as adulterated. If there are stones or dust, they can easily be separated.

Shrimati C. Ammannā Raja: You separate them and sell them.

Shri Balgobind Khanna: Ours is a poor country. If a man does not want to pay 8 annas extra for something clean and if he chooses to pay for something unclean, he should be allowed to do so.

Shrimati C. Ammannā Raja: Is there any possibility of this uncleanliness going to the extent of adulteration?

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Shri K. L. Balmikh: It is the duty of the Government to save the life of the person howsoever poor he may be.

Shri Balgobind Khanna: The percentage should be liberal. It should be according to the state in which it is collected by the farmer from the field.

श्री के० एल० बाल्मीकी : अभी विटनेस ने जो यह फरमाया कि हम अच्छी क्वालिटी के मसाले भी बेचते हैं और घटिया किस्म के सस्ते मसाले भी बेचते हैं और गरीब लोग सस्ते दाम वाले मसाले ले जाते हैं और घर पर वे उस को साफ़ कर लेते हैं तो इसके तो माने यह हुए कि जितने भी सड़े हुए फल व तरकारियाँ हैं शाम को गरीब लोग कम दाम पर ले जायें और उसके फलस्वरूप वे और उन के परिवार के लोग बीमारियों का शिकार बनें, मेरे ब्याल में उनको इस बात की इजाज़त देना सही नहीं है ।

Shri Balgobind Khanna: I would submit that the example is not analogous to this. I will make a reference to Section 10 where it is stated—

A food inspector shall have power.

(a) to take samples of any article of food from . .

Chairman: What do you want to say here?

Shri Balgobind Khanna: This should be amended and the following should be amended and the following should and stocking for sale—in appropriate place.

Chairman: We have understood your point. We will take up the Traders Association, Calcutta.

श्री के० एल० बाल्मीकी : क्या आपके यहां बन्द डिब्बों में ची व मक्खन भी बेचा जाता है, दालें आदि भी आप की दुकान पर विकती हैं ?

श्री संतोष कुमार लोच : हम लोग किराना के रिटेल डीलर्स हैं । हमारे वहां

स्पाइसैज आदि बिकती हैं। दालें और घी, भकखन आदि नहीं बिकते हैं। घनिया, काली मिर्च, जीरा व लौंग आदि हम लोग बेचते हैं।

श्री के० एल० बाल्मीकी : आप तो व्यापारी लोग हैं और आप को पता होगा कि काली मिर्च, जीरे आदि में क्या, क्या चीजें मिली जाती हैं? या काली मिर्च में पपीते के बीज नहीं मिलाये जाते हैं?

श्री संतोष कुमार लोच : जी हां, सुना हमने भी है लेकिन दरअसल यह चीज सही नहीं है।

श्री के० एल० बाल्मीकी : काली मिर्च देश के किस भाग से आती है?

श्री संतोष कुमार लोच : मद्रास से आती है।

श्री के० एल० बाल्मीकी : आप किस आधार पर यह दावा करते हैं कि काली मिर्च में पपीते के बीज नहीं मिले हुए होते हैं?

श्री संतोष कुमार लोच : काली मिर्च एक सुपीरियर किस्म की होती है जो कि जरा बड़ी होती है और दूसरी इनफीरियर होती है जिसके कि बीज छोट होते हैं।

श्री के० एल० बाल्मीकी : क्या आप इनफीरियर क्वालिटी का माल मंगाते हैं या सुपीरियर क्वालिटी का?

श्री संतोष कुमार लोच : दोनों मंगाते हैं।

श्री के० एल० बाल्मीकी : क्या कभी आप का कोई सैम्पल पकड़ा गया है?

श्री संतोष कुमार लोच : कभी नहीं।

श्री मुलसीदास जाधव : श्री खन्ना, आप ने सारी जिम्मेदारी होलसेलर और मैन्युफैक्चरर पर डाली है। आप ने लिखा है कि रिटेलर होलसेलर से माल लेते हैं। उन से माल लेते वक्त आप उनकी क्वालिटी और प्यूरिटी बगैरह को क्यों नहीं देखते हैं?

श्री बाल्मोबिन्द खन्ना : देखने से क्या पता लगता है?

श्री मुलसीदास जाधव : आप ने यह भी कहा है कि कन्ज्यूमर आप की दुकान से सामान ले जायें और अपने घरों में साफ़ करें। क्या माल को साफ़ करना आप का काम नहीं है? आप के मेमोरैंडम और आप के बयान से हम पर ऐसा इम्प्रेसन पड़ा है कि जो कुछ गुनाह करते हैं, वह फूड इंस्पेक्टर, होलसेलर और मैन्युफैक्चरर करते हैं और आप बिल्कुल प्यूर हैं।

श्री बाल्मोबिन्द खन्ना : मान लीजिये कि एक कन्ज्यूमर मेरे पास आता है और दूसरा कन्ज्यूमर यह चाहता है कि वह होलसेलर मार्केट से एक रुपया सस्ता माल ले और उस को अपने घर में साफ़ करे। अगर वह चाहता है कि वह लेबर के लिए पे न करे, तो वह होलसेलर मार्केट से खरीद सकता है या वह रिटेलर से बगैर साफ़ किया हुआ माल खरीद सकता है।

Dr. C. B. Singh: May I put a question to Mr. Khanna? He has tried to leave the responsibility on the wholesaler and the manufacturer. Does he mean that the retailers are not adulterators?

Shri Balgobind Khanna: I did not say that. What I said is that mostly under a condition in which a retailer does not tamper with an article, it can still be proved that he is an adulterator. The definition of adulteration is such that the things which are not adulterated or are not mixed with any foreign matters, may still be considered to be below the standards. Let us say something like that. Should they also be termed as adulteration?

Shri C. M. Kedaria: The sample is not taken. But, according to the present amending Act, if a commodity is found in possession of a particular shop-keeper, then he should be made responsible. How can you say that you are shirking your responsibility?

on the others and thereby encouraging the adulteration in another way?

Shri Balgobind Khanna: It is not that I am shirking my responsibility. I shall give you a small instance. There may be some articles coming from the wholesale market which you might term as 'adulterated' according to the Act. I place it in my shop for cleaning. There comes the Inspector and insists on its quality.

Chairman: The wholesalers from Bezwada want to say anything about this.

Shri Tulsidas Jadhav: You have written in your memorandum about the definition of Section 19. What is your suggestion?

Shri K. Venkateswarlu: Here even the station vendors are termed as wholesalers.

Shri Tulsidas Jadhav: Who sells the commodities?

Shri K. Venkateswarlu: On behalf of Bezwada Commercial Association I have already submitted a memorandum. There must be proper check on this. We sell under the same clause. We would sell only the articles in which the AGMARK is not tampered.

Shri Tulsidas Jadhav: You have heard the statement of retailers. Do you agree with that? What is your opinion?

Shri K. Venkateswarlu: With great respect to my friends, I am not in a position to agree with them. It is not good to throw the blame on others. My humble submission is that we must sit together and consider ways and means to solve this most knotty problem.

Shri Deokinandan Narayan: You have named the Committee as Bhesal Pratibandhak Kamkaj Committee. All the Members of the Committee must be following these words. This Committee has taken the work of prevention of adulteration. I would like to know from you what help in the

matter of prevention of food adulteration this Committee is giving and likely to give to the Government.

श्री एम० ई० जीना : बारह महीने पहले महाराष्ट्र के लिए जो रूल्स बनाये गये थे उनके अनुसार इस कमेटी की स्थापना की गई है । इसका उद्देश्य यह है कि एडल्टरेशन न हो, इसका प्रचार किया जाये, सबस्टेंडर्ड चीजें न बिकें, इसको देखा जाये ।

Shri C. M. Kedarim: How can you say that the present amendment is inhuman in so far as it relates to the giving of punishment to the trader?

श्री एम० ई० जीना : आनन्द की डेरी, टेहू आदि के अन्दर यह एक्ट लागू नहीं है । बीस बीस मील रूल एरियाज के अन्दर यह लागू नहीं है ।

समाप्ति महोदय : सभी जगह है ।

Shri Deokinandan Narayan: In your Memorandum you have said that effective provision should be made in the Act for tracing out the real adulterators and they should be dealt with suitably. May I know what help you are likely to give to the Government to find out these adulterators. Or, is it only the responsibility of the Government to look after these things? Is it not your responsibility also to help the Government in tracing out these people because you know them better than what the Government know?

Shri S. Varahala Rao: I request the hon. Committee to recommend to the Government to define the word 'adulterator' in the Act. Unless and until that is clearly defined, there can be no salvation for the innocent retailers. We have assured our cooperation in the best possible way to the Government for effectively preventing the food adulteration.

Shri Deokinandan Narayan: Your last paragraph says:

"If, however, Government now fails to amend the Act so as to do

justice to all concerned, the dealers will have no option but to stop dealing food articles which adversely affects the consumers....”.

You say, you want the Government to do justice to all concerned, dealers and others. Are not dealers to do justice to any consumer?

Shri S. Varahala Rao: Including the consumers.

Shri Deokinandan Narayan: Government has to do everything. What are you people, the dealers, to do?

Shri S. Varahala Rao: On behalf of the Association, I have assured all possible cooperation to the Government. But apart from that I wanted to tell you that the retailers are put to trouble by the Government by not providing any genuine goods to them through any of their agencies.

Chairman: Do you wish to say that the Government should become the seller of all the food articles?

Shri S. Varahala Rao: The Government is probably intending to become the trader.

Chairman: The Government does not intend to become the trader. It encourages you people, the voluntary associations.

Shri S. Varahala Rao: Though the cooperative methods, they also want to take the trade ultimately. It seems to be their aim. My humble submission is that the retailers are being beaten by both the sides.

Chairman: What is the concrete help that you are going to give to the Government?

Shrimati C. Ammannna Raja: I want cooperation in this respect. Can you tell us where stones are being manufactured. Can you give us the address?

Shri S. Varahala Rao: After ascertaining the address, I will certainly

give the information. The municipality gave me the information. At first, I did not believe it. But afterwards I ascertained it and it came to be true.

Shrimati C. Ammannna Raja: You are referring to rice where stones are mixed up.

Shri V. V. Punnaiya: The stones are grounded and the mineral is powdered and pulverised.

Shrimati C. Ammannna Raja: Where is it done?

Shri V. V. Punnaiya: It is done in the south in the Selam District. There are factories.

Shri S. Varahala Rao: I appeal to the Members of the Committee that the retailers must be given some safeguards.

Shrimati C. Ammannna Raja: Even though they import stones and mix them with rice, they must be given some safeguards.

Shri S. Varahala Rao: That is not at all my request. Such adulterators should be given deterrent punishment.

Shri V. V. Punnaiya: The mixing of these things with rice cannot be done by the grocer or the retailer or the dealer or the provisions merchant here. These things are done by the rice mills which get large quantities from South.

Shrimati C. Ammannna Raja: All the mill-owners do it?

Shri V. V. Punnaiya: I cannot guarantee that.

Shri S. Varahala Rao: It is my humble request that there should be some safeguards for the retailers, or, the Government must be in a position to supply at least to the retailers some genuine quality food articles.

Chairman: Government are not traders.

Shri S. Varahala Rao: Otherwise it is impossible for the retailers to get on.

Shri Shiv Charan Gupta: It is known to everybody that there is adulteration both at the retailer's level and wholesaler's level. The anxiety of everybody is—yours and ours—that honest traders, whether retailers or wholesalers, should not be punished. How can it be done unless you can help us? Nobody has given us a solution to this problem.

Shri K. Venkateswarlu: It is being said that some stones are mixed in the rice and distributed in the country. With great respect so far as Vijayavada area is concerned—which is the biggest rice producing centre—we have not received a single complaint of that sort. So far we have sold some lakhs of tons in the entire districts of Andhra Pradesh such as Krishna, West Godavari and East Godavari and Government have analysed it. Unless they analyse it, they do not receive rice from us. So far Government have not made any complaint of that sort. Further, we have exported rice to Kerala. From there also we have not received any complaint of this sort. We have not received it either from Mysore or Madras. Therefore, these allegations have no substance in them. We, humbly on our part, submit that we are at the disposal of the Government and we extend hearty co-operation to check these malpractices.

Dr. C. B. Singh: You said that this Bill is being rushed through in great hurry and haste. How can you say that? Don't you consider that there is great deal of adulteration?

Shri S. Varahala Rao: The proceedings of the Committee are hasty and the country and the dealers, as they stand today, are not able to follow your proceedings or programmes. Nobody knows what is happening in Delhi. Therefore, I humbly submitted that the Committee must take the opportunity of touring the country and giving opportunities to the retailers' association to represent their difficulties, etc.

Dr. C. B. Singh: If you ask this Committee to visit the whole seven lakhs of villages, it cannot be done. Your blame that we are in a hurry is entirely misplaced. We are not in a hurry. We are giving you all opportunities. Your suggestion that we are in a hurry is all wrong.

Shri S. Varahala Rao: You should not take it in that sense. What I meant was that you are dealing with a matter affecting 43 lakhs of people in four days.

Chairman: We have been listening to many people and reading many representations, we are thinking over this and having deep deliberations over the matter and in the end we shall come to some conclusion on the basis of the guidance given by you.

Shrimati C. Ammannna Raja: You said that agricultural commodities must be separated. At the same time you say that retailers do not adulterate. If they are not adulterated, why are you keen that agricultural products should be separated?

Shri S. Varahala Rao: This is to save the retailers from unnecessary harassment. Agricultural commodities are harmless if they are properly cleaned. They are not injurious to human health.

श्री जसबन्त : परचून दुकानदार देख कर ही बहुत सी चीजों के बारे में जान सकते हैं कि वे झूठी हैं या नहीं। अगर खन्ना साहब कहते हैं कि वे देख कर नहीं पहचान सकते, तो क्या उनकी राय में इन दुकानदारों को ६ महीने की ट्रेनिंग देने के बाद दुकान करने की इजाजत देनी चाहिए, ताकि वे चीजों को पहचान सकें ?

श्री तुलशीदास जाधव : इन का कहना है कि आप कहते हैं कि रिटेलर चीजों को केवल देख कर नहीं पहचान सकते। क्या आप की राय में इन दुकानदारों को पहले ६ महीने की ट्रेनिंग देने की जरूरत है और बाद में उनको दुकान करने की इजाजत दी जाये ?

श्री बालगोविन्द खन्ना: बहुत सी चीजें तो एनेलसिस से ही पहचानी जा सकती हैं। हम घाटा बाजार से खरीदते हैं। उसकी जांच तो लेबोरेटरी में ही हो सकती है।

श्री तुलशीदास जाधव : लेकिन बहुत सी चीजें तो ग्राहक से देख कर पहचानी जा सकती हैं।

श्री बालगोविन्द खन्ना : आप कहते हैं कि फलां बीज में पांच पर सेंट से ज्यादा फारिन

मेटर नहीं होना चाहिए। इसकी जांच केवल ग्राहक से देखने से नहीं हो सकती।

Chairman: On behalf of the members of the Joint Select Committee, I thank you very much for your kind guidance and information.

(The witnesses then withdrew).

The Committee then adjourned.

**Minutes of Evidence given before the Joint Committee on the Prevention of
Food Adulteration (Amendment) Bill, 1963.**

Saturday, the 8th August, 1964 at 09.10 hours.

PRESENT

Dr. Sarojini Mahishi—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsna Chanda
5. Shri N. C. Chatterjee
6. Shri Shiv Charan Gupta
7. Shri Tulshidas Jadhav
8. Shri C. M. Kedaria
9. Dr. Mahadeva Prasad
10. Shri Yamuna Prasad Mandal
11. Shri Gokulananda Mohanty
12. Dr. C. B. Singh
13. Shrimati V. Vimla Devi
14. Dr. Sushila Nayar

Rajya Sabha

15. Shrimati C. Ammanna Raja
16. Shri J. C. Chatterjee
17. Shri K. Damodaran
18. Shri Shantilal Kothari
19. Shri S. S. Mariswami
20. Shri Deokinandan Narayan
21. Shri Palat Kunhi Koya
22. Shri Nirranjan Singh

DRAFTSMAN

Shri S. Harihara Ayer, *Deputy Draftsman, Legislative Department,
Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri R. K. Ramadhyani, *Secretary, Ministry of Health.*
2. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
3. Dr. Y. K. Subrahmanyam, *A.D.G. (P.H.), Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—Deputy Secretary.

WITNESSES EXAMINED

I. Andhra Pradesh Yadava Sangham, Secunderabad

1. Shri G. Mallaiah
2. Shri Barmaji
3. Shri Keshav Lalji.

II. Delhi Ghee Merchants Association, New Delhi

1. Shri Puran Mal
2. Shri Baldev Bansal
3. Shri Om Parkash Malhotra.

III. Delhi Oil Merchants Association, Delhi

1. Shri Uttam Chand Jain
2. Shri Khariati Lal Jain.

I. Andhra Pradesh Yadava Sangham Secunderabad.

Spokesmen

1. Shri G. Mallaiah
2. Shri Barmaji
3. Shri Keshav Lalji.

[Witnesses were called in and they took their seats.]

सभापति महोदय : हमें आप का मेमो-रेंडम मिल गया है और कमेटी के मैम्बर्स ने उसको पढ़ भी लिया है। अगर उस के अलावा आप और कोई खास प्वाएंट्स स्ट्रेस करना चाहते हैं तो संक्षेप में कह दीजिये।

श्री बर्माजी : चेअरमैन महोदय, खाद्यान्न में आज जो मिलावट हो रही है उस के ऊपर हम सभी लोगों को बहुत गम्भीरता के साथ विचार करना जरूरी है। दूध भी खाद्यान्न का एक अंग है और अति आवश्यक अंग है। हमने अपने मेमोरेण्डम में कारण देकर विस्तार से बतलाया है कि दूध के वर्तमान स्टैण्डर्ड्स को रिवाइज करना आवश्यक है। जांच करने से मालूम हुआ है कि दूध का स्टैण्डर्ड सीजन के अनुसार बदलता रहता है और यही कारण है कि दूध का स्टैण्डर्ड सर्दी, गर्मी और बरसात के मौसम में अलग अलग होता है। इसलिए हर एक सीजन का एक युनिफार्म और प्रिजेंट

स्टैण्डर्ड फिक्स करना अनुचित है। दूध के लिए जो एक सा स्टैण्डर्ड हर एक सीजन के लिए फिक्स किया गया है वह ठीक नहीं है और जब तक दूध के बारे में सीजनवाइज स्टैण्डर्ड फिक्स करने के लिए पूरी जांच न हो जाय तब तक दूध को इस कानून से मुस्तस्ना किया जाय।

दूध के धंधे में ६६ फ्रीसदी लोग ऐसे लगे हैं जो कि बाहर से गांवों से दूध लाकर शहरों में बेचते हैं। वे उस दूध को २०, २० और २५, २५ मील की दूरी से डिब्बों में भर कर साइकल या अन्य सवारियों पर लाते हैं। वहां पर उन्हें रात का दूध गर्म करके दिन के दूध में डाल कर लाना पड़ता है। इस के अलावा दूध के उत्पादनकर्त्ताओं के पास गाय, भैंस और बकरी सभी रहती हैं और जाहिर है कि वे उन मवेशियों का अलग-अलग दूध भर कर तो शहर में ला नहीं सकते हैं। इस वास्ते वे तमाम दूध

एक ही बर्तन में भर कर ले आते हैं। दूध को साइकिल पर लाते बक्त डिब्बे में बन्द कर के लाते हैं और इससे होता यह है कि वह दूध हिल हिल कर उस की जो चिकनाई है वह ऊपर के भाग में आ जाती है। यहां शहरों में लाकर जब दुकानों में वह दूध बिकना शुरू होता है तो जाहिर है कि उस के ऊपर के भाग में चिकनाई ज्यादा होती है और धीरे धीरे वह कम होती जाती है। अब बाल्टी का ऊपर का आधा दूध अगर बिक जाय और नीचे की आधी बाल्टी में से फूड इंस्पेक्टर दूध का नमूना भरना चाहे तो उसे दिक्कत का सामना करना होता है। दूध बिन्नेता नमूना देने से इंकार तो कर नहीं सकता है। इंस्पेक्टर इस बात से अनजान रहता है कि बाल्टी के ऊपर के आधे हिस्से का दूध बिक चुका है जिसकी कि वजह से चिकनाई जो कि ऊपर आ गयी थी वह निकल चुकी है और परिणाम यह होता है कि नमूना भर लिया जाता है और चिकनाई की कमी होने से दूध जांच में ठीक नहीं पाया जाता है और उस दूध बिन्नेता को बगैर कमर के दण्ड भोगना पड़ता है।

डा० सुशीला नायर : आप ने जो कठिनाई बतलाई उसे तो हमने समझ लिया लेकिन अब आप यह बतलाइये कि जब आप यह मानते हैं कि मिलावट करना अपराध है तो हम अपराधियों को कैसे पकड़ें और किस तरह से इस मिलावट की बीमारी को अपने देश से समाप्त करें।

श्री बर्माजी : इसके लिए मेरा सुझाव यह है कि दूध जहां गांवों से आता है वहीं सोर्स पर एक ऐसा डिपो कायम किया जाय और वहीं पर नमूना लेकर उसकी शुद्धता की जांच कर ली जाय करे।

डा० सुशीला नायर : दूध कोई एक गांव या एक स्थान से आता नहीं है, विभिन्न गांवों व मुहल्लों से आता है तो कितनी जगहों पर उसकी जांच के लिए इंतजाम संभव हो सकता है ?

श्री बर्माजी : कोई केन्द्र ऐसा स्थापित करना चाहिए जो सब के लिए सुविधाजनक हो।

डा० सुशीला नायर : आप की अपनी असोसियेशन है आप खुद लोग क्यों नहीं कोई एक ऐसी छोटी मोटी प्रयोगशाला बना लते जहां आप स्वयं जांच कर अपना संतोष कर लें ताकि आगे कोई आपको दिक्कत पेश ही न आ सके ?

श्री बर्माजी : दूध के धंधे में लगे हुए लोग आमतौर से इतने पढ़े लिखे नहीं हैं, बहुत सारे तो अनपढ़ लोग हैं और उन को नहीं मालूम कि ठीक ढंग से किस मशीन से दूध की शुद्धता आदि की जांच की जा सकती है।

डा० सुशीला नायर : आप की असोसियेशन कोई दस, पांच रुपये की फीस लगाती होगी और वह इस तरह की मशीन लगा सकती है जहां कि मैम्बर्स लोग दूध बेचने से पूर्व नौमिनल फीस देकर पूर्व उसकी जांच करवा लिया करें। दरअसल चीज तो यह है कि सरकार की ईमानदार व्यापारी को सजा देने की कतई स्वाहिश नहीं है लेकिन जो बेईमान लोग हैं और मिलावट करते हैं उनसे सरकार अब जरूर सख्ती के साथ पेश आयेगी। अब सरकार को या नागरिकों को बैसे तो पता नहीं है कि कौन ईमानदार है और कौन बेईमान है। अभी आप ने बतलाया कि दूध का डिब्बा हिलते रहने से उसकी चिकनाई ऊपर आ जाती है, मक्खन ऊपर आ जाता है और जो नीचे का दूध रह जाता है चूक उसमें चिकनाई कम हो जाती है इसलिए उसका नमूना ठीक साबित नहीं होता है तो मेरा कहना यह है कि दरअसल बात यह नहीं है। अगर मक्खन या चिकनाई ऊपर आ गयी हो तो वह दिखाई देनी चाहिए और वह इंस्पेक्टर उसे देख सकता है लेकिन ऊपर कुछ होता नहीं है। दरअसल होता यह है कि दूध में से क्रीम निकाल कर लाते हैं जगह जगह पर गांवों में मशीनें लगी हुई हैं और क्रीम निकालने के बाद वह दूध

डिब्बों में भरकर शहरों में बेचने के लिए लाया जात है और जाहिर है कि उस दूध में फ़ैट तो कम होगा ही। क्या आप दूध विक्रेताओं की तरफ़ से इस बात की जिम्मेदारी लेने को तैयार हैं कि क्रोम निकला हुआ दूध नहीं बेचेंगे और दूध में पानी नहीं डालेंगे? एक आदमी ने ग़र्ही दिल्ली में मुझ से अपने लड़के को कसम खा कर कहा था कि मैं दूध में मिलाबट को खत्म कर दूंगा और थोड़े दिनों तक उसने ६० प्रतिशत: उस चीज़ को नीक भी कर दिया लेकिन बाद में कुछ एंसे मामले हो गये जिनसे वह पूरा काम नहीं हो पाया। अगर आप लोग अन्नी तरफ़ से कुछ करें, तब तो कोई रास्ता निकल सकता है। हमें तो कुछ सूझता नहीं है कि इस के अलावा हम क्या करें।

श्री बर्माजी : आंध्र प्रदेश में दूध का स्टैंडर्ड ठीक तरह से निश्चित नहीं किया गया है। सालिड नान-फ़ैट ६ परसेंट रखा गया है, जब कि विदेशों में वह ६ या ६.५ परसेंट है। फ़ैट का परसेंटेज ५ रखा गया है।

डा० सुशीला नायर : सालिड नान-फ़ैट तो एक ही रहेगा, क्योंकि वह बदल नहीं सकता है।

श्री बर्माजी : अगर फ़ैट ५ परसेंट फ़िक्स किया गया है, तो सालिड नान-फ़ैट केवल ६ परसेंट ही फ़िक्स किया जाना चाहिए था। दूध के किसी सैम्पल में सालिड नान-फ़ैट ६ परसेंट तभी हो सकता है, अगर फ़ैट ७.५ परसेंट या उस से ज्यादा हो। अगर फ़ैट उस से कम या ज्यादा हो, तो लाइमिती तौर पर सालिड नान-फ़ैट कम या ज्यादा हो जायेगा। उस को हर हालत में ६ परसेंट रखना मुनासिब नहीं है।

Shri S. N. Mitra: In milk, there are two things: one is the actual fat and the other is the solution fat. The fat content is variable. That is why in Andhra Pradesh a lesser fat standard has been kept, but the solution fat is the most uniform and of a cons-

tant nature. That does not vary. That is why it has been kept at 9 all over India. It cannot go below that.

Dr. Sushila Nayar: How many samples have you tested to say that this is the same?

Shri S. N. Mitra: These have been done in thousands by the National Dairy Research Institute. We have also analysed many samples in the laboratory. I have not got the data with me immediately.

डा० सुशीला नायर: देश के कोने-कोने से सैम्पल इकट्ठे कर के उन को टैस्ट किया गया और यह पाया गया कि उन में फ़ैट तो कम ज्यादा हो जाता है, लेकिन सालिड-नान-फ़ैट की मात्रा कम ज्यादा नहीं होती है, अगर पानी न मिलाया जाये। इसी लिए सालिड नान-फ़ैट एक ही रखा गया है।

Shri N. C. Chatterjee: You must have tested also some samples from Andhra Pradesh.

Shri S. N. Mitra: Yes.

Shri C. M. Kedaria: They have stated at page 5 of their memorandum that solid non-fat would be 9 per cent in a given sample of milk only when fat is 7.5 per cent or more than that, and, therefore, when fat is required to be 5 per cent, the standard for solid non-fat should have been fixed at 6 per cent only, and not 9 per cent as has been done. Is the proportion mentioned by them correct that the percentage of fat should be 5 per cent and that of solid non-fat should be less than 9?

सभापति महोदय : पूरे भारत के कोने-कोने से सैम्पल लेकर उन को टैस्ट किया गया है। उन से मालूम होता है कि फ़ैट में तो कुछ परसेंटेज में फ़र्क हो जाता है, लेकिन सालिड नान-फ़ैट की मात्रा में कमी फ़र्क नहीं आता है।

Shri S. N. Mitra: Just now, I have given a short explanation to show that there is no connection, practically, as far as uniformity is concerned, between the fat content and the solid non-fat. The solid non-fat

of milk is remarkably constant, whereas the fat of milk varies. Even if the fat may go down to 5 per cent or 4.5 per cent or 3 per cent, the solid-non-fat of buffalo milk cannot form below 9 per cent. In fact, it is never lower than that, because if that falls, then the whole theory of osmotic pressure goes to pieces, which cannot happen in nature. Take, for instance, the case of blood. The osmotic pressure has been remarkably constant in blood, and likewise, the osmotic pressure of milk is also remarkably constant. It is on the basis of these physico-chemical facts that these percentages have been fixed.

Shri N. C. Chatterjee: Have you also conducted tests on samples from Andhra Pradesh?

Shri S. N. Mitra: Yes, we have tested milk from all over India.

श्री बर्माजी : हम ने अपने मेमोरेण्डम में बहुत सी किताबों के नाम दिये हैं। उस में विद्वानों का हवाला दे कर यह बताया गया है कि सालिड-नान-फैट भी कम ज्यादा हो सकता है।

डा० सुशीला नायर : किसी ने क्या कहा है या बिलायत में क्या होता है, यह हम नहीं जानते। लेकिन भारत में हजारों सैम्पल टेस्ट करने के बाद हम इस नतीजे पर पहुंचे हैं कि भैंस के दूध में सालिड-नान-फैट इस से कम नहीं होता है।

श्री बर्माजी : यहां पर बटर फैट का टेस्ट करने की सुविधा है, लेकिन सालिड-नान-फैट को टेस्ट करने की कोई सुविधा नहीं है।

डा० सुशीला नायर : उस की भी सुविधा है।

Dr. C. B. Singh: Is the assertion that the contents of solid-non-fat does not vary in the whole of the country correct? Is there no variation at all? Or is there some margin of variation?

I believe that there must be some margin.

Shri S. N. Mitra: I would like to explain what I have stated. I have stated earlier that it varies to some extent, but the minimum cannot fall below 9 per cent. It may vary between 9 and 9.5 per cent but it is not as variable as the fat.

Dr. C. B. Singh: It must be mentioned clearly that it varies. The range of variations, should be mentioned.

Shri N. C. Chatterjee: May I take it never goes below 9 per cent?

Dr. S. N. Mitra: I have made that clear already.

श्री बर्माजी : जहां तक सजा का सम्बन्ध है, आप जानते हैं कि यह धन्धा करने वाले बहुत गरीब हैं। उन लोगों को जुमनि या कैद की सजा देने से उन के परिवार बेसहारा हो जायेंगे। आन्ध्र प्रदेश में ऐसे उदाहरण मौजूद हैं कि आदमी का अपने परिवार के फ्रिक के कारण जेल में देहान्त हो गया। इसलिए उस सम्बन्ध में सजा या जुमनि बहुत कम रखा जाना चाहिए। उसके ताकत के यह बाहर की बात है कि वह ज्यादा जुमनि भदा कर सके।

सभापति महोदया : भ्रमीर हो या गरीब, जो गुनाहगार है, उसको सजा होनी ही चाहिये।

श्री बर्माजी : हमारे यहां मराठी में कहते हैं कि रोजाना काम करके दो चार रुपये कमा कर जो आदमी लाता है और उससे अपने परिवार वालों का पालन पोषण करता है, उस पर अगर हजार या दो हजार रुपया जुमनि हो जाये तो . . .

डा० सुशीला नायर : जो चोरी करता है, वह गरीब हो या भ्रमीर, वह चोर है और उसको सजा उसकी मिलती ही है। जो

मिलावट करता है वह सारी समाज की चोरी करता है। इस में अमीर गरीब का सबाल कहां आता है ? गरीब आदमी को तो ज्यादा ध्यान रखना चाहिये।

श्री बर्माजी : जिन परिस्थितियों में वह दूध लाता है, उसको आप देखें। रात का दूध गर्म करके सुबह के दूध में वह उसको मिलाता है। इसका जो रिजल्ट है वह पूरा उतर नहीं सकता है। ऐसी सूरत में वह मुल्जिम बन जाता है और वह मारा जाता है। लेकिन असल में उसका कसूर कोई नहीं होता है। हमारा कहना यह है कि अगर टैस्ट करके बर्तन पर लेबल लगा दिया जाये कि यह अच्छा दूध है, पास किया हुआ दूध है, तब लोगों को राहत मिल सकती है।

डा० सुशीला नायर : अगर बाद में पानी मिला दे तो ?

श्री बर्माजी : जब वह ऐसा करता है तो उसके लिए आप सख्त सजा रखें, हमें कोई एतराज नहीं है।

डा० सुशीला नायर : सरकार एक एक गांव और एक एक घर में टैस्ट करके लेबल नहीं लगा सकती है। आपको स्वयं इसका कोई इन्तजाम करना होगा। यह आप कर सकते हैं।

श्री बर्माजी : यह जो चीज है यह आपके और हमारे सहयोग से ही सम्भव होने वाली है। दोनों अगर सहयोग करें तो ही मिलावट का रोग दूर हो सकता है। जगह जगह केन्द्रीय स्थान पर अगर लैबोरेटरीज स्थापित कर दी जायें और जो दूध आये उसको टैस्ट करके उस पर लेबल अगर लगा दिये जायें तो यह रोग काफी हद तक दूर हो सकता है। उसके बाद भी अगर कोई दोषी पाया जाये तो उसको कड़ी सजा मिलनी चाहिये।

डा० सी० बी० सिंह : आप ने कहा है कि ग्वाले बहुत गरीब होते हैं और उनकी

हालत का खयाल किया जाना चाहिये। आप ने कोई यूनियन बनाई है ताकि इन गरीब लोगों की मदद हो सके ?

श्री बर्माजी : उनकी जो कोआपरेटिव सोसाइटी बनी है, उसके प्रत्येक सदस्य को पांच सौ रुपये कर्ज के तौर पर दिये जाते हैं। आज इतने पैसों की एक भैंस भी नहीं मिलती है।

डा० सी० बी० सिंह : आपका मतलब यह है कि जो मदद है वह बढ़ाई जाये ?

श्री बर्माजी : मदद भी अधिक की जाये और यह जो टैस्टिंग का तरीका है, उसके अन्दर भी सहूलियत दी जाये। जो भी दूध आये उसको पहले टैस्ट किया जाये और फिर उसको बचने की इजाजत दी जाये।

डा० सी० बी० सिंह : खुद आप कोई लैबोरेटरी क्यों नहीं रख लेते हैं ? आपकी यूनियन तो बहुत बड़ी है।

श्री बर्माजी : एक छोटी मोटी मशीन से प्रबन्ध नहीं हो सकता है। इतना लम्बा चौड़ा प्रबन्ध हम नहीं कर सकते हैं कि सभी लोगों का दूध टैस्ट कर सकें।

श्री एन० सी० चटर्जी : आपका क्या मतलब है कि हर एक गांव में टैस्टिंग का इतजाम हो ?

श्री बर्माजी : शुरू शुरू में कोई ऐसा मुकाम दूढ लिया जाये जोकि आसपास के लोगों के लिए सुविधाजनक हो जहां पर टैस्ट करके लेबल लगा दिये जाया करें। उसके बाद अगर कोई मिलावट करे तो उसे कड़ी सजा दी जाये।

श्री बेबकीनम्बन नारायण : आपने पेज ११, पैरा ६ से सिफारिश की है :

There should be provision for the sale of milk of standard purity to suit the purchasing capacity of the people.

इसका मतलब यह होता है कि जिस परिमाण में पानी मिलाया जाये उस परिमाण में दूध की कीमत रखनी चाहिये। क्या यह सच है ?

श्री बर्माजी : होटल वाले कहते हैं कि उन्हें १८ तोले खोये का दूध नहीं चाहिये, पंद्रह तोले का चाहिये और वे उसके लिए पैसे कम देते हैं। उसके लिए यह चीज रखी गई है। अगर बाजार में रुपये सेर दूध है तो वह कहते हैं कि रुपये का सवा सेर या डेढ़ सेर दो।

डा० सुशीला नायर : आप कह सकते हैं कि दूध रुपये सेर वाला है और अपने घर में वे सेर का सवा सेर या डेढ़ सेर बना लें। आप रुपये का सेर ही देंगे।

श्री बर्माजी : यह जो बात मैंने कही है यह कानून आने के पहले जो मुआहिदे हो चुके थे उनके बारे में कही है। आगे से हम बैसा नहीं कर रहे हैं।

श्री के० एल० बाल्मीकी : यादव संगम के कितने सदस्य हैं ?

श्री बर्माजी : दो हजार के करीब हैं।

श्री के० एल० बाल्मीकी : एक एक आदमी कितनी भैंसें रखता है ?

श्री बर्माजी : कोई एक रखता है, कोई दो, कोई दस, कोई पंद्रह। लेकिन कम से कम वह एक जरूर रखता है।

श्री के० एल० बाल्मीकी : आपके सदस्यों में से कितनों के सैम्पल लिये गये हैं और उन में से कितने सैम्पल पास हुए और कितने फेल ?

श्री बर्माजी : कई सैम्पल पास हुए हैं। जो फेल हुए उनके खिलाफ मुकदमे चलाये गये। लेकिन ६६ परसेंट मुकदमे हमारी फेवर में गये।

श्री के० एल० बाल्मीकी : किस आधार पर मुकदमे फेल हुए ? उन में क्या कमी थी ? क्या लेबोरेटरी की जांच ठीक तरह से नहीं हुई थी ?

श्री बर्माजी : सैम्पल तीन बोटल में लिये जाते हैं। एक बोटल तो लेबोरेटरी को भेज दी जाती है। दूसरी बोटल म्यूनिसिपैलिटी में रहती है और एक जो दूध का मालिक है, वह रखता है। अगर सैम्पल पास हो गया तब तो कोई झगड़ा ही नहीं। लेकिन अगर पास नहीं होता है तो मुकदमा चलाया जाता है। अगर वह हार जाता है तो वह दुबारा टेस्टिंग के लिए भेजने के लिये कहता है। जब दुबारा भेजा गया तो ठीक हो कर सैम्पल आया। कुछ केस इस वजह से भी फेल हुए हैं कि दूध टेस्ट करने के काबिल नहीं रह गया था।

श्री के० एल० बाल्मीकी : क्या आपकी जानकारी यह है कि दो तीन लेबोरेटरीज को सैम्पल भेजे गये और उन में अन्तर आया ?

श्री बर्माजी : जी, उन में फर्क था।

सभापति महोदय : जो आपके ये दो हजार मेम्बर हैं, क्या इन से आप कोई चन्दा लेते हैं ?

श्री बर्माजी : साल में चार घाना नाम के लिये चन्दा लेते हैं।

श्री के० एल० बाल्मीकी : आप की सोसाइटी किस एक्ट के मातहत रजिस्टर्ड है ?

श्री बर्माजी : एसोसिएशन एक्ट के मातहत।

डा० सुशीला नायर : आप ने कहा कि किसी सदस्य के पास एक भैंस है, किसी के पास दो हैं, किसी के पास दस हैं। अगर आप इन लोगों से प्रति भैंस दस दस या बीस बीस नये पैसे महीने का चन्दा ले सकें, जो कि कोई बड़ा बीझा नहीं होगा, तो आप इन लोगों को मदद दे सकते हैं शुद्ध काम करने में और

एनेलिसिस करने में। इस तरह इनकी कठिनाइयां दूर हो सकती हैं। यानी आप शुद्ध काम करने का बोझा अपने ऊपर ले लें और इस प्रकार अपने संघ के लोगों की मदद करें।

आरे बस्ती के दूध के बारे में या आनन्द डयरी के दूध के बारे में किसी को शंका नहीं होती कि दूध अशुद्ध है। इसी तरह अगर आप अपने यहां प्रबन्ध कर लें तो आपके दूध के बारे में भी किसी को शंका नहीं होगी।

श्री बर्माजी : मैं ने कहा कि इस में हमको आपका सहयोग भी मिलना चाहिए।

डा० सुशीला नायर : हम से आनन्द वालों ने या आरे बस्ती वालों ने कोई सहयोग नहीं मांगा। जो कोआपरेटिव ऐक्ट के अन्दर सुविधा उनको मिली है वह आप को भी मिल सकती है।

श्री बर्माजी : आप कहती हैं वह ठीक है।

श्री एन० सी० चटर्जी : आपका प्रेडिग से मतलब यही है कि टोन्ड मिल्क, होल मिल्क आदि का प्रेडिग किया जाये।

(एक माननीय सदस्या का तथा गवाह का कुछ समय तक तेलगू भाषा में वाद विवाद होता रहा।)

श्री जी० मलैया : कानून में तरमीम लाने के पहले हकीकतों को भी ध्यान में ले लेना चाहिए। हम ने अपने मेमोरेण्डम में भी लिखा है और यहां भी कहना चाहते हैं कि जो इस्पेक्टर हमारे पास से नमूना लेते हैं दूध का। उसका फैंट परसेंटज देख कर ही कम होने से हमारा आलान कर देते हैं। उनके पास और चीजों को जो उसमें मिली हैं बताने की सुविधा नहीं है। यह इन लोगों ने अदालतों में भी स्वीकार किया है। अनेलिस्टों ने भी यह बात अदालतों में स्वीकार की है।

समापति महोदय : उसके बारे में चर्चा हो चुकी है। सेंट्रल लेबोरेटरी में इसके लिए सुविधा है कि यह बतलाया जा सके कि उस दूध में और क्या क्या मिला है। सेंट्रल लेबोरेटरी की जांच से यदि कोई व्यापारी संतुष्ट न हो तो वह उसकी आगे पड़ताल के लिए चालीस रुपया जमा करवाये। गरीब लोगों को इतनी अधिक फीस जमा करना मुश्किल होता है। मैं चाहता हूँ कि यह चालीस रुपये की फीस घटा कर 10 रुपये कर दी जाय।

डा० सुशीला नायर : जब एक मर्तबा उसने फैसला दे दिया कि दूध शुद्ध नहीं है तो आप उस पर विश्वास करिये लेकिन अगर आगे और जांच करवाना चाहते हैं तो फिर आपको खर्चा करने से हिचकिचाना नहीं चाहिए। आप लोग यहां हवाई जहाज से चल कर आ सकते हैं, दो तीन दिन तक सब लोग दिल्ली में ठहर सकते हैं और सारा खर्चा बर्दाश्त कर सकते हैं तो आपको इस दुबारा जांच के लिए पैसा खर्च करने में कोई दिक्कत नहीं महसूस होनी चाहिए। इस के अलावा आपका संघ अपनी एक छोटी मोटी लेबोरेटरी भी बना सकता है और उसमें मेम्बर्स लोग पूर्व जांच करवा सकते हैं।

श्री देवकीनन्दन नारायण :
Item 7 of the Memorandum at page 11 says:

“Provision for appeal to the cow” should be made in the Act to enable the vendor to rebut the charge of adulteration.”

मैं इस प्राविजन फौर अपील टु दी काऊ का मतलब जानना चाहता हूँ।

श्री जी० मलैया : हम प्राविजन फौर अपील टु दी काऊ ऐक्ट में इसलिए शामिल करना चाहते हैं ताकि वैडर दूध में एडल्टरेशन के चार्ज को झुठला सके। इंप्लिसिट ला में भी इस तरह का प्राविजन प्रोवाइडेड है।

Shrimati V. Vimla Devi: The memorandum says:

"Provision should be made to sell milk of different grades to suit the purchasing capacity of the people."

श्री के० एन० बाल्मीकी : कुछ ग्राहक ऐसे हैं जो कि असली दूध का मूल्य नहीं दे सकते हैं और वे घटिया दूध अर्थात् पानी मिले दूध का मूल्य दे सकते हैं वे घटिया किस्म का दूध लेना चाहते हैं, क्या यह बात आपकी जानकारी में आई है ?

डा० सुशीला नायर : अपने मेमोरैंडम में उन्होंने कहा है कि जो मूल्य ग्राहक दे सकता है उस किस्म के दूध को हमें उसे बचने की इजाजत देनी चाहिए ।

श्री तुलसीदास जाधव : आपकी प्रसो-सियेशन के मेम्बर 2000 हैं । दूध में अगर पानी की मिलावट होती है या क्रीम उसमें से निकालकर बेचा जाता है और पकड़ होती है तो व्यापारियों को सजा व जुर्माना होता है तो क्या यह उचित नहीं होगा कि दूध के व्यापारी लोग एक छोटी सी मशीन लैक्टोमीटर अपने यहां रख लें और दूध खरीदने से पहले उस मशीन से जांच कर लिया करें ?

श्री बर्माजी : लैक्टोमीटर से दूध की शुद्धता ठीक तरह से जांच नहीं हो सकती है । कितना उसपानी मिला हुआ है या कितनी ऊसमें से चिकनाई निकाली हुई है उसका लैक्टोमीटर ठीक, ठीक पता नहीं लग पाता है ।

श्री तुलसीदास जाधव : यह चीज तो आपके अपने फायदे में है जिससे कि फूड इंस्पेक्टर आपको हरेस न करे ।

श्री बर्माजी : लैक्टोमीटर का प्रयोग कामयाब नहीं रहा है इसलिए मैंने कहा कि वह उपयुक्त नहीं है ।

सभापति महोदया : हम ने इसीलिए आपको गवाही देने के लिए बुलाया है कि आप हमें अपने सुझाव दें कि किस तरह से यह मिलावट की बीमारी को खत्म किया जा सकता है । हम उसे रोकने के लिए जो बिल पास कर रहे हैं उसमें अगर कुछ त्रुटियां हैं तो हम आपसे उस बारे में मशविरा करने को तैयार हैं और यही कारण है कि हमने आपको बुलाया है । मैं ज्वाएंट कमेटी की ओर से आपको धन्यवाद देती हूँ कि आप ने हमें अपने विचारों से प्रवगत किया ।

(The witnesses then withdrew).

II. Delhi Ghee Merchants' Association, New Delhi

Spokesmen:

1. Shri Puran Mal
2. Shri Baldev Bansal
3. Shri Om Prakash Malhotra.

(Witnesses were called in and they took their seats)

Confidentiality of the proceedings will be treated as public unless it is specifically mentioned that something is confidential.

Shri Baldev Bansal: Our association welcomes the amendment of section 16 to enhance the penalties for adulteration. At the same time, we would like to ask the Committee to be cautious while amending this section because it is very important that the position of the honest trader is safeguarded fully. At present there are certain defects in the Act and the position of the honest trader is not at all safeguarded. We want to focus the attention of the Committee on the defects that are there before we make some proposals.

We are not at all satisfied with the set-up of the laboratories as at present. The work in the public analytical laboratory is not up to the mark. Samples are tested wrongly and samples are wrongly labelled as adulterated even though they are pure. This position could have been rectified if we could get justice from the Central Food Laboratory.

Dr. Sushila Nayar: Even the Central Food Laboratory does not give you justice?

Shri Baldev Bansal: That is what we have felt. I have got evidence in support of my contention.

Dr. Sushila Nayar: You may send that to the Government. This Committee is not sitting in judgement over the Central Food Laboratory.

श्री के० एल० बाल्मीकी : इन को पञ्चोम साल का कैमिस्ट का अनुभव है। अगर यह बर्हसियत एक कैमिस्ट के और इस संस्था में काम करने के कुछ बताना चाहते हैं, तो हमको उनकी बात पर ध्यान देना चाहिए।

डा० सुशीला नायर : अगर चेयरमैन साब इसकी इजाजत दें, तो ठीक है, लेकिन यह कमेटी सेंट्रल फुड लैबोरेटरी पर जजमेंट करने या उसकी शिकायत सुनने के लिए नहीं बैठे है।

श्री के० एल० बाल्मीकी : शिकायत का प्रश्न नहीं है। श्री बंसल एज ए कैमिस्ट अपना अनुभव बताना चाहते हैं, तो बतायें

श्री बलदेव बंसल : मेरे पास कई मिसालें हैं। एक भी का सैम्पल गवर्नमेंट के स्टैंडर्ड के मुताबिक है। दिल्ली लैबोरेटरी ने उसमें 52 परसेंट एडल्टरेशन पाया, लेकिन मैंने उसको एनेलाइज किया, तो उसको प्यूर पाया।

सभापति महोदया : प्राप स्टैंडर्ड्स के बारे में जो कुछ कहना चाहते हैं, वह हमको

लिख कर भेज दीजिए। हम उसे गवर्नमेंट के पास भेज दगे।

Shri Baldev Bansal: We are not satisfied with the present set-up of the laboratory. For that reason, we want that something should be done so that the samples are correctly tested.

Dr. Sushila Nayar: What should be done? Should there be another appellate laboratory over this present laboratory?

Shri Baldev Bansal: Our proposal is, firstly, that there should be four samples taken.

Dr. Sushila Nayar: Why?

Shri Baldev Bansal: Because we want it to be tested by another laboratory.

Dr. Sushila Nayar: When the inspector takes the samples from you, he takes them out of a lot of stuff that you have. He gives you one sample; he takes away two. If you want to get your own samples tested, you can take them out of the stuff that you have for your own satisfaction. No court is going to give credence to your analysis or the analysis given by your analyst; credence can only be given to the public analysis.

Shri Om Prakash Malhotra: The whole idea is that instead of three samples, there should be four samples.

Dr. Sushila Nayar: Is it for your own information or you want the court to take this analysis?

Shri Om Prakash Malhotra: My submission is this. If four samples are taken, three may be taken by the food inspector and one will be given to the vendor. The food inspector will send one sample to the public analyst, Delhi for instance and if the trader wants the other may be sent to another analyst, say, Chandigarh. If the reports are within the margin

of human error and say that it is adulterated, then prosecution should be launched: otherwise, not.

I have myself appeared in nine cases of this nature where the reports were contradictory and the persons were acquitted. For instance, in one case, the sample of chillies was taken and the Delhi analyst's report was that it was to the Central Food Research Institute the Central Food Research Institute's director, his report was different from the earlier report. In Criminal appeal No. 280 and also in another case decided by the Division Bench of Punjab High Court Justice Falshaw and Justice G. D. Khosla decided this point; it was held that whenever there is difference in the report between the Government analyst and the director, the conclusion was that they did not do their job properly.

Dr. Sushila Nayar: We shall examine your suggestion. You want that the same sample should be analysed by two analysts. But you will agree that at some stage the appeal has to come to an end; it cannot be an indefinite process. If the trader feels something is wrong, he can even now appeal then it goes to the Central laboratory. You have yourselves stated that the Central laboratories have stated that in some cases the analyst was no correct.

Shri Om Prakash Malhotra: Chemistry is an exact science and so there is no possibility of divergence of opinion on a large scale, at any rate. My submission, therefore, is that before referring the matter to the appellate laboratory and before instituting proceedings against him, there should be two laboratory tests.

Dr. Sushila Nayar: Is it practicable? Already the load is so much and we find it very difficult to cope with the work. Do you conceive of

a possibility when the samples can be tampered with? You said yesterday that you had yourself put in eleven years of service as food inspector? Can the samples be tampered with?

Shri Om Prakash Malhotra: In the nine cases I mentioned the samples that were sent for second test were those in the custody of the food inspector, because in the first appearance our defence is: no sample bottle was given to me; no price was paid. There is no possibility of tampering because the seal is there with the inspector.

Dr. Sushila Nayar: There are other people who have felt differently; they say the seals are not so perfect and it is possible to tamper with them.

Chairman: You are talking about the samples with the vendors. But if the vendor feels that the inspector's sample is not intact? That is the question.

Shri Om Prakash Malhotra: In certain cases it is possible. Either the sample lying with the inspector or the sample in the possession of the vendor—any sample can be sent.

Shri N. C. Chatterjee: I want to know whether all your nine cases were tested in the same laboratory? Do these cases relate to the same laboratory?

Shri Om Prakash Malhotra: It is only in the Delhi laboratory.

श्री क० एल० इाल्मीकी: सरकार की एक बड़ी लेबोरेटरी अलीपुर में है और एक एगमार्क की कानपुर में है, इन पर विश्वास किया जा सकता है ।

डा० सुशीला नायर : पहले यह कहा गया है कि एगमार्क की लेबोरेटरी पर भी विश्वास नहीं किया जा सकता ।

Dr. C. B. Singh: The statement made by Shri Malhotra about the

nine High Court judgments deserve very serious consideration. We must take serious notice of it. If it is necessary, we can take four or five samples and send them to the laboratories. But unless we devise a method it is quite possible that an innocent man may be prosecuted. There are nine cases on record. There may be thousands which have not come to our notice.

Dr. Sushila Nayar: That is a question which we can decide among ourselves after the examination of witnesses is over.

Shri Om Prakash Malhotra: Secondly, autonomous laboratories should be set up for examination in case of appeal.

Dr. Sushila Nayar: What do you mean? Government laboratories are not autonomous?

Shri N. C. Chatterjee: In one of the judgments referred to by Shri Malhotra the learned Judge says:

"It is a serious state of affairs prevailing in the laboratory.... the municipal corporation should take some steps to organise the laboratory in such a way as to rule out such corrupt practices . . .".

Dr. Sushila Nayar: It is a reflection against the Delhi analysis. I can understand that there may be some mistakes in the analytical laboratories maintained by the different municipalities and corporations and it is conceding this very factor that an appellate laboratory is opened by the Central Government. What you may say is that the analytical laboratory, instead of being that of the corporation, should be of the State Government. We can think of that. But do not ask us to have two laboratories for every sample.

Shri Om Prakash Malhotra: That is our humble suggestion. It can be put into practice if it is practicable.

So far as the amendment of section 16 is concerned, while an enhanced punishment is given under the criminal jurisprudence the principle is to test the criminal tendency and see whether he is a hardened criminal. That is why an enhanced punishment or penalty is given for the recurrence of the offence. In this case, I submit that there should be classification for imposing the penalty. For the first offence, it must be the minimum provided. If a sample contains one per cent of moisture or 99 per cent adulterated with Daida, in the eyes of law, both are on the same footing. Further, if my sample fails to satisfy once in 1950 and again in 1960, I am liable for enhanced punishment for the second offence committed by me. My submission in this respect is, because we are making this Food Act a code by itself—it appears from the amendments that it will be a complete code in itself—we should prescribe a time-limit for the operation of the previous conviction.

Dr. Sushila Nayar: Do you mean to say that you can go on committing adulteration? The inspectors do not come every time. Once in a while he goes and checks and out of several cases one case is proved and punishment is given. Having gone through one punishment, he can go on doing whatever he wants provided he does it after six months or whatever is the time limit, so that the previous conviction does not count. Is that what you are suggesting?

Shri Om Prakash Malhotra: Under the Indian Penal Code, section 75, enhanced punishment shall be given in cases where the offence is committed for a second time. But the High Court rules and orders say that the judge while giving the enhanced punishment should look into the fact whether he has committed the offence after a long long lapse of time, whether previously he was a pickpocket or dacoit and now he is settled in life and so on. If there is no *mens rea*, the offence should not be counted for purposes of considering

whether there was a previous conviction.

Chairman: Besides being the spokesman of your association, you are also an advocate and a citizen of our country. Could you please tell us the effective deterrents to prevent those offences being repeated?

Shri Om Prakash Malhotra: One of the effective deterrents is to classify the offences. Those which are injurious to public life should be dealt with with an iron hand; there the imprisonment can be even up to seven years. For example, sulphuric acid is mixed with some other acid. Even one drop of sulphuric acid is enough to burn one's body.

Dr. Sushila Nayar: That classification is already there. The minimum punishment of six months for offences falling under clauses (a), (b), (c) and (d). In other cases, the punishment ranges from one year to more.

Shri Om Prakash Malhotra: If other things being equal, there is no defect in testing, the Delhi Ghee Merchants Association is prepared for a sentence of seven years even for the first offence; not six months or two years. The wholesale dealers in Delhi at least are not indulging in such corrupt practices.

Shrimati V. Vimala Devi: We do not agree.

Dr. Sushila Nayar: At the bottom of page 3 and top of page 4, although it is laid down that for a repeat offence a higher sentence may be awarded, still there is a proviso which says:

"Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of less than two years but not less than six months."

That is the minimum for the first offence. So, for practical purposes,

if a man has committed an offence many years ago and it was possibly unintentional, as you say, the court may treat it as first offence.

Chairman: He says that in the case of the first offence, if the nature of the offence is very serious, the punishment should be enhanced. We shall consider your suggestion.

Shri N. C. Chatterjee: Will you kindly send attested copies of the nine judgments which you mentioned?

Shri Om Prakash Malhotra: Each certified copy will cost me at least Rs. 12. So, I can send typed copies within four or five days.

Dr. Sushila Nayar: Yes; Mr. Chatterjee will examine them and advise the committee.

Dr. C. B. Singh: Copies may be given to all of us.

Shrimati C. Ammanna Raja: He has said that the court decided that there was no coal tar dye in the sample. One analyst said that it was present and the other analyst said it was not present. If the difference was only about the presence of the dye, I would like to know whether the ghee was substituted by some other substance.

Shri Om Prakash Malhotra: Otherwise the ghee was pure. Except for the dye, it was declared conforming to the standard. There was also the Halphen test by which cotton seed admixture can be detected.

Shri Baldev Bansal: My observation is that the public analysts' laboratory and the Central Food Laboratory are not working properly and therefore proper results are not coming. I have got facts with me and if you examine them you will come to know the real position.

Dr. Sushila Nayar: You may say that on the strength of your own analysis, which we cannot consider authentic.

श्री के० एल० बाल्मीकी : क्या आप यह बतला सकेंगे कि सरकारी ऐनालिस्ट ने जिन सैम्पल्स के बारे में अपनी रिपोर्ट दी और आपने अपने तरीके से करने उनमें माल का प्रयोग से जांच करवाई और जब सरकार द्वारा ब; केसेज अदालत में भेजे गये तो आपके कितने केस कामयाब हुए अर्थात् अदालत ने आपको बरी किया जिसका कि अर्थ यह है; हुआ कि इतने केस जो कि सरकारी ऐनालिस्ट ने अशुद्धता के दायर करवाये वे आपका अपनी प्राइवेट जांच के मकाबले फेल हो गये ।

ज। तक सरकार द्वारा जांच विशेषज्ञ की रिपोर्ट का मवाल है वह मानी जाएगी लेकिन कोर्ट उस से बंधे हुए नहीं हैं । यहां पर बड़े बड़े वकील बैठे हुए हैं और मैं समझता हूँ कि वे मझसे इस बात में स मत होंगे कि कोर्ट उसको मानने के लिए बाध्य नहीं है व; अपना फैसला इंडिपेंडेंटली दे सकते हैं । मैं जानना चाहूंगा कि अदालत ने कितनी सरकारी जांच विशेषज्ञ की रिपोर्टों का मही माना और कितनी आप लोगों ने प्राइवेट लेबारेटरी में जो अपने नमूनों की जांच करवाई उनको उसने सही माना ?

श्री बलदेव बंसल : ऐसे केसेज कई हैं जिनमें कि सरकारी जांच विशेषज्ञ की रिपोर्ट को कोर्ट ने सही नहीं माना और विक्रेता को बरी कर दिया ।

डा० सुशीला नायर : हो सकता है कि जो स्थानीय ऐनालिस्ट है उस पर व्यापारी लोग अपना दबाव डाल सकते हैं । ऐसा हो नहीं सकता कि मैं इसका दावा नहीं कर सकती । इसके लिए एक दायर एपैलेट कोर्ट रखा गया है । सरकार की पूरी कोशिश यह रहती है कि उसकी सबसे ऊंची लेबारेटरी में इन्विपमेंट वगैरह सब एकदम बढ़िया रहे ताकि जांच बिलकुल सही हो सके, वहां पर जांच विशेषज्ञ आदि कैंरेक्टर के आदर्श हों जो कि ईमानदारी के साथ अपना कर्तव्य निभा सकें और किसी किस्म

की गड़बड़ न होने पाये । उसको समय समय पर देखा भी जाया करे । अभी तक किसी ने भी सरकार के ऐनालिस्ट के ऊपर शक जाहिर नहीं किया है । यह बात दूसरी है कि जब किसी जज ने एक आध किसी केस में गुस्से में आकर कह दिया हो कि दो ऐनालिस्ट्स का उसी माल के बारे में अलग अलग रिपोर्ट्स हैं इसलिए हम उसे ठीक नहीं मानते हैं और केस नाकामयाब हों गये हों लेकिन तकीकत यह है कि अगर दो ऐनालिस्ट्स में मतभेद हो तो कानून में प्रोवाइडेंड है कि सेंट्रल लेबारेटरी के ऐनालिस्ट को रिपोर्ट को सत्य माना जायगा । इस लेबारेटरी को अच्छा से अच्छा रखने की हम कोशिश करते हैं । अगर उसके बारे में कोई शिकायत हो तो ब; सरकार से करनी चाहिए लेकिन द्वाई साल के दौरान में कोई ऐसी बात या शिकायत नहीं आई है जिससे कि हम यह कह सकें कि वहां पर कोई गलती हुई है । हमें अभी तक कोई शिकायत नहीं मिली है लेकिन अगर दरअसल कोई शिकायत अगर हो तो मारे पास उसे अवश्य भेजें और हम उसके बारे में पूरी जांच पड़ताल करने का आश्वासन देते हैं ।
If there is delay, that will be a very serious matter and whoever makes that complaint should realise the gravity of that complaint.

Shri Baldev Bansal: I make that grievance with full responsibility.

Dr. Sushila Nayar: You can send us whatever you wish to send.

Shri Baldev Bansal: We will give you copies. Then, as Shri Malhotra has said, our proposal is that two samples should be tested simultaneously by two different laboratories. Even the two laboratories, that is, the higher and the lower, should not differ in their judgment, if they are working properly and if their instruments are correct.

Chairman: They are working properly. But if there is any doubt regarding the analysis given at the

lower level, there is scope for appeal to the higher laboratory. Sometimes the two may coincide in their results but we cannot say that always they should coincide.

Shri Baldev Bansal: The results should corroborate.

Dr. Sushila Nayar: We have noted your opinion. Please proceed to your next point.

श्री के० एल० बाल्मीकी : जो टेस्ट किये जाते हैं, वे कैमिस्ट्री की प्रासेस से किये जाते हैं। कैमिस्ट्री तो एक परफेक्ट साइंस है, लेकिन हुमैन बीइंग में कमी है। इस प्रकार जो हुमैन एरर होता है, उसके बारे में आपका क्या अनुभव है ?

श्री बलदेव बंसल : हुमैन एरर की लिमिट को प्रैक्टाइव कर देना चाहिए।

श्री के० एल० बाल्मीकी : मान लीजिए कि दो लेबारेटरीज अलग अलग नतीजे पर पहुंची और उनमें मामूली सा फर्क है। क्या कभी कोर्ट ने इस प्रकार के हुमैन एरर की बात को माना है ?

श्री बलदेव बंसल : कलकत्ता लेबारेटरी की रिपोर्ट है कि

डा० सुशीला नायर : कलकत्ता लेबारेटरी की चिन्ता आपको नहीं करनी चाहिए। होता यह है कि लोअर एनैलिस्ट की रिपोर्ट पर अगर हायर लेबारेटरी ने कन्फर्म कर दी, तब तो कनविकशन हो जाती है। अगर लोअर लेबारेटरी में ही नैगेटिव रिजल्ट निकल आया, तब तो अपील का सवाल ही नहीं है और केस वहीं डिसमिस हो जाता है। अगर लोअर लेबारेटरी में एडल्ट्रेशन पाया गया और दुकानदार ने कहा कि यह गलत ऐनालिसिस है, तो ऊपर अपील जाती है। अगर लोअर एनैलिस्ट का टेस्ट कन्फर्म होता है, तो सखा हो जाती है। अगर वह कन्फर्म नहीं होता है, तो जज कहता है कि दोनों लेबारेटरीज

की अलग अलग ओपीनियन है, इसलिए हम छोड़ देते हैं। इसलिए इस बारे में शंका करने की बहुत गुंजायश नहीं होनी चाहिए।

श्री बलदेव बंसल : हमारे पास मिसालें हैं कि सेंट्रल फुड लेबारेटरी लोअर लेबारेटरी को डिस्टो करने की कोशिश करती है।

डा० सुशीला नायर : यह चार्ज बहुत नामुनासिब है। हर एक चीज की लिमिट होती है। एक केस लोअर कोर्ट में जाता है और उसके बाद हाई कोर्ट और सुप्रीम कोर्ट में जाता है। सुप्रीम कोर्ट के फ्रंसले के बाद भी अगर कोई कहेगा कि जज ने गलत फ्रंसला दिया है, तो यह बहुत नामुनासिब बात होगी और कोई भी उसको नहीं मानेगा।

Chairman: Why should you make this allegation against the central laboratory?

Shri Baldev Bansal: Because I have got cases.

Shri N. C. Chatterjee: It is an unfair charge.

Dr. Sushila Nayar: Yes, it is an unfair charge.

Shri Om Parkash Malhotra: What Shri Bansal wanted to stress is that we should rationalise the laboratory at the State level.

Chairman: It is a suggestion that he is making, namely, that laboratories should be set up by the State Government also at the State level. About that the hon. Minister has said that that may be considered.

Shri Baldev Bansal: My next submission is that the vendor should be permitted to send his sample to the higher laboratory through the court immediately after the taking of the sample and not after the institution of the case which comes after one year.

Dr. Sushila Nayar: He can get it analysed anywhere by paying the fees.

Chairman: Do you mean to say that for the purposes of the vendor the appellate laboratory should be the primary laboratory?

Shri Om Prakash Malhotra: In section 13(2) of the Act for the words "after the institution of the prosecution" it should be "after the taking of the sample". That is our submission. There is a point in it. Suppose, a sample of milk is taken today from me. Milk is a perishable commodity and if the case is instituted after the lapse of a year, milk will get curdled and it will be spoiled.

Dr. Sushila Nayar: You can say that analysis should be done within a certain time-limit.

Shri Om Prakash Malhotra: And the institution of the case in the court should be within a prescribed period of time.

Chairman: There is a lot of difference between saying that the analysis should be as early as possible and the report should be given as early as possible and that the vendor should be allowed to send the sample to the central laboratory. The central laboratory cannot be a primary laboratory from the point of view of the vendor.

Shri Baldev Bansal: I think, there is some misunderstanding. I did not say that it should be the primary laboratory.

Then, the procedure for test should be prescribed. The standards are not correct at present and we want that they should be overhauled. While considering the standards for particular foodstuffs, the central committee should co-opt in large numbers experts of those foodstuffs from the public and the Government so that the standards may be correct.

Dr. Sushila Nayar: Whatever you have to say regarding standards you can submit it separately. It will go to the standards committee.

Dr. C. B. Singh: You have stated on page 4 of your memorandum that magistrates trying food cases should be graduates in chemistry so as to be capable of independent interpretation of the results of analysis without being prejudiced by the opinions of the analyst. What do you mean by this?

Shri Baldev Bansal: When the analyst writes that the sample is adulterated, the magistrate is unable to form his own opinion on the basis of the analysis figures given.

Chairman: But if the magistrate is a graduate in chemistry, there is no necessity for an analysis at all.

Shri N. C. Chatterjee: Out of nine cases that you referred to, how many were decided by Magistrates with B.Sc. or M.Sc. in Chemistry?

Shri Om Prakash Malhotra: I have not got the records. One case was decided by the Magistrate with F.Sc. in Chemistry. They should have some knowledge of it.

Dr. C. B. Singh: Is it necessary that he must be an M.Sc. in Chemistry before he can decide it?

Dr. Sushila Nayar: Magistrates have to be experts in many things. They have to be experts in everything. How is it possible?

Chairman: They will be analysts.

Shri Baldev Bansal: Science is a general subject.

Dr. C. B. Singh: You say in your Memorandum:

"The Act should expressly forbid the Public Analyst, the Director, C.F.L. or any other laboratory that may be set up or nominated under

this Act from giving his opinion in the report."

You say that he should not give any opinion. Then, what else will the analyst do? He must give his opinion about the sample he is given.

Shri Om Prakash Malhotra: My submission is this. Section 13(5) says :

"Any document purporting to be a report signed by a public analyst, unless it has been superseded under sub-section (3), or any document purporting to be a certificate signed by the Director of the Central Food Laboratory, may be used as evidence of the facts stated therein...."

It is only the question of facts stated therein. He should not express his opinion.

Dr. Sushila Nayar: These are the facts, whether the sample is adulterated or not.

Shri Om Prakash Malhotra: Either the clause be amended or the certificate of the Director may be amended.

Dr. Sushila Nayar: It is a question of the interpretation of the facts: R.M. value is so much, etc. etc.

Shri Baldev Bansal: The standards are there for the guidance of the Magistrates.

Dr. Sushila Nayar: As a doctor, let me tell you that there is the pathological report, the X-ray report and all that and there is a report as to what is the implication of the findings given there. The total thing is considered as a report and not as an opinion.

Shri Baldev Bansal: There is a difference between the report of the chemical examiner and the report of the public analyst.

Dr. Sushila Nayar: We have taken note of that. We will look into that.

Shri Baldev Bansal: There is a difference between the report of the chemical examiner and the report of the Public analyst. About the report that is given here, the court says that that would be used as evidence of the facts stated therein.

Dr. Sushila Nayar: It is exactly the same everywhere.

Dr. C. B. Singh: That is the basis on which the report is given.

Shri Om Prakash Malhotra: The knowledge of every witness is admissible and the opinion of the experts is also admissible. It is only that section 13(5) is unhappily worded. That is the trouble.

Dr. Sushila Nayar: Nobody has thought that this section is unhappily worded. No court has given that opinion.

Shri Deokinandan Narayan: In your Memorandum you have stated:

"...we are equally interested in the elimination of dishonest trader from the trade....".

I would like to know how far you are prepared to give help to the Government in finding out the dishonest trader.

Shri Baldev Bansal: We have already written to the Chief Commissioner that this Association is prepared to sell only the Agmark ghee.

Shri Deokinandan Narayan: How are you going to help the Government in finding out the dishonest trader? Are you going to give us all the information that you have? You know better who are the dishonest traders.

Shri Baldev Bansal: We can sell only the Agmark ghee.

Shri Deokinandan Narayan: That is not helping the Government to find out who the dishonest trader is.

There are black sheeps amongst them. What steps have you taken to throw out black sheeps from the trade?

Shri N. C. Chatterjee: There are black sheeps amongst the traders; there are adulterators. Are you going to help the authorities in detecting them and punishing them properly?

Shri Baldev Bansal: Definitely I will do that if I am asked.

Shri Om Prakash Malhotra: Mr. Puran Mal who is the Vice-President of the Association has conveyed to me that he is prepared to give every instance of adulteration to the Corporation and if any of his members is found indulging in such practices, he will see that he is socially boycotted.

Dr. Sushila Nayar: That is very good; we appreciate that.

श्री तुलसीदास जायब : आपने कहा है कि दो लैबोरेटरीज के अन्दर एक साथ सैम्पल भेजे जायें । एक तो पब्लिक हेल्थ लैबोरेटरी जो लोकल है वहां भेजा जाए और एक किसी दूसरी लैबोरेटरी में भेजा जाए । अब मान लीजिये कि आपने घी का सैम्पल लिया । एक सैम्पल तो ऊपर के घी का ले लिया और एक नीचे के घी का ले लिया । अब आप दोनों सैम्पल को टैस्टिंग के लिए भ्रगर भेजेंगे तो जो रिजल्ट आयेंगे उन में डिफरेंस तो होगा ही ।

श्री बलदेव बंसल : हमारा कहना सिर्फ इतना है कि एक और लैबोरेटरी में उसको टैस्ट किया जाना चाहिये । प्रोसीजर यह होता है कि भ्रगर किसी डिब्बे में से घी का सैम्पल लेना होता है तो उसको थारोली मिला लिया जाता है और तीन हिस्सों में डिबाइड कर दिया जाता है और सैम्पल ले लिये जाते हैं ।

श्री तुलसीदास जायब : मेरे कहने का मतलब यह है कि घी का भ्रगर सैम्पल

लेना है तो एक तो ऊपर से ले लिया जाए और एक सैम्पल बीच से घी का लिया जाए और तीसरा सैम्पल भ्रगर घी का बहुत नीचे से लिया जाए तो उन सैम्पल के जो रिजल्ट जायेंगे वे भ्रलग भ्रलग ही जायेंगे, एक से तो घ्रा नहीं सकते ह ।

Shri Om Prakash Malhotra: The bulk may be pure and the sample, if not properly taken may be impure and it can be *vice versa*. Because of bad sampling, all the labour will be invalidated.

श्री क० ए० बाल्मीकी : आपने कह है कि जो जिस चीज का एक्सपर्ट है, उसकी एडवाइस ली जानी चाहिये । मैं जानना चाहता हूं कि विदेशों से शिक्षा प्राप्त करके जो आदमी आये हैं या जिन्होंने यहां उच्च शिक्षा प्राप्त की है, और जिन की एडवाइस ले कर सरकार चलती है, क्या उन से भी बेहतर आदमी हमारे देश में मौजूद हैं ?

श्री बलदेव बंसल : मैं मिसाल देता हूं । श्री राम इंडस्ट्रियल रिसर्च इंस्टीट्यूट है और वहां पर एक्सपर्ट हैं या और भी बाहर एक्सीपीरियेंस कैमिस्ट हैं और उनके एक्सपीरियेंस से भ्रगर फायदा उठाया जाए तो कोई हर्ज की बात नहीं है ।

श्री क० ए० बाल्मीकी : हमारी गवर्नमेंट की सेंट्रल लेबोरेटरी में हर चीज के एक्सपर्ट हैं । कुछ प्राइवेट लोगों के भी एक्सपर्ट हैं । क्या उनकी राय भी ली जानी चाहिये ?

श्री बलदेव बंसल : टूंड वाले भी अपने फील्ड में काफी अनुभव रखते हैं । उनकी राय ली जानी चाहिए ।

श्री क० ए० बाल्मीकी : क्या आप ऐसे लोगों की एक लिस्ट दे सकते हैं ?

श्री बलदेव बंसल : जी, हां ।

श्री के० एल० बाल्मीकी : आपने लाइटर इनग्रीडिण्ट्स और हैबियर इनग्रीडिण्ट्स के बारे में कहा । आपका कहना यह है कि नीचे के घी के टैस्ट में और ऊपर के घी के टैस्ट में भिन्न भिन्न नतीजे निकले हैं ।

श्री बल्लेब बंसल : जी, हां । अक्सर यह होता है कि बेंडर ऊपर से बेचना शुरू कर देता है । जो नीचे का माल रह जाता है वह हैबियर होता है और उसकी धार० एम० वल्यू कम होती है । उसका सैम्पल लिया जाता है तो फेल हो जाता है ।

सभापति महोदय : आपका मतलब यह है कि सारे बल्क को होमोजिनियस करके तब सैम्पल लेना चाहिए ।

श्री बल्लेब बंसल : जी, हां । अगर सिर्फ नीचे के घी का सैम्पल लिया जाएगा तो फेल हो जाएगा ।

श्री के० एल० बाल्मीकी : आपके एसोसिएशन के कितने सदस्य हैं ?

श्री बल्लेब बंसल : १५ ।

श्री के० एल० बाल्मीकी : आप उन से कितनी फीस लेते हैं ?

श्री बल्लेब बंसल : साठ रुपया सालाना ।

श्री के० एल० बाल्मीकी : अगर आप इस फीस को बढ़ा दें तो आप अपनी लेबोरेटरी रख सकते हैं और इस काम में सरकार की भी मदद ले सकते हैं ।

श्री बल्लेब बंसल : जी, हां ।

श्री शिव चरण गुप्त : दिल्ली में कितना घी एगमार्क का बिकता है, कितना बिना एगमार्क का ?

श्री बल्लेब बंसल : ६० परसेंट एगमार्क का आता है और ४० परसेंट बिना एगमार्क का ।

श्री शिव चरण गुप्त : क्या कभी एगमार्क के सैम्पल लिए गए और फेल हुए ?

श्री बल्लेब बंसल : बहुत दफा फेल हो जाते हैं ।

श्री शिव चरण गुप्त : इन में क्या कमी पायी गयी ।

श्री बल्लेब बंसल : नीचे के घी का सैम्पल लेने से वे फेल हो गए ।

श्री मोम प्रकाश मल्होत्रा : एगमार्क का तेल भी सैम्पल लेने पर फेल हो गया था । वह काफी दिनों तक पड़ा रहा इसलिए उसमें फैटी एसिड ज्यादा पैदा हो गया । इस एकीडेंस पर वह केस छोड़ दिया गया ।

श्री बल्लेब बंसल : वह सरसों का तेल इसलिए फेल हुआ था कि एक प्रमैडमेंट हुआ था उसको एगमार्क वालों ने स्वीकार कर लिया था उसके मुताबिक वह तेल था । पी० एस० वालों ने उस प्रमैडमेंट को स्वीकार नहीं किया था ।

Chairman: On behalf of the Committee I would like to thank you for having come before us and having given the evidence.

(The witnesses then withdrew)

Delhi Oil Merchants' Association,
Delhi.

Spokesmen:

1. Shri Utam Chand Jain.
2. Shri Khairati Lal Jain.

(Witnesses were called in, and they took their seats)

Dr. Sushila Nayar: Please excuse us. You were made to wait for the whole evening.

Shri Uttam Chand Jain: You were kind enough to give us the opportunity to come before you and place our views before you.

Chairman: Everything that you tell us will be treated as public unless you specify the whole or a part of it as confidential. Even then of course it will be circulated to the Members of the Committee.

Shri Uttam Chand Jain: We are oil merchants. We deal in vegetable oils. The rule lays down that if the result is 3 per cent it is pure. It can be used for human consumption. If its F.F.A. is above 3 per cent or 3.1 per cent it does not remain as human food. The name remains the same. Whether it is oil of 3 per cent or 3.1 per cent it is groundnut oil. No distinction can be drawn between both types of oil at the time of crushing. 3.1 per cent is an oil which according to the Act is an oil which is called adulterated oil. No distinction can be drawn at the time of extraction. Oil of 3 per cent is treated as good. It is treated as adulterated if it is 3.1 per cent. In that case it is treated as adulterated oil.

Section 7 is very clear. It says:

"No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute any adulterated food".

Suppose I am a crusher. I purchase seeds from the market. I take the seeds to my mill and crush them I do not know....

Dr. Sushila Nayar: Have you also seen the proposed new amendment of section 19 giving protection to the vendor?

Shri Uttam Chand Jain: Yes. In a minute I will come to that. When there is no such distinction between two varieties of oil....

Dr. Sushila Nayar: If the oil is rancid oil then it is not fit for human

consumption. You will use it for soap manufacture or for any other purpose.

Shri Uttam Chand Jain: There must be some protection provided to the manufacturer. The FFA increases not only by keeping the oil for a long time, but also due to defective seeds about which the manufacturer does not know.

Dr. Sushila Nayar: I have already given you protection in section 19. If it is due to your keeping the seeds for a long time, naturally you are responsible for that. But if you have got it from some place and you yourself have not done anything of that type, then you can claim protection.

Shri Uttam Chand Jain: I will now come to section 19. This section, as amended, is no doubt a very favourable section to the trader. But then sub-section (2) says "that the article of food while in his possession was properly stored and remained in the same state as when he purchased it".

Supposing a food inspector comes. He takes out some sample from my shop. I say that I have purchased it from X company. The inspector says: "I will prosecute X company if the article is found adulterated". But X company will come before the court and say that I have not kept the oil in a proper state. Under this sub-section, he can say that.

Dr. Sushila Nayar: He has to say that. If you take the oil and keep it in a hot place for months, then it deteriorates. When the man sold it to you it was good oil, but it has gone bad with you. How can that man be responsible for that? With all due respect, the normal content of FFA, as found out from a large number of analysis, is 52 per cent. They have kept the limit at a very high level namely, 3 per cent. They say: "Please do not go beyond 3 per cent". This was done in view of the fact that this country is a very big country with different climatic conditions in different places. But you assume it to be

the normal limit. You fix the upper limit. This is rather a peculiar way of doing things. You do not give the lower limit. The right thing would be to give the range, say from .5 to 3. If it is .51 there is no prosecution. If it is .57, then also there is no prosecution. You can go upto 3 per cent. The whole trouble has started with your putting the upper limit, instead of giving the range.

Chairman: For different oils there are different standards. For groundnut oil the limit is 3 per cent. For linseed oil the maximum limit is 2 per cent. For mahua oil the limit should not be more than 22 per cent. It is not more than 3 per cent in the case of mustard oil.

Dr. C. B. Singh: They should give the range. That is an important point made by the Minister.

Shri Uttam Chand Jain: I do not ask you to lower it or to make it higher.

Chairman: If at all it can vary, it can vary only within certain margin. Marginal variation will be allowed.

Shri Uttam Chand: It is not my contention that it should be raised. My respectful submission is this. When the name is one and the same..

Chairman: If it is 3.1, then it becomes adulterated.

Shri Uttam Chand Jain: Suppose we have not added anything to it, but it is natural with the article?

Dr. Sushila Naar: In the natural process if it deteriorates and it develops most poisonous material, then should we not hold the man who sells it responsible? You know that the trader should take precautions. Only a trader who does not take enough precautions, gets into trouble.

Shri Uttam Chand Jain: In the case of wheat flour, there are two

types. One is called resultant *atta* and the other is called the whole mill *atta*. If a differentiation is not drawn, between these two varieties....

Dr. Sushila Nayar: Are you saying that there should be two standards of oil?

Shri Uttam Chand Jain: Standards are all right. I say that since 70 to 80 per cent of oil is being used for other purposes than food, it is not safe to keep one and the same name for both.

Dr. Sushila Nayar: Oil is used for edible purposes when it is fresh. When it becomes stale and rancid, it should not be used for edible purposes. It is not possible for the Government or any food inspector to know whether it is fresh or it has been there for a long time. It is for the trade to decide it. When the oil has been there for many months, it is for them to remove it from the edible section and put it in the non-edible section. Then you can ask the authorities to make some distinction between the two, so that it is obvious that it cannot be used for edible purposes. You know that business people have all kinds of ways of doing things. Some people came and told us the other day that rotten food articles which are not fit for human consumption and which can be used only as cattle fodder are kept in some shops, of course with a label saying "Not for human consumption". But as soon as the inspector goes away, they remove the label and sell it to human beings.

Dr. Sushila Nayar: What guarantee is there that the oil merchants will not do the same type of thing?

Shri Uttam Chand Jain: What I am suggesting is that a label should be put that it will not be fit for human consumption after so many months. If I sell it within that fewod why should I be made responsible for that? The customer should satisfy himself and then buy.

Dr. Sushila Nayar: What you are suggesting is where the oil is extracted they should put the batch number and the time in which it should be used for human consumption—say, it can be used within two or three months for human consumption. But the trouble is that it is not highly organised body that is doing this type of thing. There are small cottage industries, small men who are crushing oil. It is not humanely possible to go to each one of them and label it. Ours is a big country. We do not want to put restrictions in the way of small men.

Shri Uttam Chand Jain: The mills should be asked to put their batch number and the time in which it should be used.

Shri N. C. Chatterji: Clause 19 (2) (c) says:

“That the article of food while in his possession was properly stored and remained in the same ‘state’ as when he purchased it”.

What is wrong in this?

Shri Uttam Chand Jain: The word ‘state’ has got a very wide meaning. Suppose I purchase oil from a company. I kept it for three months or three years. But, when the case goes to a court, the manufacturer will come and say ‘this man has not kept the oil in proper state’.

Shri N. C. Chatterji: In the original Act the sentence reads—

“that he sold it in the same state as he purchased it”.

Shri Uttam Chand Jain: There is a warranty attached to it which we have eliminated now.

Chairman: The onus of proving is now shifted from the producer to seller. It is the seller who is to prove it now.

Shri Uttam Chand Jain: Had there been warranty, this difficulty would not arise.

Dr. Sushila Nayar: If you can prove that you purchased it from X and you have not tampered with it in any way, you are protected. You can say this is a closed tin and I have done nothing to it and I purchased it from so and so. Now it is for that man to prove his innocence. May I say further that the warranty in a way is removed and in a way not removed, because from the cash memo you can say the batch number and that will have the power of exonerating you. A suggestion has been made by other people that the cash memo should also mention the batch number.

Shri Uttam Chand Jain: If that suggestion is accepted that the tin should be labelled and it should contain the batch number, our purpose is served.

Dr. C. B. Singh: The whole theme of your Memorandum has been about storage and quality going down during storage. What arrangements have you got in your own godown for proper storage so that the quality will not go down? This contention does not apply to villages. It applies to big towns like Bombay or Delhi.

Shri Uttam Chand Jain: Our storage arrangements have neither got cooling facilities nor heating facilities. We keep them in ordinary places. The nature has its own effect as it has got in other places.

Dr. C. B. Singh: In your own interest time has come for you to think of having big storage places to minimise the loss in quality and also consequent national loss. You can have a central cold storage for oil alone. All the big merchants in Delhi can keep at a common place.

Shri Uttam Chand Jain: In cities like Delhi, if we adopt such methods, it will become very costly. Cold storage costs rupees five to six lakhs. Then, every merchant will have to

invest 2 or three lakhs. This can be taken up at Government level.

Dr. C. B. Singh: Government will certainly help you. Will you think on that line?

Shri Deokinandan Narayan: As you know, adulteration in edible oil is very common in cities. May I know whether white oil is mixed with edible oil so that it may not be distinguished easily?

Shri Uttam Chand Jain: It will be better if this question is put to some vegetable factory where with the connivance of big authorities white oil and linseed oil are being mixed. And when a sample is taken from a retailer, he is held responsible in case he is found to have mixed the linseed oil.

Chairman: He does not want that information. But, as a merchant dealing in oils, do you know or have you any information which is fairly known to you regarding this?

Shri Uttam Chand Jain: We have got no such information as far as linseed oil is concerned.

श्री तुलशी दास जाधव : क्या आप आयल मच्चेस को रिप्रिजेंट करते हैं और क्या उन में से कोई भी आयल के अन्दर एडल्ट्रेशन नहीं करता है ?

Shri Uttam Chand Jain: A few must be doing it.

श्री तुलशी दास जाधव : आपके कितने म्बर् हैं ?

Shri Uttam Chand Jain: About 72.

श्री तुलशी दास जाधव : उन में से किसी को क्या कभी सजा हुई है ?

Shri Uttam Chand Jain: I think none has been committed as far as I know.

श्री तुलशी दास जाधव : सबक्रिस्पशन अपने म्बर्ज से क्या लेते हैं ?

Shri Uttam Chand Jain: Rs. 24 per year.

श्री तुलशी दास जाधव : क्या क्या सहूलियतें देते हैं ? आयल अपने सब म्बर्ज को क्या आप देते हैं ?

Shri Uttam Chand Jain: No. They do that on thier own accord. They do it if not from member-to-member basis from the oil producing centre.

डा० सुशीला नायर : मैं एक निवेदन करना चाहती हूँ । ताजा जो तेल है उस में एफ० एफ० ए० मिल होता है । उन्होंने तीन परसेंट रखा है और तीन परसेंट से अगर उसकी मात्रा हो जाए तो वह डेफिनिटली हैल्थ के लिए खराब होता है । अब इस तीन परसेंट पर आपको कोई आपत्ति नहीं है । लेकिन इस पर आंध्र के लोगों ने बड़ी आपत्ति की है । उन्होंने कहा है कि पांच परसेंट कर दो ।

Shri Uttam Chand Jain: Because their system of extraction if not from different

डा० सुशीला नायर : एक्सट्रैक्शन के तरीके से कोई मतलब नहीं है । उनका यह कहना है कि क्लाइमेट बड़ी गर्म है । उस में एफ० एफ० ए० बहुत जल्दी बन जाते हैं । आप के यहां हो सकता है कि यह लिमिट दो महीनों में पहुंचती है और उनके यहां तीन हफ्तों में पहुंच जाए । यह संभव हो सकता है । लेकिन उस से ज्यादा सम्बन्ध नहीं है ।

श्री क० एल० बाल्मीकी : कुछ तो आप तेल मशीनों की सहायता से जिस को एक्स-पैलर कहते हैं, उसकी सहायता से बनाते होंगे

और कुछ तेलियों के जरिये आप इकट्ठा करते होंगे। मैं जानना चाहता हूँ कि कोल्हू से जो तेल बनता है, साधारण आदमी के प्रयत्नों से जो तेल बनता है वह अच्छा होता है या मशीन से जो बनता है वह अच्छा होता है ?

श्री उत्तम चन्द जैन : मशीन से जो तेल बनता है वह उस से बहुत अच्छा होता है जैसा अभी मैंने अर्थ किया है। कोल्हू से निकले हुए तेल को अगर आप टेस्ट करें, चाहे वह फेश हो या कैसा भी हो, उस में आपको एफ० एफ० ए० तीन परसेंट या उससे ज्यादा जरूर मिलेगा।

डा० सुशीला नायर : बिल्कुल गलत बात है, उस में जीरो परसेंट, २५ परसेंट, ५ परसेंट, हाँगा और किसी भी मूरत में तीन परसेंट से अधिक नहीं हो सकता है।

श्री क० एल० बाल्मीकी : जो कोल्हू चला कर तेल बनाते हैं उन के जीवन का आधार ही यही है और वह बहुत शुद्धता से काम करते हैं। मशीनों से या एक्सपैलज से जो तेल बनाया जाता है, क्या यह सही नहीं है कि उस से ज्यादा मिलावट होती है ?

श्री उत्तम चन्द जैन : जहाँ पर तीन परसेंट से ज्यादा एफ० एफ० ए० पाया जाए तो एक अन्दर उसको मिलावट माना गया है।

सभापति महोदया : खराब मूंगफली का दाना जब आप इस्तेमाल करते हैं तो उस में ज्यादा परसेंट इसकी हो सकती है।

डा० सुशीला नायर : एजेंटली ?

श्री उत्तम चन्द जैन : सीड का क्या किया जाए जो कि नैचुरल कलेमेट्रीज की वजह से खराब हो जाता है।

श्री क० एल० बाल्मीकी : आपने कहा कि किसी भी मीम्बर के ऊपर मुकदमा नहीं चला। क्या कोई भी सैम्पल आपका फेल नहीं हुआ ? क्या सैम्पल भी लिये गये हैं या नहीं ? फूड इंस्पेक्टर के ऊपर क्या आपका कोई प्रभाव तो नहीं है ?

श्री उत्तम चन्द जैन : सैम्पल लिये गये हैं। उनकी जांच भी हुई है। सैम्पल फेल हो जाए तो वे कोर्ट में जाता है। We may get it sometimes tested from the Central Laboratory. Otherwise, the question of sending the groundnut oil to the other Laboratories does not arise.

श्री तुलशीदास जाधव : आयल मिलों का निकला हुआ तेल और कोल्हू का निकला हुआ तेल आप लेते हैं या खुद निकालते हैं ?

Shri Uttam Chand Jain: We generally purchase oil and sell it as it is. Almost all our members do not crush oil seeds.

श्री तुलशीदास जाधव : जो तेल आप लेते हैं उसके बारे में कैसे पता लगाते हैं कि यह एडल्टेटिड है या नहीं है, शुद्ध है या अशुद्ध ? जांचने का आपके पास कौनसा तरीका है ?

Shri Uttam Chand Jain: We generally do it by sight and smelling and by our own experience.

श्री तुलशीदास जाधव : अभी तक जो आयल आपके पास आया है, उस में से किसी भी वक्त क्या एडल्टेटिड आयल नहीं आया है ?

Shri Uttam Chand Jain: Sometimes. We have returned the goods to the sender.

श्री तुलशीदास जाधव : उस के लिये आपने क्या किया है ?

Shri Uttam Chand Jain: We have returned the goods to the sender.

श्री सुलशीदास जगन्नाथ : गवर्नमेंट की आप मदद कीजिये। ऐसा माल अगर आया था तो फूड इंस्पेक्टर को बुला कर उसको उस तेल को टेस्ट करने के लिए आपने क्यों नहीं कहा ?

Shri Uttam Chand Jain: I have just told you that we have never told this to the Food Inspector. We have told you the truth.

Chairman: I think we all agree that we should extend our thanks to

this gentleman here who has given so much information. Thank you very much.

Shri Uttam Chand Jain: We heartily reciprocate the feelings to you all.

Dr. Sushila Nayar: We offer our thanks to the Chair for conducting the proceedings so ably, so efficiently and so tactfully.

(The witnesses then withdrew).

The Committee then adjourned.

**Minutes of Evidence given before the Joint Committee on the Prevention of
Food Adulteration (Amendment) Bill, 1962.**

Tuesday, the 18th August, 1964 at 09.32 hours.

PRESENT

Dr. Sarojini Mahishi—Chairman.

MEMBERS

Lok Sabha

2. Shri K. L. Balmiki
3. Shri Sonubhau Dagadu Baswant
4. Shrimati Jyotsna Chanda
5. Shri N. C. Chatterjee
6. H. H. Maharaja Pratap Keshari Deo
7. Shri Shiv Charan Gupta
8. Shri Tulshidas Jadhav
9. Shri Hari Vishnu Kamath
10. Shri C. M. Kedaria
11. Dr. Mahadeva Prasad
12. Shri Yamuna Prasad Mandal
13. Dr. G. S. Melkote
14. Shri Gokulananda Mohanty
15. Dr. C. B. Singh
16. Shrimati V. Vimla Devi
17. Dr. Sushila Nayar.

Rajya Sabha

18. Shrimati C. Ammanna Raja
19. Shri Arjun Arora
20. Shri J. C. Chatterjee
21. Shri K. Damodaran
22. Shri Shantilal Kothari
23. Shri S. S. Mariswami
24. Shri Deokinandan Narayan
25. Shri Palat Kunhi Koya
26. Shri Niranjana Singh.

DRAFTSMAN

**Shri S. Harihara Iyer, Deputy Draftsman, Legislative Department,
Ministry of Law.**

REPRESENTATIVES OF THE MINISTRY

1. Shri R. K. Ramadhyani, *Secretary, Ministry of Health.*
2. Shri Gian Prakash, *Joint Secretary, Ministry of Health.*
3. Shri A. S. Bawa, *Deputy Secretary, Ministry of Health.*
4. Dr. Y. K. Subrahmaniyam, *A.D.G. (P.H.), Ministry of Health.*
5. Shri Amar Nath Varma, *Under Secretary, Ministry of Health.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES EXAMINED

- I. Shri A. P. Jain, *M.P.*
- II. Shri H. K. L. Bhagat, *Deputy Mayor of Delhi.*
- III. Shrimati Purabi Mookerjee, *Minister of Health, West Bengal.*
- IV. Shri B. R. Gupta, *Secretary, Department of Health, Government of West Bengal.*

- I. Shri A. P. Jain, *M.P.*

(*Witness was called in and he took his seat.*)

Chairman: We are happy to welcome Shri A. P. Jain, Member of Parliament amongst us to-day. He will be giving us valuable information as regards prevention of food adulteration.

Mr. Jain, you are welcome on behalf of this joint Select Committee and as per rules, the evidence that you will be giving will be treated as public unless, of course, it is specifically mentioned that the whole or part of it should be treated as confidential. The amendments under consideration are with regard to prevention of Food Adulteration Act and I hope you will give us certain valuable information regarding this.

Shri A. P. Jain: Madam Chairman, I do not want any portion of my evidence to be treated as confidential. Now, I am thankful to you for saying a few kind words about me. I have come here in the capacity of an observant consumer. Food adulteration has become a national menace. It has assumed a magnitude that serious

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notice should be taken of it. I need not mention the various types of adulteration that are at present prevalent. The Committee is well aware of them.

As regards the draft Bill under consideration, I am sorry to say that, in my opinion, it will fail to achieve its objective *viz.*, suppression of adulteration of foodstuffs. My feeling is somewhat like this that the Bill lays emphasis only on the police powers that is of enhancing of punishment. It completely overlooks the responsibility of the State in providing a correct and better procedure about testing. Also, it completely ignores the court procedure which ultimately means more of delay and the justice delayed is justice defeated. These are the two aspects to which I would like to refer.

At present, there is a system of what is known as public analysis. The rules prescribe certain qualifications for persons who may be appointed as public analysts. The public ana-

lyst's report can be challenged in the court and the accused person can send the samples to the Central Food Laboratory for further examination. The result of all this is delay. In my opinion, the system of public analysts is both loose and defective. What I would suggest is that the State should undertake its own responsibility and in each of the States, there should be a well-equipped laboratory with a highly qualified staff working in it. The system of food analysts should be completely done away with.

My reasoning in making this recommendation is that I want firstly the people to know that there is no hanky-panky about food analysis. Whatever analysis of adulterated food is done, it is an authoritative analysis. It is done by a highly qualified person who would inspire confidence among the consumers and the dealers and there may not be delay to expedite the court procedure.

Dr. Sushila Nayar: At present, the analysis is done in many places by the Municipal or Corporation Authorities. Is it your suggestion that instead of the laboratory being run by the Municipalities, it should be run by State Governments?

Shri A. P. Jain: I am exactly coming to that. I think that the prosecuting agency which is the local body or a body which is interested in prosecution, should not be in-charge or have any control over the analysts. In fact, analysts are appointed by the State Government. Even so, I would like these laboratories to be run either directly by the Central Government, at least one laboratory being located in a State or by the State Government, not by an agency which is interested in the prosecution. It is a fundamental principle of jurisprudence that an expert witness should be an independent, he should not be influenced by any of the parties. Now that is one part of it. The Law provides that the report of the Central Laboratory and of the public analysts should be presumed to have

been proved. I think that is a correct presumption. Of course the presumption is rebuttable. That is the first suggestion I want to make.

Dr. Sushila Nayar: With regard to the prosecuting agency, a suggestion has been made that the posts of the food inspectors who really take the samples and launch the prosecutions should be provincialised. If they are provincialised, again it is the State which runs the laboratory. So the prosecuting agency and the analyst agency become one and the same. Would you therefore suggest that the inspectors should remain with the municipalities as at present and only the analytical facilities should be taken away?

Shri A. P. Jain: At that level I do not think the objection comes in. For instance, many State Governments maintain forensic laboratories for examining poisons, counterfeit coins and other things. These laboratories are not within the police department; they are separately treated.

By and large I have the feeling that the local bodies have failed to discharge their function. They are far too much under local influence, particularly, the trading community in the big towns is so powerful that action becomes impossible.

But I do not want to make anything rigid. It may be a Central inspector, it may be State inspectors, or it may be that in big towns the work may be entrusted even to the corporations. It will all depend upon the conditions. Government should function in a pragmatic way to see that adulteration is effectively checked.

So far as the procedure is concerned, I think it must be a simple procedure. And I think that the provisions of the Criminal Procedure Code which cause delays should be cut down. It may be a sort of a summary procedure. And just as in the railway cases one magistrate is

entrusted with the hearing of cases, here also it should be entrusted to a first-class magistrate. I won't like the case to be tried by a second-class or third-class magistrate, but it should be done by a first-class magistrate. My proposals are integrated ones: firstly, I want to give certain sanctity to the report of the food examination laboratory; secondly, I want to cut down the procedure. Therefore, it will not be fair that these cases should be handled by a second-class or third-class magistrate. A first-class magistrate should be specially appointed to look after these adulteration cases in districts. If he has got any spare time he may look after some other work or decide some other type of cases also; but if there is sufficient work, then one magistrate should deal with them and, if necessary, more than one magistrate may be appointed.

In summing up, I would like the procedure to be made very simple, the report of the laboratory being treated as proved, the presumption being always a rebuttable one. The procedure should be cut down and only one appeal should be provided. Not more than one, because what happens in these cases is that the accused goes on prolonging and ultimately the object is defeated.

In the present law I find there is a considerable amount of looseness. There are provisions which in a way whittle down the effectiveness of the law. For instance, the food inspector who has to take a sample has to pay price for the sample. It does not mean a large amount of money, but the approach that he has to pay the money for even taking the samples for analysis is something that does not appeal to me.

Similarly, there is a clause in the main law that the inspector....

Dr. Sushila Nayar: About making the inspector pay for the samples, I presume one has to protect the trader

from the inspectors also who might become corrupt. And if he is taking a sample without payment, somebody might take it into his head to take very frequent samples or something like that.

Shri A. P. Jain: But the law provides that he has to divide the sample into three parts. One part is given to the shopkeeper, another part is sent to the laboratory, and the third part is kept by him. If there is a corrupt inspector, you punish him. Improve the machinery. But do not provide a system which leads to the idea that you want to whittle down the law. This is my feeling.

I look at the problem that it has become a national menace. All kinds of adulteration are prevalent. As it is, it has become dangerous to buy food, it has become dangerous to buy prepared food articles in the market. In any western country if you buy a packet of food you are sure that there is no adulteration in it. That is why I want to suggest some stringent measures.

Chairman: I wish to ask you something as regards the procedure. Now that the offender can be punished to the extent of ten years imprisonment.

Shri A. P. Jain: Six years.

Chairman: . . . do you think that the summary trial or cutting down the procedure would be desirable?

Shri A. P. Jain: Yes. I want the machinery to be improved, both inspectors and the analytical laboratory.

Chairman: Don't you think that the parties would be put to too much hardship on account of cutting down the procedure?

Shri A. P. Jain: The man who is punished for the third time is a habitual offender. Otherwise, in the first time it is only six months to two years.

Dr. Sushila Nayar: Section 21 of the Act says:

"Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any presidency magistrate or any magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under section 32 of the said Code".

Will it meet that requirement?

Shri A. P. Jain: A first-class magistrate can pass a sentence only up to two years. By this provision he is authorised to inflict a punishment from two years to six years. The provision enhances the magistrate's powers.

Shri P. K. Deo: I would like to have one clarification regarding the cutting down of the procedure and making the prosecution simpler. We cannot do away with this chemical analysis; that has to go on. As there are very few laboratories and they are not widely dispersed in the country it will take its own time, and by the time you get the report it will be very much delayed. Even with the best of efforts it will take its own time and it will be delayed.

Shri A. P. Jain: Perhaps, the hon. Member has not followed my arguments. I have suggested that each State should have a laboratory.

Shri P. K. Deo: At the moment, each state has not got a laboratory.

Shri A. P. Jain: Let me complete what I was going to say. I have said that each State should have a laboratory. That laboratory must be properly equipped with instruments, and manned by highly qualified scientists in sufficient numbers, who can do quick and honest analysis.

Shri P. K. Deo: At the moment, most of the State Governments and even the Union Territory Adminis-

trations have got laboratories of their own; and in some States, the number is more than one. They must have qualified staff and the necessary equipment. But it will take its own time for the chemical analyst to come to a finding. And the report will have to go from some divisional headquarters or some remote village to the State capital and so on, and, therefore, the procedure followed in getting the report, in entering into correspondence and so on is very much time-consuming.

Shri A. P. Jain: They are really 'musts' in our administration, which do not exist in the field. We should see that the laboratory must be established, and if necessary, more than one laboratory established in each State. It should be fully equipped both with instruments and personnel.

Shri P. K. Deo: In Madhya Pradesh, there are as many as ten laboratories.

Dr. Sushila Nayar: All of them are doing food analysis?

Shri P. K. Deo: Yes. Similarly, in West Bengal, there are 13 and in Delhi only one.

Shri N. C. Chatterjee: You would realise that a fundamental change is being made by eliminating imposition of fines and making imprisonment compulsory even for the first offence. I would like to know whether you support this idea?

Shri A. P. Jain: Yes, I do.

Shri N. C. Chatterjee: Do you realise that it may also become an engine of oppression and also of corruption? You have suggested that the machinery should be improved for detection, checking etc. Therefore, one would have to be very careful so far as detection and checking and analysis are concerned.

Shri A. P. Jain: If we proceed on that assumption, then we cannot

effect any improvement. The improvement has to be an integrated one both in the administrative machinery as also in the legal procedure.

Shri N. C. Chatterjee: Are you suggesting that apart from the big corporations such as those in Bombay, Calcutta etc., so far as the small municipalities are concerned they should not be entrusted with this work of detection?

Shri A. P. Jain: I have not suggested any strict code. What I say is that wherever it is found that a particular body can do the work and discharge its functions effectively, naturally that body must be entrusted with the work.

Shri N. C. Chatterjee: Are you suggesting the appointment of a special magistrate to deal with these cases?

Shri A. P. Jain: I have suggested that a magistrate should be specifically entrusted with the dealing of these cases. He will have the experience and also acquire specialised knowledge in the matter.

Shri N. C. Chatterjee: Take, for instance, the Calcutta and the Bombay High Courts. There are special judges, dealing with commercial cases, and who have got to dispose of the cases within a period of six months, and that is done also. Are you suggesting the same procedure to be adopted here also?

Shri A. P. Jain: This will be tried by a magistrate, not by the High Court.

Shri N. C. Chatterjee: I know, you could have a special provision made imposing a time-limit within which the case must be disposed of.

Shri A. P. Jain: I do not know when we should do it. You cannot lay down too hard and fast rules. With the improvement that I have suggested I think that these cases will be disposed of quickly.

Shri N. C. Chatterjee: In regard to the person accused, would you allow him to have the sample tested by another laboratory if he wants to? I think that would only be fair.

Shri A. P. Jain: I would not object to it, but that must be done when a case is made out against the report.

Shri N. C. Chatterjee: You would leave it to the magistrate then?

Shri A. P. Jain: Yes, I hope he will exercise his discretion in suitable cases,

Shri N. C. Chatterjee: You would not afford the same facility in every case?

Shri A. P. Jain: No, not in every case. Mostly people who make these unlawful and unconscionable profits want to delay the whole thing. If there is a good case, then let it be examined by another laboratory. But if the intention is to delay the disposal there should not be any re-testing.

Shri N. C. Chatterjee: A good case can be made out only if he has it analysed in another laboratory.

Shri A. P. Jain: If the magistrate finds that a good case has been made out, he will send the sample again for re-testing. If any doubt arises in his mind about the report of the first laboratory, then he will have the sample re-tested, but if there is no such doubt, and he thinks that the first report is clear enough, then he would not send the sample for re-testing.

Shri N. C. Chatterjee: It has been represented to us by many small retailers and traders that they buy their stuff from the wholesale market, and, therefore, it is only fair that there should be some organisation set up for the purpose of checking and testing at the source, and only after such testing, the thing should be put into the market. We would like to have the benefit of your advice on this suggestion.

Shri A. P. Jain: If you can create such an elaborate organisation, by all means do it. But even under the present law there is a provision that if a dealer can establish his *bona fides* that is, if he did not know that the foodstuff was adulterated, and he bought it from a licensed shop or a regular manufacturer, then he can be exonerated.

Shri N. C. Chatterjee: If he could show that he bought the adulterated thing from a particular person, then he can escape. Do you not think as a lawyer that it is a very difficult onus to discharge?

Shri A. P. Jain: There might be packages bearing special marks. At any rate it would make the dealer cautious, and he will go only to an honest manufacturer.

Shri N. C. Chatterjee: I can give you the instance of small mustard oil dealers in Calcutta. They buy mustard oil in large quantities from UP and other States and they sell it in the market. Thereafter, some food inspector comes and takes a sample and finds it to be adulterated, and those small dealers are prosecuted. Thus, the onus shifts to them and they are put to trouble. Is that fair?

Shri A. P. Jain: He will have to establish that he did not know that it was adulterated and that he bought it from a licensed or regular manufacturer; and if he can do that, he gets exonerated. Our objective is to stop adulteration. Adulteration of food is heinous; it is highly criminal.

Shri N. C. Chatterjee: There, we are all agreed. The only question is that this is what they are pleading before us, and I want the benefit of your experience and knowledge to tackle this problem. The small traders are saying that they should not be penalised because they are purchasing from wholesale dealers from outside States, in large quantities. They are suggesting that some

machinery should be set up for checking at the source.

Shri A. P. Jain: By all means do it. But merely because you cannot set up that machinery immediately I would not like the other things to be postponed.

Shri N. C. Chatterjee: Would you think over it and advocate the imposition of a time-limit for the disposal of these cases? Otherwise, they would drag on for months and months and thereafter it will wear out.

Shri A. P. Jain: I have already said that the procedure should be cut down, and that there should be well-established and well-equipped laboratories. I would not go beyond that.

Shri P. K. Deo: While fully agreeing that the punishment should be very drastic and deterrent on a person who indulges in food adulteration, I personally feel that simply firing a cannon at a mosquito will not solve the problem of mosquitoes. We must tackle the problem at the breeding place. With your vast experience of the Food Ministry, will you enlighten us as to where the actual adulteration is taking place, and what the breeding place is?

Shri A. P. Jain: I would like you to shoot at the rhinoceros and the elephant first.

Shri P. K. Deo: Whether it is the retailer who passes on the adulterated goods to the consumer or the wholesaler, the real adulteration starts at the point of production. Is that not so?

Shri A. P. Jain: It all depends upon the commodity. In certain commodities, it is at the source, and in others, it is at the level of the retailer. So, I cannot give any categorical reply.

Dr. C. B. Singh: You have laid great stress on laboratories being

independent and being run by the Central Government; you have also emphasised that inspectors and the magistracy should be independent of the local authority. Keeping in view the vastness of the country, is it a practical proposition that the whole machinery can be run by the Central Government?

Shri A. P. Jain: I have not said that everything should be done by the Central Government; it should be either by the Central Government or by the State Governments. I want results to be achieved. We should have a flexible scheme. The authority which can act promptly and effectively should do the thing.

Dr. C. B. Singh: To solve the difficulty regarding paucity of inspecting staff, suggestions have been made that police officers of a certain rank should be given power to go and take samples and do to the work. Do you agree?

Shri A. P. Jain: No. I won't give that power to the police.

Dr. C. B. Singh: In view of the seriousness and magnitude of the problem, some States have suggested it.

Shri A. P. Jain: By and large I feel that that power should not be given to the police. They are not acting too honestly.

Shri Arjun Arora: What is the guarantee that the other machinery that will be set up will act more honestly?

Shri A. P. Jain: If we accept that suggestion, it means we should do nothing.

Shri Arjun Arora: We should utilise existing machinery, not go about having a multiplicity of them.

Shri A. P. Jain: If we do not feel that another machinery will be better, then it means status quo—doing nothing.

श्री देवकी नन्दन नारायण : आपने कहा कि यह मिलावट का मामला देश के कोने कोने तक फैला हुआ है। इसकी मँगनी-ट्यूड को देखते हुए मैं जानना चाहूंगा कि हर एक जिले में आपको कितने फूड इंस्पेक्टर नियुक्त करने होंगे।

दूसरे आपने दो तीन सुझाव दिये हैं एनेलेसिस के बारे में, स्पेशल मजिस्ट्रेट के बारे में आदि। अगर इन सुझावों को मान लिया जाये तो कितना करप्शन और मिलावट दूर हो जायेंगे।

श्री ए० पी० जैन : कितने इंस्पेक्टर नियुक्त करने होंगे, इसकी तादाद तो मैं नहीं दे सकता। यह हैलथ मिनिस्ट्री का काम है। मेरा इसमें अनुभव नहीं है। रही दूसरी बात, तो एक मसल है :

ताजी मारा लुर्की कांपा मेरा यह खयाल है कि हमको बड़े स्केल पर इस काम को नहीं फैलाना चाहिये क्योंकि हमारे पास इतनी मेशिनरी नहीं है, न बहुत ज्यादा मुकदमों को हम कोर्ट में ठीक तरह चलवा सकते हैं। आप मच्छरों को न मारें, हाथियों को और गैंडे को मारें। बड़े लोगों को आप इफेक्टिवली डील कीजिये तो देश में इमानदारी आजाएगी। वे खत्म हो जायेंगे और मिलावट मिट जायेगा।

Shri J. C. Chatterjee: We have got our State machinery. There are representatives of the trade on it. But the real sufferers are the consumers. Do you not realise that it is very essential that there should be strong consumer representation in all these affairs?

Shri A. P. Jain: I began by saying that I have come here as an observant consumer. I am speaking on behalf of consumers.

Shri J. C. Chatterjee: Should they not be encouraged to stand as an organisation?

Shri A. P. Jain: That will be excellent.

Dr. Sushila Nayar: Everybody who is on these committees is a consumer, be he a trader, inspector, analyst etc.

Shri A. P. Jain: I think he is referring to consumer as against a person occupying a dual capacity—pure and simple consumer versus trader consumer or inspector consumer. If there is consumers' resistance in an organised manner, it will greatly improve matters and create public opinion.

Dr. Sushila Nayar: You are not in favour of giving any powers to the police. The question raised by the West Bengal Government is this. When mustard oil is being transported or stored by the wholesalers, at present it is not permissible to take samples. They say, 'you can take samples when it is released to the trader'. It is not possible for the Government to keep a watch all the 24 hours and take samples when it is released. They have suggested that samples may be taken from places of storage, railway wagons; secondly, that police officers of a certain rank should be allowed to take samples, and the qualifications prescribed for food inspectors may not be adhered to. What is your reaction?

Shri A. P. Jain: I have not given any very careful consideration to it. But prima facie, I do not agree with the view of the West Bengal Government. I would refer you to sec. 10 of the Act. It includes articles in the process of being conveyed and so I do not see how the trouble arises.

Dr. Sushila Nayar: The interpretation given is—when the trader has taken delivery and is carrying it to his own place.

Shri A. P. Jain: Is this the view of law courts? Is it the interpretation given by a High Court or the Supreme Court; is it just their fear?

Chairman: There is no interpretation given.

Shri Deokhandan Narayan: You have said there should be only one appeal over the magistrate's decision. Is that warranted by the Constitution?

Shri A. P. Jain: You can even deny the right of appeal under the present Constitution, because all that you have to provide through procedure established by law.

Shri N. C. Chatterjee: You cannot take away the powers of the High Court under art. 226.

Shri S. S. Mariswami: There is a rumour, partially well-founded, that some State Governments are not so serious about this menace as the Centre and are trying to soft-pedal the issue. Do you suggest that the Centre should take over implementation of the Act?

Shri A. P. Jain: The amending Bill before the Committee permits the Centre to appoint Food Inspectors. I would not like to deprive the State Governments of their powers, but I would like a two-pronged pressure to be put on them, one by the Ministry of Health at the Centre, and the other by the consumers.

Dr. Sushila Nayar: A suggestion has been made that offences under the Act should be made cognizable, if we are to deal with the matter effectively. What do you say to this?

Shri A. P. Jain: The Inspector can take samples, send them to the laboratory and prosecute the case.

Dr. Sushila Nayar: If they see with their own eyes Argem one seed being mixed with mustard seed, should it not be possible to arrest the man on the spot?

Shri A. P. Jain: Personally, I would not like to give the police powers, and whether an offence is cognizable or not relates to the police.

Dr. Sushila Nayar: Would you be prepared to give police powers to the Inspector?

Shri A. P. Jain: That will require a lot of consideration.

Shri Shantilal Kothari: You have given a good analysis of the use or misuse of powers by the police. In cases where adulteration is observed to be taking place, would you favour a composite, mobile detection squad consisting of a Food Inspector, a judicial officer and a policeman to go to the spot and take necessary action?

Shri A. P. Jain: The Inspector immediately makes a report to the First Class Magistrate, and then asks the police to take possession of it. But I would not vest the police with excessive powers. That is the maximum extent to which I would go.

Shri N. C. Chatterjee: If adulteration is made in his presence, you will not give him power to arrest the man?

Shri A. P. Jain: Possibly such powers can be given, but they must be very well defined.

Shri Devki Nandan Narayan: To whom should those powers be given?

Shri A. P. Jain: That is a matter of detail. This question has come before me all of a sudden. There are two types of adulteration, one is injurious to health, and the other lowers the quality of the food. I am more particular about the former. I would like to put down the other also.

Chairman: You said that there should be only one appeal from the decision of the Magistrate. Is it to the Sessions Court or the High Court?

Shri A. P. Jain: In cases of punishment less than two years, it may be an appeal to the Sessions Court, and in other cases it may be direct to the High Court.

श्री के० एल० बाल्मीकी : जो सैम्पुल्स लिये जाते हैं वह सैम्पुल्स दो लेबोरेटरीज में जांचे जायं तो उस में जो केमिकल प्रोसैस है या टेस्ट है उस का जो नतीजा है वह दो तरह का थोड़े से अन्तर से आता है। वह अन्तर हियुमन ऐरर का है क्योंकि कैमिस्टरी का जहाँ तक सम्बन्ध है वह तो एक परफैक्ट

साइंस है, तो क्या इस कानून के अन्दर कुछ हियुमन ऐरर का भी लाभ देने के लिए प्राविजन किया जाना चाहिये या नहीं ?

श्री ए० पी० जैन : मैं तो ऐसा नहीं ससझता हूँ कि हियुमन ऐरर से ऐसा हो सकता है कि बुनयादी वाक्यात पलट जायं। यह तो मुमकिन हो सकता है कि किसी ने यह कहा कि अमुक चीज में पांच फी सदी मिलावट है तो दूसरे ऐक्सपर्ट ने कह दिया कि उसमें 4.9 मिलावट है लेकिन कोई यह कहे कि नहीं उसमें बिलकुल ऐडल्ट्रेशन है ही नहीं जब तक वह बेईमान आदमी न होगा, ऐसा नहीं कहेगा।

श्री के० एल० बाल्मीकी : इस कानून के अनुसार एक दक कार्यवाही करने का पुलिस को अधिकार न दिया जायं लेकिन पुलिस को क्या इस का अधिकार दिया जाना चाहिये कि कहीं पर भी किसी चीज के अन्दर ऐडल्ट्रेशन हो, चाहे वह मिलावट दूध में हो अथवा तेल आदि में, तो उन का सैम्पुल लेने का और उन नमूनों को बंद कर के और मौल करके भेजने का अधिकार उन्हें दिया जाय ?

श्री ए० पी० जैन : मैंने पुलिस के बारे में जो कहा था वह एक जनरल तौर पर कहा था। अब पुलिस में सिपाही भी है, हेड कान्स्टेबुल भी हैं, सब इंस्पैक्टर भी हैं और इंस्पैक्टर भी हैं और सुपरिन्टेंडेंट्स भी हैं जनरल तौर पर क्या जवाब दूँ ? अलबत्ता अगर आप डी० वाई० एस० पी० का कुछ इस बारे में पावर्स देना चाहें तो मुझे कोई ऐतराज न होगा। अगर वह देखें कि ऐडल्ट्रेशन किया जा रहा है तो उसके खिलाफ ऐक्शन लेने के लिये आप डी० वाई० एस० पी० या इंस्पैक्टर को भी इसकी पावर्स दें तो मैं उस पर राजी हो जाऊंगा। अब वह पुलिस आफिसर्स अपनी भाँखों से फुड ऐडल्ट्रेशन होता देख रहा है तो वह फुड इंस्पैक्टर की रिपोर्ट के ऊपर ऐक्शन ले ले

लेकिन यह ऐक्शन लेने का अधिकार एक पुलिस कानस्टेबल या हेड कानस्टेबल को देने का सवाल ही पैदा नहीं होता है।

श्री के० एल० बास्मीकी : यह खाद्य पदार्थों में मिलावट की समस्या बड़ी विशाल और व्यापक है तो क्या आप चाते हैं कि इस के लिये कोई एक विशेष मशीनरी सैट आप की जाय ? एक तो फुड इंस्पेक्टर्स थोड़े से हैं उन्हें केवल सैम्पुल लेने का अधिकार है और कुछ करने का अधिकार नहीं है और होता यह है कि वह उन का सैम्पुल भर कर ले आते हैं और उसकी जांच आदि की रिपोर्ट आने में बहुत समय लग जाता है तो क्या इस काम को दक्षता और शीघ्रता से सम्पन्न करने के लिये आप कोई एक खास कैडर की आवश्यकता महसूस करते हैं ताकि यह काम अधिक तेजी से आगे बढ़ाया जा सके ?

श्री ए० पी० जैन : मेरी सब से बड़ी शिकायत यह है कि जो मशीनरी आज आप के पास इस काम के लिये मौजूद है वह भी ठीक से काम नहीं कर रही है। आप उस से काम कराइये। केवल मशीनरी को बढ़ाने से या पावर्स को बढ़ाने से काम नहीं होता है। ज़रूरत उन से काम कराने की है। आप अपनी मौजूदा मशीनरी को एफिशिएंट बनाइये। इंस्पेक्टर्स, एनालिस्ट्स को मुस्तीदी से काम पर लगाइये और कुछ कोर्ट के प्रोसीज्योर को ठीक कीजिये और अगर थोड़े से केसेज में भी ऐक्शन ले लिया जायेगा तो उससे जनरल क्लाइमेट अच्छा हो जायेगी।

श्री के० एल० बास्मीकी : आप ने अभी इस ऐडल्ट्रेशन को खत्म करने के लिये इस्कुवैड का सुझाव दिया लेकिन और और चीजों के लिये भी हम ने जो इस्कुवैड्स सैट आप किये थे वह भी ठीक तरीके से काम नहीं करते हैं और कामयाब साबित नहीं हुए और मेरी आशंका है कि उसी तरह से यह इस्कुवैड भी नाकामयाब होने वाला

है तो यह इस्कुवैड नाकामयाब न रहे इस के लिये आप लोकल पुलिस को इस में किस हद तक एसोसियेट करना चाहेंगे उस का मैं ज़रा आप से खुलासा चाहता हूँ ?

श्री ए० पी० जैन : फुड इंस्पेक्टर को अगर पकड़ने का अधिकार नहीं है तो वा. मजिस्ट्रेट से कह दे या सुपरिनटेंडेंट पुलिस को अपनी रिपोर्ट दे दे और फिर उस में ऐक्शन ले ले। पुलिस आफिसर्स को बुला लाये, पुलिस को साथ में ले ले वह तो ठीक है लेकिन मैं जनरली पुलिस को इस तरह की स्वीपिंग पावर्स देने के तर्क में नहीं हूँ। भलबत्ता पकड़ने का और ऐक्शन लेने का खास खास पुलिस आफिसरों को, ऊंचे दर्जे के पुलिस अधिकारियों को यह हक्क और पावर दी जा सकती है। फुड इंस्पेक्टर्स मिलावट को पकड़ने के लिये छापे मारने के लिये पुलिस को अपने साथ में ले जा सकते हैं।

Dr. Sushila Nayar: You said that analyst employed in certain other laboratories should be designated as public analysts. "Public analyst" is a term under the Act and you can designate anybody as the public analyst. It may be an analyst in the State laboratory. Even the analyst in the Central Food Laboratory is termed so. So, your objection is not to the words "public analyst", but you are keen that the analyst should have a certain quality and independence, so that his results are reliable. Am I right?

Shri A. P. Jain: I have no quarrel with words. In fact the words 'public analyst' has been defined in the rules. An individual can be appointed a public analyst if he is a graduate in chemistry of five years' standing. I object to that. What I mean is a regular laboratory, properly equipped with instruments and personnel, under the control of the Government.

Dr. Sushila Nayar: I do not think there is any disagreement on this attitude that you have defined just now.

But there are some places such as Andaman and Nicobar Islands, Himachal Pradesh, Laccadive islands, Manipur and Tripura, etc. where there are no laboratories and generally they send the samples to the laboratory in Shillong or the nearest food laboratories; there are 56 laboratories in the country, most of them are State laboratories and some are municipal laboratories. But in these places, when an immediate or urgent analysis is indicated, this provision is there; it is to cover such exceptional circumstances.

Shri A. P. Jain: I do not know. But I have some experience of Himachal Pradesh and adulteration is the least in that area; adulteration is primarily a disease of the big towns.

Dr. Sushila Nayar: You are right; there are hardly any cases of adulteration from Himachal Pradesh.

श्री यमुना प्रसाद मंडल : राष्ट्रपति महोदय ने कहा है कि एडल्टरेशन करने वाले देश के सब से बड़े दुश्मन हैं। क्या आप समझते हैं कि इस बारे में कोई इमर्जेंसी लेजिस्लेशन करने की जरूरत है, क्योंकि इस बिल के पास होने में तो शायद तीन, चार महीने या ज्यादा भी लग जायें ?

श्री ए० पी० जैन : मैं इस की जरूरत नहीं समझता। पार्लियामेंट 7 तारीख से मिल रही है। आप बहुत आसानी से कानून पास कर सकते हैं। सब मेम्बरों की सहानुभूति आप के साथ होगी।

श्री यमुना प्रसाद मंडल : क्या आप चाहते हैं कि बालन्टेरी आर्गनाइजेशन को इस बारे में कुछ प्रख्यार दे दिये जायें, ताकि अगर कहीं गड़बड़ी हो रही हो, तो व उस को सरकार के समक्ष लायें ?

श्री ए० पी० जैन : यह प्रख्यार तो अब भी उन को है। कोई भी कम्प्लेंट कर सकता है।

Shri Deokinandan Narayan: In the Bill it is provided that the inspectors are to be appointed by the Central Government. Will they not be overlords like the central excise officers in the mofussil? Should they not be made responsible to district collectors or somebody else?

Dr. Sushila Nayar: May I say something by way of explanation? I shall explain what the central inspectors are intended for. There are certain inter-State movements of adulterated food-stuffs and because of the crossing of borders of different States, some little difficulty is created—not always but sometimes. Most of the time they work in mutual co-operation but sometimes there are difficulties. Similarly, there are certain big manufacturing concerns, etc. It is for these limited purposes; they are not intended to replace the local inspectors.

Shri Deokinandan Narayan: Should they not be made responsible to some local or State officers?

Dr. Sushila Nayar: They will be responsible to Central Government people who are appointing them.

Chairman: What should be the extent of police powers that may be given to the food inspectors according to you?

Shri A. P. Jain: I would not give them full police powers; they already enjoy certain powers which are police powers though they may not be under the Indian Police Act.

If the inspector finds that adulteration or something is going on then he can take with him some police help and immediately arrest the man.

Dr. Sushila Nayar: By the time he gets police help, the people may move from their places or remove things from there.

Shri A. P. Jain: After all these things are never known by accident;

it is only through informers that dens of adulteration are made known. So, he can go with the help of the police. If an inspector wants to raid a factory or a big manufacturing unit, he can take the police with him and immediately arrest the accused person.

श्री के० ए० बाल्मीकी : अगर किसी चीज के बारे में शिकायत हो कि उस में एडल्ट्रेशन है, चाहे वह फैक्ट्री में हो या दुकान में, तो जब तक कौमिकल टैस्ट से यह साबित न हो जाये कि उस में वाकई एडल्ट्रेशन है, तब तक महज शिकायत की बिना पर या फिजिकल साइट की बिना पर किसी को गिरफ्तार नहीं किया जा सकता है। इस बारे में आप की क्या राय है ?

श्री ए० पी० जैन : मैं आप को एक मिसाल देता हूँ। अगर कोई भ्रामनी सरसों में उस से मिलती-जुलती शकल के बीज मिला कर तेल निकाल रहा है, या सरसों के तेल में माबिल आयल मिला रहा है, तो उस को फौरन वहीं पकड़ लेना चाहिये। बाद में एनैलेसिज होता रहेगा।

श्री तुलसीदास जाबब : आप ने भ्रामी अपने साक्ष्य में कहा है कि इंसपेक्टरों पर लोकल इन्फ्लुएन्स डाला जाता है। यह बात सही है। क्या आप का मतलब यह नहीं है कि यह पावर म्यूनिसिपैलिटी और कार्पोरेशन के हाथ में न बँते हुए स्टेट गवर्नमेंट और सेंट्रल गवर्नमेंट के हाथ में देनी चाहिये ?

श्री ए० पी० जैन : उन जगहों को छोड़ कर, जहाँ यह ला अच्छी तरह से एडमिनिस्टर हो सकता है, यह पावर म्यूनिसिपैलिटी से ले लेनी चाहिये और स्टेट गवर्नमेंट को दे देनी चाहिये।

Chairman: Even if the inspector takes a police officer with him, unless the offence is cognizable, the person concerned cannot be arrested.

Shri A. P. Jain: That will be the legal aspect.

Chairman: The second thing is, the amendment seeks to reduce the number of witnesses to one. Can you not do with the help of the witnesses as provided in the present Act, with the existing powers?

Shri A. P. Jain: I think the whole provision about the witnesses of the locality is bad law. As Chairman of the Police Reorganisation Commission in U.P. I learnt that it was bad law. No good and decent person wants to come in as witness. It is only a loafer, clothed with respectability by the police, who comes as a witness.

Chairman: You mean then that there is no necessity for a witness at all.

Shri A. P. Jain: It is a useless provision, giving rise to corruption.

Chairman: So, it should be done away with?

Shri A. P. Jain: Yes.

श्री तुलसीदास जाबब : इसमें 6 महीने की और इससे ज्यादा की सजा की व्यवस्था है। मैं यह जानना चाहता हूँ कि अगर कोई ऐसी चीज की मिलावट न करे जो कि स्वास्थ्य के लिए नुकसानदेह हो, केवल उस चीज की क्वालिटी कुछ कम हो जाये, जैसे अगर कोई महाराष्ट्र का गेहूँ पंजाब के गेहूँ में मिला कर बेचे, तो क्या उसको भी उतनी ही सजा होनी चाहिये जितनी कि उसको की कि स्वास्थ्य के लिये हानिकर चीजें किसी चीज में मिलाता है ?

श्री ए० पी० जैन : है तो वह भी मिलावट ही।

श्री तुलसीदास जाबब : तो इसके मानी यह हुए कि दोनों हालतों में बराबर सजा होनी चाहिये ?

श्री ए० पी० जैन : उनकी ज्यादा प्रासिक्यूट न कीजिये। यह तो आप के

हाथ में है। जो ज्यादा खराब लोग हैं उनको प्रासीक्यूट कीजिये।

Chairman: The West Bengal Government has made a suggestion that the penalty provided in the Act should be enhanced and provision should be made for compulsory imprisonment for even the first offence.

Shri A. P. Jain: There is a provision in the amending Bill to that effect.

Chairman: But they say that the penalty may be enhanced still further.

Shri A. P. Jain: I think six months is all right.

Dr. C. B. Singh: As Chairman of the Police Reorganisation Commission, in Uttar Pradesh, you had a very vast experience of the working of the police department in that State. With that vast experience, you have said that you do not like to give more powers to the police. Is that correct?

Shri A. P. Jain: Yes.

Dr. C. B. Singh: It is such a very serious problem that it is very difficult to cope with the magnitude of the problem. Knowing what the police are, such a suggestion has come from you. Would you like to reconsider the position?

Shri A. P. Jain: I do not like to give any extensive powers to the police. I have already mentioned the very limited power which I should like to give them.

Dr. Sushila Nayar: It is a very difficult question. One has to protect the persons against harassment by the police, and on the other hand, one must curb this evil of adulteration. We constantly get complaints that there are factories for producing adulterants. Is there any such thing in existence? I have never seen one though I have asked several people.

Shri A. P. Jain: Your experience and my experience are the same. I have not been able to catch such a factory. But I have heard there are such factories.

Dr. C. B. Singh: We were told that there are factories manufacturing small stones to be mixed with rice in Andhra Pradesh.

Dr. Sushila Nayar: In Madras also.

Chairman: The retailer puts the blame on the shoulders of the wholesaler and the wholesaler passes on the blame to the manufacturer. Nobody would like to be punished. That is to say, everyone would like to escape.

Shri A. P. Jain: I put it on the same level as a forged currency note. The man who holds it last is responsible. But here, we are making a concession to the effect that if the person can prove his innocence he can be let off.

Shri G. Mohanty: As a measure of cutting down the procedure, can we not suggest that the report of the Analyst of the Government Laboratory should not be subject to scrutiny in a law court?

Shri A. P. Jain: The report is presumed to be correct. It will have the legal assumption that it is correct. But it is open to the other party to prove that it is false.

Shri G. Mohanty: He might be cross-examined in a law court.

Shri A. P. Jain: You can summon him as a witness. I would not deny him that right. It is every person's right that he should be convicted only on correct evidence.

Shri Deekinandan Narayan: You suggested that we should have big hunts. May I know whether it will not be better if, instead of making big hunts, we try to find out the most injurious adulterants that are used in the trade and detect their presence?

Shri A. P. Jain: Have both.

Shri Hari Vishnu Kamath: Do you think that for the last two or three years adulteration of foodstuffs has been very much on the increase compared to what it was when you were the Food Minister?

Shri A. P. Jain: I certainly think so. It has become a national menace today.

Shri Hari Vishnu Kamath: When you were the Food Minister, what measures did you contemplate to put down what little adulteration there was at that time, and were you successful with those measures?

Shri A. P. Jain: That was not my function; that was the responsibility of the Ministry of Health.

Shri Hari Vishnu Kamath: But there is the joint responsibility of the Cabinet. Did you and the Health Minister have joint deliberations over this matter?

Shri A. P. Jain: Honestly, it was much less in those days than what is happening now.

Shri Hari Vishnu Kamath: Do you think that the present trend in the country to adulterate foodstuffs, and also drugs and such other things, is mainly due to a craving or desire on the part of those people to get rich quick?

Shri A. P. Jain: I think you are correct there.

Shri Hari Vishnu Kamath: Do you think that some of the measures being taken by the Government for instance the Sadachar Samiti and similar measures that the Home Ministry is contemplating, will be able to eradicate this evil?

Shri A. P. Jain: At least the present Health Ministry, I can say, is very keen to suppress adulteration.

Shri Hari Vishnu Kamath: Do you think that this evil needs both punitive and preventive measures?

Shri A. P. Jain: Yes.

Shri Hari Vishnu Kamath: With regard to punitive measures, do you think that the highest penalty should be inflicted on the convict?

Shri A. P. Jain: You have already prescribed penalties in the amending Bill—six months to two years on the commission of the first offence, two years to four years on the commission of the second offence and four to six years for the third offence. I think that is adequate.

Shri Hari Vishnu Kamath: The Bill is liable to further modification. Those of us who are dissenters would like to even enhance the punishment. Some of us are of the view that, in accordance with what the former Health Minister, Shri Karmarkar, once said when he was in office the adulterators of food and drugs are potential murders and deserve capital punishment. Do you agree that such a punishment should be meted out?

Shri A. P. Jain: My own experience is that the people who talk the loudest do the least. I have heard national leaders saying that adulterators and anti-social persons should be hanged by the lamp post; but they have not even been hanged on the ordinary gallows.

Shri Hari Vishnu Kamath: Let us hope that the time has now come for action.

Shri A. P. Jain: I believe that whatever law we pass must be implemented. We must pass only those laws which are within the compass of our power to implement. It is not for the Administration or the Government to talk tall things.

Shri Hari Vishnu Kamath: Do you think that the number of laboratories for analysing samples of foodstuffs in the country is adequate?

Shri A. P. Jain: They are not adequate; neither numerically nor from the point of view of equipment or personnel are they adequate.

Chairman: Well, on behalf of the Joint Committee I would like to offer our thanks to Shri A. P. Jain for coming here and giving us valuable information and guidance.

(The witness then withdrew)

II. **Shri H. K. L. Bhagat—Deputy Mayor of Delhi.**

(The witness was called in and he took his seat.)

Chairman: We are thankful to you, Mr. Bhagat, for having spared some time to come over here. Your evidence will be treated as public unless you specifically mention that a part or the whole of it should be treated as confidential. Even then it will be circulated to the Members of Parliament and Members of the Joint Committee.

Shri H. K. L. Bhagat: I am very thankful to you, to the Minister and to the Members of the Joint Committee for providing me with this opportunity to express my views. The views I am going to express are my views and I am not expressing those views formally on behalf of the Corporation as such, because although most of these things have been said in the meetings of the Corporation, I have not formally consulted the Corporation as such. The Corporation also had submitted separately a memorandum which, I am sure, would be considered by the committee.

I will beg your pardon for another thing. You will kindly permit me to express my views in a little general way, but of course, the points are relevant and connected with the provisions of the Act as well as the amending Bill. As far as I can see, there are four stages: (1) Taking of the sample. (2) Period during which the

sample remains with the public analyst and report of the public analyst. (3) Filing of the case in the court and (4) Trial. In regard to these four stages in dealing with the case of adulteration, I feel today there is a lot of delay and a lot of lacunae. So, I have a few suggestions to give in this connection.

Firstly, I will deal with the question of taking the sample. I have seen the amending Bill wherein it has been provided that instead of two witnesses, there may be one witness. With my little experience as a lawyer dealing with such cases before I became a member of the Corporation, I feel that no useful purpose will be served by providing for the presence of even one witness, because in practice normally the neighbours do not come in, as witnesses. If at all they come in any case, because of local influence, they change their statements. It also enables the food inspector to connive with the trader. He takes the sample and puts witnesses of the choice of the trader. The witnesses who appear are stock witnesses and invariably the cases are lost, because the witnesses come and change their statements. That is the present situation. So, it is better to pin down the responsibility on the inspector—he should take the sample. In order to ensure that the sample has been taken, I suggest that it should be made obligatory that the dealer from whom the sample has been taken thumb-marks the taking of the sample by the inspector. I am deliberately saying thumb-mark and not signature, because there are a number of judicial pronouncements that the science of identifying the signature is not as accurate as thumb-marking. A situation may arise when a dealer may refuse to thumb-mark the taking of the sample. In that case, my suggestion is that refusing to thumb-mark a sample or preventing an inspector to take a sample should be made a cognizable offence. The inspector should immediately make a report to the police station. That will serve as a suitable check.

It might be said that this amounts to testimonial compulsion and might infringe the provisions of article 20 of the Constitution. I must confess that I have not very carefully studied this point. I think probably it may not amount to testimonial compulsion. There is no need to have even one witness. The dealer should thumb-mark the sample and if he refuses, it should be a cognizable offence. A sample thus taken should be presumed to be validly taken. If someone challenges that he did not give the sample, it should be made obligatory on him to file a petition on the next working day in the court or at the most when he appears for the first time as accused in the court.

Then, we come to the question of deposit of the sample. I feel that in the Act or in the rules, provision should be made that the sample received by the inspector should be deposited with the public analyst within a fixed time. The time may vary from place to place in the sense that if somebody wants to send a sample from a mofussil town to the headquarters, it may take more time. But in a place like Delhi, it should be deposited on the same day with the local public analyst. There should be a statutory provision like that in order to avoid delay or prevent the possibility of changing the sample, because just as the sample in the possession of the dealer can be changed, the sample which is to be deposited with the public analyst can also be changed. So, there should be a time-limit fixed for food inspector to deposit the sample meant for the public analyst.

Though there will be administrative difficulties because of our present arrangements regarding the public analyst organisation being inadequate, I feel it is necessary that the public analyst's report must also be given within a fixed time. There should be a provision like that in the Act or rules. The time may vary. So, in

the case of quickly perishable articles it must be less and in the case of other articles a little more, but it must be fixed. In a sense it is already fixed because the certificate of the Director of the Central Food Laboratory has to be given within a month. Why can we not do it in the case of the public analyst? Of course, the organisation will have to be strengthened but it is essential. Now the reports of the public analyst do not come for months and months, the cases are filed in the court, the samples deteriorate in the meanwhile, doubts arise in the mind of the court and the dealers are given the benefit of doubt.

Similarly, a time limit should be fixed for failing a case in the court. It sometimes happens that the public analyst has also submitted his report but the case remains with the department concerned for two or three months for various reasons. It may be provided in the rules or in the Act but it should be done.

Lastly—I do not know how far it would be possible or legal or constitutional—if possible, there should be a time limit for the decision of the case by the court. Because, there are unnecessary delays in courts; sometimes the delays are caused by procedural requirements but not always so. Because of lethargy, laziness, connivance or other reasons cases are delayed and naturally it creates difficulties.

In the matter of trial we can categorise the cases into two types. In the case of articles like milk and perishables we can have summary trial; in the case of other articles we can retain the present procedure of summons trial. At least in the case of quickly perishable articles we should have summary trials for disposal of cases.

One sample is left with the dealer. A number of complicated questions arise in connection with that sample. Giving that sample to the dealer is considered essential. At the same time, it is open to so many practical difficulties. Firstly, the inspector can

change that sample because the seal is in his possession. He is the man who takes the sample. He might give one sample to the public analyst while on the next day he might go and change the sample which remains with the dealer and the dealer may say in court "let my sample be examined". Of course, it can be done only with the connivance of the inspector. It is a fairly big question and the only solution which I could think of is the development of a separate small organisation where the dealers could deposit their samples; it should be a small independent agency. It will make it a little more complicated and cumbersome, but we will have to make some arrangements under the charge of some senior officer so that the dealers' samples are deposited there, as is now happening in the case of police *mal-khana*. Normally there is little chance of their being tampered with.

I will make one more suggestion in this connection. At present there is no time limit fixed for the dealer to make an application for getting a second test. He can make an application under the Act and say that the sample should be tested by the Director of the Central Food Laboratory. Since there is no time limit he can make that request at any stage including the stage of the trial of the case in the court. So, he takes it as an alternative defence. First he tries to win over the witnesses. If he fails, he wants to get the samples tested which results in delay. Therefore, if the dealer wants to get a second test of the sample, it should be the sample in his possession and not the sample in the possession of the inspector so that he may not afterwards ask for a test of the sample in his own possession, which will be a third test.

Chairman: You have just now told us that as early as possible the food inspector should deposit his sample with the public analyst so that there is less chances of corruption.

Shri H. K. L. Bhagat: That by itself does not solve the problem, because

in the law it is provided that if somebody wants to challenge the opinion of the public analyst, he can get the second sample tested by the Central Food Laboratory and the opinion of the Director of the Laboratory is final. Supposing he deposits his sample with the public analyst and it is tested. After three or six months he says the sample in my possession or in the possession of the inspector should be tested by the Director of the Central Food Laboratory; in the mean while, time passes the sample deteriorates or is even changed. All these things do take place. Therefore, though this provision for a second test is wholesome, it should be done at the earliest possible opportunity. My specific suggestion is that either it must be on the next working day or the second working day when he must make an application to the court that the sample should be tested so that within a month the report will come and there will not be any delay. Or that application must be made on the first day of appearance in court. If he does not do so, then no permission should be given for getting that sample tested at the Central Food Laboratory.

Dr. Sushila Nayar: What is the objection to the sample with the food inspector being tested?

Shri H. K. L. Bhagat: The dealer first says that the sample with the food inspector should be tested. After some time, he comes forward and say that he has got a sample in his possession which should be tested.

Chairman: He can get it analysed, but the report on the sample of the vendor need not be final. That is merely for the satisfaction of the vendor.

Dr. Sushila Nayar: I think the original idea was that the vendor should give his sample for analysis. If the court or the inspector himself feels what he took was really an adulterated article and the analysis report is not correct, he can send it to the Central Laboratory. So that the inspector's sample should be available for

inspector himself or at the instance of the court, and not at the instance of the dealer. If the dealer so wishes, he can send his sample also.

Shri H. K. L. Bhagat: That is exactly what I am submitting. If the dealer wants to get his sample tested, it should be his sample.

Chairman: What guarantee is there that the sample in the possession of the vendor is not subsequently replaced?

Shri H. K. L. Bhagat: There is no guarantee. That is why I made the suggestion that there should be arrangements for the sample with the dealer to be deposited with an independent agency.

Chairman: What do you mean by "an independent agency"?

Shri H. K. L. Bhagat: You may create some special cell where the sample should be left in charge of some senior officer; or, you might deposit it with the Police Malkhanas or something like that. The various articles taken into possession by the Police are deposited there and entries are made when anything comes in or goes out. There have been cases where some tampering with has been done but normally it is not so.

Dr. C. B. Singh: Would you suggest the depositing of the samples in a bank?

Shri H. K. L. Bhagat: Yes. That might be done.

Dr. Sushila Nayar: Instead of placing the vendor's sample with some independent agency, would you not rather keep the inspector's sample for appeal purposes in the Police Malkhana, as you say? In other words, the sample with the vendor may be used by the vendor for his own satisfaction, but so far as the court is concerned, it is the two samples with the inspector that should be taken cognizance of—the first for analysis at the local level and the second for analysis at the appellate level.

Shri H. K. L. Bhagat: That would not solve the problem because, firstly,

there is not much of a problem regarding the changing of the sample which is in the possession of the inspector. The sample which the inspector takes in his possession, he goes and deposits in his office and the keys of the almirahs remain with the officers. So, normally those samples are not changed.

Dr. Sushila Nayar: The trade says that the inspector has the seal, the sample etc. and it is the inspector who changes the sample rather than we. That is the accusation of the trade.

Shri H. K. L. Bhagat: I am not in any way saying something different from that. The inspector really changes the sample before depositing it in his office. After he deposits it in his office there is very little chance for changing the sample; but there are greater chances for changing the sample which is deposited with the dealer. Now, what happens is that the inspector's sample or the second sample is almost very rarely tested because on its own initiative the court very rarely interferes. Similarly, the department does not come to challenge the opinion but it is the dealer who comes to challenge it. Therefore, if greater precautions can be taken to see that the dealer's sample is not changed, that might do some good.

Chairman: The samples can be sealed with seals of the two parties, that is, the vendor and the inspector.

Shri H. K. L. Bhagat: When they collaborate only then it is changed.

Chairman: If the sample can be sealed with the seals of both the parties, the problem will be solved.

Shri H. K. L. Bhagat: It is changed by collaboration. Their seals can change in a second.

Another suggestion is that when the accused appears in the court for the first time he should be examined on all the relevant points specifically. Now what happens is that we are adopting the procedure of a summons case. Today, the court puts to him a question, "On such-and-such date a

sample was taken from you which has been found to be adulterated. Do you plead guilty or not?" The man says, "I do not plead guilty". That is only a general statement so that he keeps open to himself to take up any defence later on as he likes. What he does is that he tries to manoeuvre the witnesses and if he fails in these he says that he wishes to get it tested at Calcutta and so on. But if such a provision is made in the Act then these two questions should be put to him, namely, was the sample taken into possession from you? He should be made to give a specific answer "Yes" or "No". The second question should be: Is that adulterated? Of course, he cannot be examined on oath but without an oath he can be examined. If he has to take a specific plea on the first day, his defence is limited and he chooses a particular line of defence on that day and it cannot be that he can change his line of defence any time he likes. So, keeping in view the peculiar conditions of the disease a provision should be made in the Act whereby on the first appearance before the court the accused is examined in detail. I am not, by any manner or means, suggesting any cross-examination.

Dr. Sushila Nayar: Can that be laid down in law?

Shri H. K. L. Bhagat: Yes; it is laid down already. In certain Acts it is said "examination of the accused that may be considered necessary". This examination makes the difference. If you put a general question and he answers it in a general way, that examination may not be helpful. However, in my opinion there is absolutely no bar to making this provision in the Act, namely, that on the first day of appearance in the court the accused will be asked whether the sample was taken into possession from him and whether the same was adulterated. These two questions should be specifically put to him because this will eliminate the possibility of delays.

Then, another thing is this. Firstly, there is the opinion of the public analyst; then, there is a provision in the Act that the man can get the sample

tested by the Director of Central Food Laboratory and, thirdly, there is the right to produce any evidence that he likes in his defence. Now, he can come forward any time and say, "I am going to produce my analyst's analysis". Just as these handwriting experts appear before courts, he comes and gives his report on the basis of certain scientific data and certain other things. Normally our public analysts do not come to the court because if you call the public analyst every time to the court, naturally he cannot do the work and it is open to so many difficulties. Therefore their reports are given special sanctity in terms of the other provisions regarding expert evidence. But now the accused has a right to bring forward a private analyst and say that the opinion of the public analyst is wrong. The opinion given by the private analyst comes to the court, he stands the cross-examination and his evidence on the face of it looks a little more convincing because of certain reasons that he gives. Anyway, a doubt is created and the benefit of doubt goes to the accused. So, when the Act is already providing for two things, namely, the public analyst's opinion and the opinion of the Director of the Central Food Laboratory, a question might arise whether you can shut up the defence to that extent or not. In my opinion, the opinion of the Director of the Central Food Laboratory, if the opinion of the public analyst is challenged, and of the public analyst, if it is not challenged, should be made conclusive and final and not open to challenge by any private analyst. Today a private expert can come. There is no bar.

Dr. Sushila Nayar: In other words, what you mean is, there should be only one way of challenging the public analyst's report, that is, by going to the appellate laboratory and not by going to private analyst.

Shri H. K. L. Bhagat: That is absolutely correct.

Then, I come to another thing. Now, today, food inspectors lack certain powers as a result of which they are

prevented from functioning a little more effectively. For example, the food inspectors—our food inspectors in Delhi—do not have powers to enter the railway station. All the milk comes mostly in the railway trains. The people know that the food inspectors are outside and that they cannot be caught inside with the result they escape. So, my submission is, these powers under the Railway Act or whatever the relevant law may be should be given to the food inspectors so that they can enter the railway premises and take samples.

There is one thing more. When the food inspectors take a sample from somebody's shop, there may be some documents lying there, say, for example, showing that he has purchased the goods from somewhere. Now, the food inspector does not have the powers to seize any documents which should be useful in the proper decision of the case and in the proper prosecution of the person. The food inspectors just take a sample and do nothing else. My submission is, if the food inspector thinks that the documents are incriminating, that he should be given the powers to seize those documents.

At present, there is another very great practical difficulty that is being experienced. The food inspector catches a man and, of course, it is easy to ensure the presence of the person who has a shop in the court. But particularly in the case of the milk vendors or such other people who may have been caught on road side, while selling the things, he takes a surety or a bond. The man gives the surety or the bond but he gives the wrong name and then he runs away. The bond or the surety taken by the food inspector is not enforceable in the courts as it is today because he has not been given those powers under the relevant section 47 of the Criminal Procedure Code. A provision should be made in the Act that the bond or the surety taken by the inspector is enforceable by the courts and liable to be forfeited under Section 514 of the Criminal Procedure Code. Otherwise, it has no meaning. The surety can

easily escape. In this connection, I may point out that some High Courts have made the pronouncements that the bonds and sureties taken by the food inspectors are not liable to be enforced because they lack proper powers as given to the police officers under the provisions of the Criminal Procedure Code.

Shri Hari Vishnu Kamath: Are you sure that the sureties or the bonds are not enforceable in the courts nor are they forfeited?

Shri H. K. L. Bhagat: I may submit that some High Courts have given judgments saying that because the food inspectors lack the proper powers to take these sureties, they are not liable to be forfeited. If you like I can even give you the specific cases.

Here I may suggest, if a man gives a wrong name or he refuses to give his name, that should be made a cognizable offence and he should be awarded a heavier punishment.

Dr. Sushila Nayar: How will he know that he has given a wrong name?

Shri H. K. L. Bhagat: Where the inspector suspects that he has given the wrong name, he should have the powers to take him to the police station. It should be made a cognizable offence. Even in the normal cases of cheating and other cases, they are detected. Here, they should be punished for the act of committing adulteration and also for refusing to disclose correct particulars. I may tell you there are scores of cases like this. They go in default like this.

I now come to the most complicated question of retailer *vs.* wholesaler. I have seen the present provisions in the amending Bill. I have myself a lot of sympathy with the viewpoint of the retailer because sometimes he may say that he is getting the adulterated stuff. But my own feeling is that the provisions made in the amending Bill will be no solution. I most respectfully submit this to the Committee. I would suggest—it may look too drastic—that so far as these dealers dealing in food articles are concerned, the purchasing of food articles—of course,

that provision to a certain extent is there in the amending Bill—by a dealer from a wholesaler without a receipt should be made a cognizable offence. Similarly, the selling of a food article to a retailer without a receipt should be made a cognizable offence. What I am submitting is, supposing a man purchases chillies from a wholesaler with a receipt, his mere purchase without a receipt should be considered as an offence and he should be punished.

Dr. Sushila Nayar: Why?

Shri H. K. L. Bhagat: If it is found to be adulterated. Today, the retailer is punished. What I am submitting is that the wholesaler or the manufacturer should also be roped in. What I am submitting is that so far as the transactions between dealers and wholesalers are concerned, the sale of food articles without any receipt should be prohibited.

Shri Hari Vishnu Kamath: Only the other day, the Prime Minister at his Press Conference disclosed that some of the officers of the Government went round probably incognito to some shops in Delhi and tried to buy things and obtain receipts for them. But the shopkeepers refused to give receipts even to them. Supporting they refuse to give receipts; what will you do?

Shri H. K. L. Bhagat: I would just make my point clear. I am not suggesting that no customer should purchase anything from a shop without a receipt. Probably, that is impossible. But what I am suggesting is a very limited thing. Any article of food sold by a wholesaler to a retailer should not be without a receipt and a warranty should be presumed.

Shri Hari Vishnu Kamath: That I agree.

Dr. Sushila Nayar: The receipt should serve as a warranty.

Shri H. K. L. Bhagat: The receipt should serve as a warranty. It should be presumed like that.

Then, another case will arise. The wholesaler will say, "Look, I gave him an article in a perfectly good condition. It is the retailer who has adul-

terated it." And the retailer will say, "It is the wholesaler who has adulterated it." I believe that both should be prosecuted. Their *bona fides* should be proved in the court. Today, only the retailer is prosecuted.

Dr. Sushila Nayar: If the retailer can prove that he has not adulterated the stuff and that he has taken the tin or the container, whatever it may be, from the wholesaler then the onus can go to the wholesaler but if he has open goods which can be adulterated by the retailer, how do you account for this?

Shri H. K. L. Bhagat: I would just make a submission. What is the position today? A sample is taken from a retailer and if the article is found to be adulterated it is the retailer who is prosecuted. The wholesaler says, "I did not give the goods to him" because there is no proof.

Dr. Sushila Nayar: As regards receipt, we accept that.

Shri H. K. L. Bhagat: The retailer might say, I got this from wholesaler. One way is to prosecute retailer only. The other way is to prosecute wholesaler and find out evidence and so on. My feeling is this. If goods are sold by wholesaler and then sold by retailer both of them should come in the court and prove their *bona fides*.

Shri Hari Vishnu Kamath: If the wholesale trade is taken over by Government?

Shri H. K. L. Bhagat: That is a big policy question. I am too small a man to suggest anything before this committee.

Shri Hari Vishnu Kamath: Would you agree?

Shri H. K. L. Bhagat: That is a very big question. Another thing not only from prevention of food adulteration point of view, but also from hygienic point of view. I would suggest that articles which are capable of being sold in packages, spices and other things, it can be made obligatory on the manufacturer to sell them in packages under their seal. A

number of articles can be sold in packages. This will be good even otherwise in my opinion.

Then, in section 10(iv) of the Act the language used is food article intended for sale. The food inspector can take possession of a food article which is intended for sale. Now we take a strict interpretation of the law. The courts are naturally insisting that the onus of proof is on the prosecution that the food article was meant for sale. The man says, I do not keep it for sale. There is a label saying, this is not meant for sale for human consumption. That is, *hing* and other things. They say, it is meant for insects. They do this to save themselves from the clutches of the law. They have put a label. They say, this is not for human consumption and sell these things. Any article of food which is used by human beings for consumption should be presumed to be intended for sale. The word, intended for sale, should be omitted from section 10 of the Act. Food articles in the premises of retailer should be presumed to be for sale for human consumption and the words 'intended for sale' should be omitted from this section.

Dr. Sushila Nayar: They say, not for human consumption.

Shri H. K. L. Bhagat: The question will arise, there may be certain articles which human beings also use which animals also use. Even animals should not be given any adulterated food, in my opinion. This presumption should be there. This may mean certain hardship in one respect, but from the overall point of view we have to choose the larger good.

Dr. Sushila Nayar: 'Intended for sale'—if the words are omitted, will that remove the other difficulty that you have pointed out, where they have put the label clearly not for human consumption

Shri H. K. L. Bhagat: We say, this shall be presumed to be meant for sale for human consumption. They say, not meant for human consump-

tion and sell it. Every customer is not reading it.

Shri Hari Vishnu Kamath: Do you make a distinction between adulterants which are harmful to the human organism and those which are harmless.

Shri H. K. L. Bhagat: Obviously that is there. There are cases of adulteration and cases of sub-standard goods. Both are harmful in the sense that the man gets the price for goods of standard quality and gives sub-standard ones, but that may not do as much harm. There are syrups where there is 80 per cent sugar, where there is 55 per cent sugar, etc. It may not be adulterated in that sense. So distinction can be made and should be made. There is difference between adulterated article and article which is not standard one.

There is one other suggestion I would like to place before you. The names of all the wholesalers or manufacturers should be published on a second conviction for adulteration. In any case it should be obligatory for the courts to publish the names. It is discretionary now. It is not done. It should be made obligatory for the courts to publish the names of convicted manufacturers. For retail it is difficult because the number is large. This may be done regarding manufacturers and wholesalers who are convicted for the second offence.

Dr. Sushila Nayar. Why not for first offence?

Shri H. K. L. Bhagat: There may be a small little variation. Sometimes it is possible. There may be small difference which may not be very material. That should not put him into trouble. I would suggest this: On a second offence conviction, his name should be compulsorily published in the local daily newspapers with all the particulars.

That would be published for the second offence.

Dr. Sushila Nayar: If we remove the words, intended for sale, then, do you think that the courts will not take any note of these labels, not for human consumption?

Shri H. K. L. Bhagat: We can make it even a little more specific and say that articles of food meant for human consumption. It shall not be for them to say that they were not meant for human consumption. It should be made more specific.

Dr. Sushila Nayar: We can say the label "not for human consumption" shall be no defence.

Shri H. K. L. Bhagat: That is right. Another suggestion I would like to say is this. All the licences which a manufacturer or wholesaler has for various agencies should stand automatically cancelled on the second conviction. On the second offence the manufacturer's or wholesaler's licence should be automatically cancelled. The man does not mind payment of fine and probably he may not mind going in for a few months. If licence is cancelled he would not have the courage to do it again.

Dr. Sushila Nayar: This question has been raised. The records are not kept so well and it is very difficult to prove that it is a second offence or third offence. What is the remedy for that?

Shri H. K. L. Bhagat: That is correct. The records are not properly kept. One thing I might say that concealing of the first offence sometimes is deliberate also. It is known also. I have not studied this question in detail. But I think we will have to study it. As in other criminal cases, before a case is launched in the court it becomes obligatory to mention the previous convictions. I must confess I have not studied this aspect of the question as to what is the present position, what are the lacunae, how they should be rectified etc. One thing more I would like to point out. These articles of food, on a large scale wherever they are adulterated, they are adulterated in premises which are not licensed. The official

agency normally does not know about such premises. Nobody adulterates in his own shop or in his own godowns.

Shri Hari Vishnu Kamath: As Deputy Mayor do you know some of the places where they do it?

Shri H. K. L. Bhagat: Unfortunately I do not know the specific places. If I happen to know them, we in the Corporation are competent to deal with it.

Dr. Sushila Nayar: They do it in unlicensed shops.

Shri H. K. L. Bhagat: The premises where they sell or where they store are known to the Department. Except in the case of connivance, the Officers visit those places and if goods in bulk quantity are found there they are not only caught but they suffer also heavily. They adulterate these things in some premises which are not licensed and bring them in smaller quantity to their shops and godowns. They do not also suffer heavy financial losses. If the adulterated goods are found at unlicensed premises, the man is arrested and the penalty is same as is for adulteration. The penalty should be more drastic for storing of adulterated articles in unlicensed and undeclared premises; this should be made a graver offence and much greater penalty should be provided. It should not be treated just as ordinary case of adulteration. In that he is preventing the people from taking samples and checking. Some very heavy penalty should be provided for. In that case it may have some good result.

Dr. Sushila Nayar: You may not know to whom the articles belong, if they are in unlicensed and undeclared premises. You may confiscate the goods. But, what proof have you to show that it belongs to A, B or C?

Shri H. K. L. Bhagat: If there is a tenant, the landlord comes forward and says this man is my tenant. Then it is the responsibility of the tenant. If there is no tenant, under the law it becomes the responsibility of the owner. It is there already in other laws like Opium and Arms Act etc. That difficulty is not there much.

I am not a technical expert. I do not know much about the standards of food articles fixed. Sometimes a number of people come and say certain things which on the face of it appear to be rational. I am not giving any opinion on a particular article. I think there is necessity for considering the question of revision and rationalisation of the standards fixed in the rules so that they are more realistic and more in keeping with the conditions prevailing. The Standards Committee may go into this question and give an opportunity to those who have any objection for some of the existing standards.

Dr. Sushila Nayar: This is constantly being done. As complaints are being received about any standard, experts are constantly reviewing and revising them and hearing the complaints. What is happening is this. Generally, our people lay the lowest standards of purity. Take for example ghee which is to have something called RM value. RM value 21 is the minimum. There are some people who say it should be higher. There are some others who say it should be still lower. The question has been raised whether there should not be a range, say 31 to 21. When you lay down the lowest standard, the people not knowing that there is already the lowest possible denominator ask why not lower it by half or one. Pressures are being brought for this purpose. Take the case of Hing. The standard is upto 2% in the case of other matters like sand etc. which may be permitted. It should be normally much less. In view of the prevailing conditions they have kept upto 2%. 2% is the highest limit here and you cannot go beyond that. Still people want to go beyond that. Take again fat in the milk. Some buffaloes in the Punjab give milk with 12% fat. The minimum laid down is 6% and it should not be less than 6%. Objections have been raised that when we have the minimum of 6%, some people whose buffaloes give milk with 8% fat may bring the fat down to 6%. Certain others say bring it down to 5%

or 5½%. Some people have suggested that a range between 6 to 12% can be put. If you have any suggestion to make, we may consider.

Shri H. K. L. Bhagat: As I said in the beginning, this is a matter for the experts to decide. I cannot say much about it. For example, in regard to King certain rules were shown to me sometime ago which the Government of India had themselves accepted and they were revised, but had not yet been enforced.

Dr. Sushila Nayar: I will tell you the reason. Some of the State Government's are contesting. Till we get their clearance, we cannot do anything. For instance, Gujarat Health Minister has raised certain points, saying do not have the RM value of 21 and things of that sort.

Shri H. K. L. Bhagat: I would conclude by making this observation. Apart from tightening of this law—of course it may not exactly be within the scope of this Committee—what is required more is tightening of the administrative machinery. And I have a number of concrete suggestions to give in this connection which I can forward to the hon. Minister and not here.

Dr. Sushila Nayar: You can send them.

Shri H. K. L. Bhagat: I feel that there are a number of points on which some attention should be paid. That is all I have to say. Thank you very much.

Chairman: Our Members would like to ask a few questions. I hope you will kindly enlighten them in the matter. I would request the Members to restrict their questions really to the specific points and be short as far as possible.

Shri C. M. Kedaria: In view of the views expressed by you, you feel that more deterrent punishments will lead to more corruption. It should be made more flexible than by giving the deterrent punishment. How will you amend this?

Shri H. K. L. Bhagat: About this question of punishment, any problem will not be solved just by mere moral

persuasion or by deterrent punishments. Of course, when we are going to provide for more deterrent punishments in the Act, it will lead to greater corruption in the sense that the people will have to face graver consequences; they would like to protect themselves from these things. Many things may happen even if you do not provide deterrent punishments. Still the problem remains where it is because the people do not care much about it. After all, payment of a small fine is not much. They can easily pay and escape with that. If some deterrent punishment is to be provided, it has to be coupled with efforts to create some public opinion about it. That is the only way which we can think of.

श्री के० एल० बाल्मीकी : आपने कहा है कि डटरेट पनिशमेंट दिया जाना चाहिये। एडल्ट्रेशन दो तरह से होता है— एक ड्रुमें हल्थ के लिये इन्जूरियस होता है और दूसरा नहीं होता है। क्या आप समझते हैं कि उन दोनों में सजा देने के बारे में कोई अन्तर होना चाहिये ?

Shri H. K. L. Bhagat: It looks to me rationale that different punishments should be provided for an article of food which is adulterated. Where the article of food is just below a certain standard, some adjustments might be made. But, I must submit, with a word of caution because, in the actual administration of justice, this might create many complications and probably, I would like that the punishment for the adulterator for a certain kind of offence e.g., in syrup there is some difference in sugar content (instead of 60% it contains 50%), should be somewhat different. I am afraid, however, in administration of justice, this might create certain complications for a court with regard to a thing which is adulterated and if it passes a judgment, in one case the

sentence might be big and in another case it might be a little less.

श्री के० एल० बाल्मीकी : क्या आप की जानकारी में ऐसे कंसिज़र किए हैं, जिनमें कोर्ट ने सरकारी एनेलिस्ट की रिपोर्ट को न मान कर प्राइवेट एनेलिस्ट की रिपोर्ट को सही माना, जब कि उसी योग्यता और तजुब का व्यक्ति था ?

Shri H. K. L. Bhagat: Still there are certain cases of this kind and I had, as a matter of fact, made my submissions on this point already while explaining my views. As I said, there is a practical difficulty. That difficulty is that your public analyst normally does not go to the court and you cannot, just make it compulsory for him to give his evidence in every court and in every case unless it is called for. It creates complications. Sometimes the information of a private analyst appeals more to the court. It is really a question of appreciation by the court which may be or may not be correct. It is a case of appreciation of evidence of a particular analyst. I have given my submission that we should see that we prescribe definite standards of testing for all our public analysts; we should also see that their reports are submitted within time and we should provide for appeal in testing by the Central Food Laboratory which, in my opinion, will shut out the evidence of the private analyst.

श्री के० एल० बाल्मीकी : जब इस कानून पर अमल किया जायेगा, तो जिस व्यक्ति का सैम्पल पकड़ा जायेगा, उस का यह मौलिक अधिकार होना चाहिये कि वह अपनी संतुष्टि के लिये किसी प्राइवेट लेबोरेटरी या प्राइवेट एनेलिस्ट से भी जांच करा सके। यह कोर्ट की अपनी समझ पर है कि वह सरकारी एनेलिस्ट की रिपोर्ट को सही माने या प्राइवेट एनेलिस्ट की रिपोर्ट को। इस लिये आप प्राइवेट एनेलिस्ट को चालू रहने देने में क्या दिक्कत देखते हैं ?

डा० सुशीला नायर : उन का मतलब यह है कि एनेलिस्ट की रिपोर्ट तो कोर्ट के सामने हो, लेकिन एनेलिस्ट अपनी पर्सनैलिटी, वकालत और केस प्रजेंट करने की शक्ति के आधार पर कोर्ट को इन्फ्लुएन्स न कर सके और इस लिये प्राइवेट एनेलिस्ट को कोर्ट में न आने दिया जाये ।

श्री एच० के० एल० भगत : यह लीगल सवाल आप के सामने आयेगा कि हम एक्यूज्ड पर यह रेस्ट्रिक्शन कैसे लगा सकते हैं कि वह अपना डिफेंस कैसे करे और वह एविडेंस इन रिबट्टल पेश न करे, जिस में रिबट्टल आफ एक्सपर्ट एविडेंस भी शामिल है । आपको इस सवाल पर गौर करना होगा कि जब दूसरे प्रांक्सिज में इस तरह की लिमिटेशन नहीं है, तो एडल्ट्रेशन के केसिज में यह लिमिटेशन कैसे रखी जा सकती है । दूसरे केसिज में प्राइवेट हैडराइटिंग एक्सपर्ट और बैलिस्टिक एक्सपर्ट बुलाये जा सकते हैं । जहां तक एडल्ट्रेशन के केसिज का ताल्लुक है, प्राइवेट एक्सपर्ट्स के फीलड में कोई लम्बी-चौड़ी डेवेलपमेंट नहीं हुई है । इस के अलावा गवर्नमेंट की दो एजन्सीज से ओपीनियन आ जाती है । इस में दोनों पहलू हैं, लेकिन मेरी राय यह है कि लार्जर इन्ट्रस्ट का देखते हुए सेंट्रल फूड लेबोरेटरी की, एपेलेट एथारिटी की, ओपीनियन के बाद किसी फ़रदर एविडेंस का सवाल नहीं उठना चाहिये । अगर प्राइवेट एक्सपर्ट आते हैं, तो उस में डाउट आ जाता है । इस में कुछ हार्डशिप जरूर होगी और डिफेंस का जो फंडामेंटल राइट है, उस में कुछ रेस्ट्रिक्शन होगी, लेकिन लार्जर पब्लिक इन्ट्रस्ट के लिये यह जरूरी है ।

श्री हरिबिष्णु कामत : एपेलेट एथारिटी की ओपीनियन से आप का क्या मतलब है ?

श्री एच० के० एल० भगत : मेरा मतलब सेंट्रल फूड लेबोरेटरी से है । उस

के लिये एपेलेट एथारिटी प्रापर बर्ड नहीं है :
" वह टैस्टिंग के लिये दूसरी एजन्सी है ।
देयर इज नो टैस्टिंग आफ ए सेम्पल एट दि एपेलेट स्टेज ।

श्री के० एल० बाल्मीकी : क्या पिछले कुछ सालों में आप का कार्पोरेशन के द्वारा फूड इन्स्पेक्टरों पर इस बिना पर कोई एक्शन लिया गया है कि उन्होंने करप्ट प्रैक्टिस की है या वे मालदार हो गये हैं ?

Shri H. K. L. Bhagat: Respectfully I submit that this is more an administrative question, and I agree that there are people who are corrupt. There is corruption in this, and the Corporation has taken some steps and is taking some steps. As I said, I have some suggestions, administrative suggestions meant for my own Corporation and also for the benefit of others. I have prepared them in some hurry and therefore instead of going into them here I will submit them to the Health Minister.

Shrimati Jyotsna Chanda: May I know from the witness as a lawyer what he suggests regarding vesting more power to the police regarding adulteration of food?

Dr. Sushila Nayar: Can we bring in the police to take samples etc.?

Shri H. K. L. Bhagat: I have myself suggested that. When I say that the offences should be made cognizable it obviously means that a police officer can arrest without warrant. And I think the powers should be given to the police. There is no harm. And the powers of the police can be given to the food inspector. He is already partly given the powers of a police officer. That is not complete. I have made the suggestion that they should be given some powers of a police officer.

Shri Shiv Charan Gupta: I would like to ask how many manufacturers are there who grind the spices etc. and are licensed by the Corporation, and in how many cases the Corpora-

tion has taken their samples, analysed them and found adulterated?

Shri H. K. L. Bhagat: That is a very detailed administrative question. And if I may be excused I may take the liberty of saying that probably my hon. friend Mr. Shiv Charan Gupta may have more knowledge about this, being in the Corporation for a number of years, and he can enlighten this Committee more than myself, because I am only two years old there.

Shri Shiv Charan Gupta: That is why I asked this particular question, because there are many persons in the capital who grind spices etc., and in fact the adulteration takes place there and the smaller retailers get their requirements from them. But unfortunately those people never come within the grip of law or the grip of the administrative machinery. And if anybody asks anything about them, the Councillors or others, they are told "their samples are being taken, action is taken". That is the difficulty.

Shri H. K. L. Bhagat: That is why I have suggested their prosecution. I have suggested it already while giving my views on the subject that they should be prosecuted.

Shri Shiv Charan Gupta: The other point I wanted to know with regard to this Bill was this. What is the percentage at present of milk samples which are taken by the Corporation in respect of cow's milk and of buffalo's milk?

Shri H. K. L. Bhagat: Again, it is a question of figures and I have not come prepared with the figures. But if required, I can send this information.

Shri Shiv Charan Gupta: My own information is that 90 per cent of the samples are indicated cow's milk. And that is to protect themselves from the law the vendors say it is cow's milk, even though it is buffalo's milk.

Shri H. K. L. Bhagat: These mal-practices may be there. I cannot deny that.

Shri Hari Vishnu Kamath: As a high-ranking authority of the Delhi Municipal Corporation as a distinguished lawyer, and also, as a prominent leader of the Congress Party that you are, are you in a position to tell the Committee whether you have on your finger-tips a rough assessment, if not an accurate one, of the number of adulterators in this capital of our country who, during your tenure of office as Deputy Mayor of the Corporation have, owing either to the defective or inadequate or corrupt machinery or enforcement, gone scot-free? What percentage do you think might have gone scot-free during your tenure as Deputy Mayor?

Dr. Sushila Nayar: It is a very brief tenure.

Shri H. K. L. Bhagat: I am only three months old as Deputy Mayor; I am a small baby that way. But I can say that in a number of cases people have been acquitted.

Shri Hari Vishnu Kamath: I am not talking of that. I am referring to the detection and prosecution stage; and there, because of the corrupt or inadequate machinery, how many have not been caught at all.

Shri H. K. L. Bhagat: I have no specific case within my knowledge where one can say that because of corruption the case was not put against a man concerned. I cannot say.

Dr. Sushila Nayar: Do you know of some people who are known to be culprits and they are not being caught at all?

Shri H. K. L. Bhagat: Honestly, I do not know.

Shri Hari Vishnu Kamath: Let alone your tenure as Deputy Mayor, but even when you were a member of the Corporation have you heard of such cases where the culprits have gone scot-free; not in the courts; but who have not been caught by the inspectorate staff because, as my friend said and you admitted also, there is some corruption?

Shri H. K. L. Bhagat: Respectfully I submit I do not know of any specific cases. If I had known I would not allow them to go scot-free.

Shri Hari Vishnu Kamath: You might have read some months ago in the papers,—because I am sure you are a diligent reader,—a report that the Minister of Health, Dr. Sushila Nayar, when she was in Bhopal I believe, made a speech referring to the food inspectorate staff in which she said that she had got reports that some of them had become very rich, and had cars at their disposal and send their children abroad for studies. Do you think there are some inspectors like that in Delhi also?

Shri H. K. L. Bhagat: In a general way I have heard that, and that impression exists in Delhi also. But specific cases as to how much a food inspector has or how much he has made, I do not know. But in a general way that impression exists.

Shri Hari Vishnu Kamath: So, as long as as that is so—a number of food inspectors may be quite honest, while some of them as you say may be corrupt—as long as the position is like that, why is it as a distinguished lawyer you plead that the opinion of the food inspector if reinforced by the opinion of the evidence of the Director of the Food Laboratory should be regarded as final, and the accused should be debarred from pleading in his defence the evidence of an analyst whom he has enlisted in his behalf and paid the necessary fees etc.?

Shri H. K. L. Bhagat: I will answer that question. There is no question of opinion of the Food inspector regarding the nature of adulteration. What I am saying about the food inspector is only about taking the sample, that the sample was taken by him. And I am also suggesting a safeguard that the man who gives the sample should make his thumb mark, and a further safeguard that if the sample was not given by him he can challenge at the earliest opportunity

in the court. What I have suggested is about doing away with the two witnesses, because it helps a corrupt inspector. It is his choice to take any witnesses and put witnesses who will do what he likes.

Chairman: You have made it clear.

Shri Hari Vishnu Kamath: The point of my question was this: If all was well in our country, it would have been easy and smooth, but unfortunately it is not so, and there is corruption.

Chairman: I would request the hon. Member to be specific and brief in his question.

Shri Hari Vishnu Kamath: I am going on in my own way. So, please do not interrupt me.

When you yourself have said, Shri Bhagat, and some of the dealers and traders and small merchants who have given evidence before us also have said that when samples are taken by the food inspectors, they are sometimes liable to tampering by the food inspectors themselves in some way or the other, may I know whether you can give a guarantee that the food inspectors do not do any such thing at all, and, therefore, their evidence should be taken as final?

Shri H. K. L. Bhagat: After all, what is the evidence of a food inspector? His evidence is merely this that he took a sample, from so-and-so. He does not say that this is adulterated; that has to be analysed, and there the public analyst comes in. Instead of allowing chances for even the fact of receipt of the sample to be open to a big dispute, if a person gives the sample, he can thumb mark it; if he does not, then he does not thumbmark it. The evidence of the food inspector, so far as the court is concerned, is only regarding the factum of taking the sample and nothing else.

Shri Hari Vishnu Kamath: A little while ago, when you were making

your opening statement, you said that the retailer must get a receipt and a warranty or guarantee from the wholesaler. I agree with you entirely, but then I put you a question whether it would not help, you, for instance, the corporation, and also the governmental administration if the wholesale trader were to give such a thing—I am asking you now, not in your capacity as the Deputy Mayor, not as a Congress leader; please forget that capacity for a moment.....

Dr. Sushila Nayar: He stated in the beginning itself that he was giving his personal evidence.

Shri H. K. L. Bhagat: I made that quite clear in the beginning.

Shri Hari Vishnu Kamath: In that case, I do not know why you should hesitate to come out with your views freely.

Would you agree that it would help matters for enforcement of the law, if the wholesale trade in food grains and certain other essential commodities is taken over completely by the Government itself, so that once we start getting things through that source, we shall be sure that the Government being what it is we shall get good stuff?

Shri H. K. L. Bhagat: I would submit respectfully, as I said earlier, that it is a very big question. Whether the entire wholesale trade should be taken over or not is a big question of policy. I would submit most respectfully that for me the proper forum will be my own organisation where I can express my views.

Shri Hari Vishnu Kamath: You were referring to some of these places where these people carried on their nefarious practice of adulteration. They do not do it in the stores but somewhere else. I am sure that as Deputy Mayor, or even earlier, as a member of the Corporation, you must have come to know where these underground stores or hide-outs are in this capital city of India that is Bharat. Ever since you because

Deputy Mayor, have any of these hide-outs or underground stores been raided by your staff?

Shri H. K. L. Bhagat: So far as the Department is concerned, they have come to know sometimes about certain places, and they have raided those places, even taken things into possession and prosecuted the people. But so far as my personal knowledge is concerned, as I said, I do not have much personal knowledge, because even in the corporation I am only two years old. But I know this much that certain officers have gone and raided certain places, taken samples, taken the stocks into possession and prosecuted the people for carrying on that trade in unlicensed premises etc. All that has happened in certain cases.

Shri Hari Vishnu Kamath: In answer to a question by my colleague Shri Balmiki, you have made a distinction between those adulterators who use stuff which is harmful to the human organism and these who use stuff which is not so harmful or poisonous; and you suggested that the two categories deserved different kinds of punishment. Have I understood you correctly?

Shri H. K. L. Bhagat: Yes, in principle, I said so, but in practical administration I do not know how far that would be possible.

Shri Hari Vishnu Kamath: Take for instance, the mixing of horsedung with curry powder. Also, in West Bengal, recently we had reports that white oil and poisonous oil etc. was mixed with mustard oil. There are hundreds of such adulterants. As a public leader of some esteem in this capital would you recommend that such adulterators are potential murderers and, therefore, they deserve the highest penalty that is, capital punishment, and the best way would be to hang them in Chandni Chowk or Connaught Circus? As a lawyer also, would you recommend this?

Shri H. K. L. Bhagat: I might say that probably.....

Shri Hari Vishnu Kamath: I am not saying that for the first offence itself but say, for the second or third offence.

Shri H. K. L. Bhagat: I would suggest that we can make the punishment graver now and consider this question after some time if we find that the desired results have not been achieved, by inflicting this greater punishment now proposed.

Shri Hari Vishnu Kamath: I believe you are inhibited by the consciousness that you are a Congress leader also.

Shri H. K. L. Bhagat: I can assure you that that is not the case. The hon. Member himself is a very distinguished parliamentarian and knows law....

Shri Hari Vishnu Kamath: Not much of law.

Shri H. K. L. Bhagat: And he knows that for and against capital punishment much can be said. Whether we should have capital punishment at this stage for offences of this kind is not a question which can be answered just now in one sentence.

Shri Hari Vishnu Kamath: I may remind you that one of your own party leaders, Shri Karmarkar, when he was the Health Minister, had said publicly that food adulterators were potential murderers and they deserved the highest penalty. It may be that he is no longer a Minister partly because of that statement of his, but he himself said that some ears ago.

Shri H. K. L. Bhagat: Not only Shri Karmarkar but many others in this country have this view, and sometimes, some people have expressed this opinion in the corporation also. That shows that this opinion does exist in some quarters.

Shri Hari Vishnu Kamath: You do not share that opinion?

Shri H. K. L. Bhagat: As I said, we must wait for some time to see the results of the greater punishments now proposed to be inflicted.

श्री देवकीनंदन नार.यण : आप ने अभी कहा कि एडल्ट्रेशन जो होता है वह दुकानों पर नहीं होता है, गोदामों में नहीं होता है बल्कि वह ऐसी जगहों पर होता है जिन का कि आप को पता नहीं चलता है। जो अनलाइसेंसड जगहों पर होता है तो मैं आप से जानना चाहूंगा कि क्या आप की कारपोरेशन ने ऐसी जगहों को ढूंढने की आज तक कोई कोशिश की है और यदि हां तो क्या आप को कुछ ऐसी जगहों का पता मिला है जहां कि वह मिलावट की जाती है और जोकि लाइसेंसड जगहें नहीं हैं ? मेरा दूसरा सवाल यह है कि जैसा आप ने फरमाया कि यह एडल्ट्रेशन ऐसी जगहों पर किया जाता है जिन का कि किसी को पता नहीं चलता तो इसके लिए अर्थात् उन जगहों को ढूंढने के लिए पुलिस को कुछ खास पावर्स देनी चाहिए या नहीं और अगर देनी चाहिए तो क्या पावर्स देनी चाहिए।

श्री एच० के० एल० भगत : मेरा उस को कहने का यह मतलब नहीं था कि यह एडल्ट्रेशन गोदामों में बिल्कुल होता ही नहीं है, थोड़ी बहुत वहां पर भी मिलावट की जाती है और उन को तलाश करने की कोशिश भी की है और कुछ कैसेज पकड़े भी गये हैं। पुलिस को पावर्स देने के लिए मैंने इसलिए कहा था ताकि पुलिस ऐसी छिपी हुई और अनलाइसेंसड जगहों का पता लगा सके और उस के पास उन जगहों को रेड करने की पावर होनी चाहिए। फुड इंस्पेक्टर्स को भी पुलिस की पावर्स होनी चाहिए यह मैंने कहा था। एडमिनिस्ट्रटिव सजेशनस जो मैं दूंगा उस में एक सुझाव मेरा यह भी है कि फुड मिनिस्टरी में एक रेगुलर इंटेलिजेंस ब्रांच होनी चाहिए जो कि इंटेलिजेंस के मैडन मैथड्स को इम्प्लाय करके ऐसी छिपी हुई जगहों का पता लगा सके जहां कि यह मिलावट की जाती है। एडमिनिस्ट्रेशन के बारे में मैंने कुछ सजेशनस मिनिस्टर साहब को देनी हैं। उन में एक यह भी है कि इन्फर्मेशन

बेने वालों या पकड़ने वालों को कुछ इन्सेन्टिव दिया जाये। यह ऐसा सबजेक्ट है, जिस पर डीटेल्ड डिस्कशन की जरूरत है। लेकिन मैं महसूस करता हूँ कि ऐसी जगहों को डिटेक्ट करने के लिए एक रेगुलर साइंटिफिक सिस्टम थाफ़ इन्टेलिजेंस होना चाहिए। कारपोरेशन ने कुछ केसिज़ पकड़े हैं।

Chairman: On behalf of the members, I have great pleasure in thanking Shri Bhagat for being kind enough to come and assist us with his valuable evidence.

Shri H. K. L. Bhagat: I am very grateful to the Committee for the opportunity given to me to appear before it and give my views.

(The witness then withdrew)

III. Shrimati Purbi Mookerjee, Minister of Health, West Bengal.

IV. Shri B. R. Gupta, Secretary, Department of Health, Government of West Bengal.

Witness were called in and they took their seats)

Chairman: We are extremely pleased to have your guidance in the matter we are discussing. The evidence you give will be treated as public, unless you specifically desire a part or whole of it to be treated as confidential. Even so, it will be circulated to the Members of the Committee and of the Parliament.

Shrimati Purabi Mookerjee: I know.

Dr. Sushila Nayar: We received your memorandum only yesterday. As hon. Members may not have had time to study it, you may wish to explain briefly the points you wish the Committee to keep in mind.

Shrimati Purabi Mookerjee: I am very grateful to the Members of the Joint Committee, to its Chairman and the Union Health Minister for giving us this opportunity to appear personally before the Committee and tender evidence.

We have given a memorandum drafted, of course, very hurriedly because we did not know that we would be coming here today to give evidence; we did not also get an official copy of the amending Bill. So we have recorded only the difficulties we are facing in seriously implementing the provisions of the Act. We have recorded our memorandum on that assumption, that our friends here have sat here with right earnestness to amend the Act so that the real offenders should be punished in the strict sense of the term.

First, we have suggested that police officers not below the rank of sub-inspector should be vested with necessary powers to deal with offenders officers not below the rank of sub-under the Act. Because the police are not so empowered under the Act, the police official has to be only a silent spectator when he sees food adulteration taking place. He has to have recourse to some other Act, as we have done in West Bengal, to prevent this. So we would request the Committee to consider the suggestion to give the police officer ample powers to take up cases of food adulteration. Under our suggestion, police officers not below the rank of sub-inspectors will *ipso facto* have the powers of a food inspector.

Dr. Sushila Nayar: The police can take action under secs. 272/273, IPC.

Shrimati Purabi Mookerjee: I have referred to that. But they cannot take action under this law. As it is, they have to act under the IPC, the P.D. Act, or DI Act or DI Rules. But when there is an Act to deal with food adulteration, why not the police be duly authorised to act under that Act to deal with these cases?

We have laid down certain procedures and qualifications for food inspectors in the rules. When we appoint police officers for the purpose,

we have to override these rules. The powers are like this:

"The police officers shall be competent to exercise the powers of food inspectors under the Act and shall be deemed to be food inspectors for the purpose of the Act irrespective of whether they have the specific qualifications as laid down in the rules".

Shri Hari Vishnu Kamath: You do not want any qualifications for them?

Shrimati Purabi Mookerjee: Nor Under the rules framed under the Act, there are qualifications specifically mentioned for food inspectors on sanitary and health grounds. The police inspectors, whether they are sanitary officers or no, whether they have had the training for that or not, would be appointed as food inspectors under the Act.

Dr. Sushila Nayar: Besides detection of food adulteration, the food inspectors have the other duties, inspecting eating houses etc., for which they need special training. You are not suggesting that the police officers appointed should take over all the functions of the food inspectors.

Shrimati Purabi Mookerjee: No, only to take samples of food. If we do not mention it here, we will be debarred from appointing police officers as Food Inspectors under item 8 of the rules where the qualifications of the Food Inspector have been specifically mentioned.

The punishment under the Bill is not deterrent. It is only six months rigorous imprisonment minimum for the first offence. It must be not below five years, and there should be no distinction between first and later offences. The reason is this. A person residing in one State changes his name or the name of his firm and goes to another State and starts a new business. The Food Inspector does not have any evidence against him; there is no system of taking finger prints etc., available with the ordinary police officer. So, he cannot

say that the person has already been convicted in another place. So, it will be necessary to give these powers of the Food Inspector to the police officers.

I do not want any distinction between first and later offences, and on behalf of my Government I can very boldly say that those who deal in adulteration of foodstuffs are worse than murderers, and I want them to be suitably punished. That punishment cannot be less than five years.

Shri Hari Vishnu Kamath: You said they are worse than murderers. Under the Indian Penal Code, the penalty for murder is death or transportation of life. Why do you say only five years then?

Shrimati Purabi Mookerjee: As compared to the provision of six months in the Bill, if I want the death sentence, the Committee will not agree, though I will be the first person to accept it.

Shri Hari Vishnu Kamath: If you, as the Health Minister of a Congress Government, plead with all your earnestness and vigour that capital punishment should be imposed, the Committee, I am sure, will consider it.

Shrimati Purabi Mookerjee: Whatever I say, I say as a Congress Minister, and I am proud of being a Congress Minister.

Shri Hari Vishnu Kamath: You have every reason to be proud. The point was that the majority of Members of this Committee are members of the Congress Party.

Shrimati Purabi Mookerjee: I am not concerned about the constitution of this Committee.

Shri Hari Vishnu Kamath: Do not get upset.

Shrimati Purabi Mookerjee: I would ask Mr. Kamath not to get upset because I am a Congress Minister.

Shri Hari Vishnu Kamath: Why should I?

Chairman: We need not bring in the party matter there. She may be allowed to continue, and at the end questions can be put, and while putting questions members may be brief and specific, restricting themselves to the relevant matter.

Shrimati Purabi Mookerjee: I want the offence should be cognizable; it should be non-bailable, and no appeal should lie to any court of law.

Dr. Sushila Nayar: Supposing a lower court for some reason lets off a known criminal, would you not like the State to go in appeal to the higher Court?

Shrimati Purabi Mookerjee: I have suggested amendments which will not allow any real offender to be let free.

I feel the trial should not take much time, because the court may pass an order that the whole stock should be destroyed, but if the decision comes after two years, the stock will not be destroyed for two years. So, I want you to consider whether a time-limit should not be fixed.

Under section 10(4), where a Food Inspector intends to keep any food article in the custody of the vendor because of difficulties of transshipment etc., the present provision regarding damage is very lenient, and the dealers tend to gain by selling the adulterated food articles at a high black market price. He also injuriously affects the health of a large number of consumers. It is, therefore, necessary to provide for a very deterrent punishment for any offence under section 16(1) (e) of the Act. By deterrent punishment, I mean five years imprisonment.

Chairman: Under the impression that the food is adulterated the food inspector starts the prosecution but the court finds that the vendor has to be acquitted. Supposing in such a case the article seized by the food

inspector is allowed to remain in possession of the vendor and supposing the vendor has suffered great losses on account of this, is there any provision for compensating the vendor also?

Shrimati Purabi Mookerjee: There is provision for compensating him. Such a provision should be there. The food articles which appear to be adulterated must be seized and if ultimately in turns out to be not adulterated and if the vendor suffers any loss in the process, he should be compensated. It is already provided under the Act.

The third point is about taking the samples of foodstuff kept in the custody of any bank against hypothecated loan. Under the present Act there is no provision for this and we would request the Committee to insert a new clause allowing the food inspectors to take samples from banks where the articles are hypothecated.

The next point is about the institution of prosecution of offenders for violation of the provisions under the Prevention of Food Adulteration Act and the rules thereunder. Under this the food inspector has to take the permission of the State Government or the authority superior. A private citizen has a right to take the sample and ask for an analysis and he can prosecute the trader but in the case of a food inspector he is not permitted to do that. He has to obtain written permission. I want to delete this clause altogether. Our suggestion is that section 20(1) of the Act should be suitably amended to eliminate the present delay.

Dr. Sushila Nayar: Why cannot the State Government give permission promptly instead of doing away with the provision?

Shrimati Purabi Mookerjee: The hon. Minister has asked a very pertinent question. As a Congress Minister, I should reply that if there is a question of giving permission then people are led to believe that there must be some hanky-panky. As soon

as a sample is found to be adulterated, let the food inspector prosecute the vendor. He does not have to come to me for taking my permission.

The next point is about protection to the food inspectors against harassment and prosecution by the vendors. Under the present law, the food inspectors who vexatiously and without any reasonable grounds of suspicion seize any article of food or commits any other Act to the injury of any person without having reason to believe that such Act is necessary for the execution of his duty, may be prosecuted by a vendor and on conviction a food inspector liable to be punished with a fine which extends to Rs. 500/-. This provision has a bad effect on the morale of the food inspectors. They can only act in good faith to detect adulterated stocks but if in the course of such detection he is to be constantly under the fear of having to face a prosecution in a court of law, he cannot do his duty properly. To put a stop to the prevalence of adulteration on a large scale it would be desirable to ask the food inspectors to take samples from as many godowns as possible. The food inspectors can be expected to comply with such direction of Government if they are given simultaneously the necessary protection of law. We are strongly of the view that a time has come when in the interest of protecting the public health the food inspectors should be given wider powers and the impediments in the way of administration of prevention of food adulteration Act should be removed. We are accordingly suggesting that section 10(9) of the Act should be deleted.

Dr. Sushila Nayar: Can you conceive of a food inspector being corrupt and unnecessarily going and harassing the trader?

Shrimati Purabi Mookerjee: Yes, I will suitably punish him if he is corrupt. That should be done departmentally. The next point is the storage of non-edible oils and other oils not fit for human consumption in the

same premises where edible oils are manufactured, stored or sold. I think that explains the position.

The next point is about the power of the Food Inspector to destroy articles of food, if it is adulterated, unwholesome or is mixed with noxious ingredients, which make the food unfit for human consumption. In the case of milk or perishables, for example, it is very difficult for the poor inspector to keep them or preserve them and produce them before the court of law. The offender may say that the article had deteriorated after it has been seized. So, I want the power to be given to the Food Inspector to destroy the perishable food items, instead of waiting for the court to decide upon it.

Then, the existing provisions of the law require a food inspector to produce the seized goods before the magistrate. These provisions should be amended so that the Food inspector does not have to face an impossible task. One suggestion is that only samples of such seized goods may be produced before the magistrate. I think this Bill gives us the power to take samples from the articles including edible oils from the railway yards and ports. But my point is different. So long, under the existing Act, the food inspectors who had jurisdiction over ports and railway yards were appointed by the Government of India. The present Bill gives the State Governments full authority in respect of jurisdiction. But my point is, the railways, under the Railway Act, act as bailees. According to the Railway Act, no food article, which is put in a tank or a tin or a cover could be tampered by any food inspector. It cannot be opened by any food inspector because such action is debarred under the Railway Act. But, if it comes into the railway yard, the food inspector has to wait to seize the stock and to take the sample.

My point is about the difficulties in the implementation of the Food Adulteration Act because of the provisions

in the Railway Act. Something has to be done either by changing the Railway Act or by adding a new clause by which the provisions of the Railway Act can be amended in order to tackle this question. I pose this problem before you because it is also headache; in our State, mustard oil and mustard seed, which are sent from other States, are found to have been adulterated when they reach the State of West Bengal. The Calcutta Corporation, the West Bengal Government or the local authorities take the samples and find that the stuff is highly adulterated, but the seizure of the stock there and then and the destruction of it does not achieve our purpose, because, we cannot go to the root of the problem or the source of the problem. So, some provision should be made so that either the Railway Act is amended—which is not under the purview of this measure—or some rules are framed so that the food inspector can take samples in their railway yard before the goods are taken in the train.

Then, there is the point about the protection of the vendor against punishment under the Act. First, I ask for severe punishment. Then, why do I ask for protection of the vendor against punishment under the Act? While implementing this Act, our personal experience has been that so long as the retailers alone are punished, the offenders who sit somewhere else may be beyond the jurisdiction of our State and they go scot-free. I want to protect these poor vendors and I want some sort of amendment to this Act to the effect that each case, where adulteration is found, is taken up seriously and is traced to the source and the big man behind the scheme should be caught and punished very severely with rigorous punishment. I want to protect the small vendors and I am requesting you to consider how best you can do it.

Dr. Sushila Nayar: There is protection given in the amending Bill.

Please see page 4, clause 8, which reads thus:

“A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

(a) that he purchased the article of food—

(i) in a case where a licence is prescribed for the sale from a duly licensed manufacturer, distributor or dealer;

(ii) in any other case, from any manufacturer, distributor or dealer;”

Then, it is also stated:

“(c) that the article of food while in his possession was properly stored and remained in the same state as when he purchased it.”

So, it gives him full protection as we have given in the case of drugs.

Shrimati Parabi Mukerjee: But it will not suffice our purpose—the purpose that I am visualising, because, in the licence, it does not carry the batch number.

Chairman: In the rules, that can be prescribed.

Shrimati Parabi Mukerjee: The second point is, if at least by rules we do not suggest that in each case of detection of adulteration the source has to be found out, it will be very difficult to implement the provisions of the Act.

Dr. Sushila Nayar: It will be said that we are on a wild goose chase. The man who is caught may say, “I am not responsible; go and catch A.” The search goes on, and the person may not be traceable at all. Therefore, you have to punish the man who has the adulterated thing. If he can prove that he is not responsible, but somebody else is responsible, then we can catch that man. Otherwise, it will be a wild goose chase and we will not catch anybody.

Shrimati Purabi Mukerjee: If you retain the word "warranty" and change the form, it will serve the purpose better. We have said in our memorandum that as the term vendor has not been defined in the Act, it is apprehended that even distributors|wholesalers|commission agents may claim immunity under this section. It is, therefore, necessary to clearly define the term vendor to ensure that the protection granted under this section, which seems to be meant for *bona fide* retail dealers, who bring supplies in sealed containers, from manufacturers, etc. is not taken advantage of by big unscrupulous manufacturers and wholesalers.

In order to ensure that even a retail dealer does not get away with an offence of adulteration, it is necessary to lay down stricter conditions under which he can enjoy the immunity. There is at present a lacuna in Form VI-A prescribed under Rule 12-A. This form does not require the trader to declare the number and other particulars of the licence granted to him under the provisions of the Act and Rules. This should be made compulsory by an amendment of the Rule.

श्री क० एल० बाल्मीकी : बंगाल में सरसों का तेल काफी इस्तेमाल होता है। और सरसों विभिन्न राज्यों से आती है। तो यह सरसों किस राज्य की अधिक मिलावट वाली पायी गयी ?

Shrimati Purabi Mukerjee: Our mustard oil and mustard seeds mostly come from U.P. The samples of mustard oil and seeds that we have got from my State and from other States testify that adulteration is rampant there. My point in asking for this Act to be amended by the Government of India either by an ordinance or at the first sitting of the Parliament is that the State Governments may implement it simultaneously very seriously and very rigidly all the provisions of this Act.

श्री क० एल० बाल्मीकी : आपने अपने नोट में यह प्रकट किया है कि फूड इंस्पेक्टर की क्वालिफिकेशन और कोई आश्चर्य पर न मान कर उसे पुलिस सब-इंस्पेक्टर होना चाहिए। लेकिन आज के समय जब कि हम सदाचार के विषय में सोचते हैं और विशेष कर भ्रष्टाचार को निर्मूल करना चाहते हैं, उस दशा में क्या यह शक्ति केवल पुलिस को देने से भ्रष्टाचार में बढ़ोतरी नहीं होगी ? मैं समझता हूँ कि ऐसा करने से मिलावट दूर होना तो भ्रम रहा, यह बीमारी और बढ़ जाएगी। इस बारे में आप का क्या ख्याल है ?

Shrimati Purabi Mukerjee: I do not agree with you there.

Dr. Sushila Nayar: You have not suggested that the ordinary food inspectors be eliminated and only the police sub-inspectors should be given the powers. You have said that police inspectors also should be given some limited powers to implement this law to the extent of taking samples and instituting prosecutions.

Shrimati Purabi Mukerjee: We have not asked for the elimination of food inspectors. We have said that the police inspectors should be deemed to be food inspectors for this purpose.

श्री क० एल० बाल्मीकी : आपने अपने नोट में कहा है कि मिलावट को कागानिजेबिल आफेंस कर देना चाहिए। लेकिन यह मिलावट का काम गहरे में ज्यादा है ऊपर कम है।

डॉ० सुशीला नायर : आप भाषण न दीजिए, छोटा सा सवाल कीजिए तो वह समझ सकती हैं।

श्री क० एल० बाल्मीकी : आपने कहा है कि यह आफेंस कागानिजेबिल होना चाहिए। लेकिन इस में जब सैम्पल लिया जाएगा और जांच होने पर उस में मिलावट पायी जाएगी तभी तो गिरफ्तारी हो सकेगी वैसे नहीं।

Dr. Sushila Nayar: He says, how can you make it cognizable? After all you must prove the offence and the offence will be proved when the report of the analyst comes.

Shri B. R. Gupta: When an offence is made cognizable, the idea is that the police officer will have a reasonable ground for suspecting that the offence has been committed. For instance, if there are bulk stocks of ghee which have become decomposed, anybody with any common sense can make an intelligent inference that the stock is rotten. Only in those circumstances the police officer should exercise these powers and not in the case of other stocks, where without the report of the public analyst, he cannot proceed. Particularly in West Bengal, when the stocks are driven underground because of the imposition of ceiling prices and when there is a reasonable chance of the police officer feeling that an offence has been committed, these powers will be exercised by him.

श्री के० एल० बाल्मीकी : मैं पूछना चाहता हूँ कि क्या उस तरह के मामलात को पकड़ने के लिए प्रलग तरह की मैशिनरी होनी चाहिए या नहीं ?

डा० सुशीला नायर : वह यह चाहती हैं कि जो कुसूरवार मालूम हो उसको पकड़ने को इजाजत होनी चाहिए ।

श्री के० एल० बाल्मीकी : क्या इसके इम्प्लैमेंटेशन के लिए स्पेशल मैशिनरी होनी चाहिए ?

Dr. Sushila Nayar: Do you think that a special machinery is necessary for the implementation?

Shrimati Purabi Mukerjee: No special machinery is needed. The food inspectors under the Act will be there. The ordinary police will also be empowered to deal with adulteration.

Dr. Sushila Nayar: A suggestion has been made that just as for the drug control administration, a police squad is attached to the machinery, similarly for the administration of this Act also, a police squad should be attached to the regular food inspectorate.

Shrimati Purabi Mukerjee: We do not think so.

श्री के० एल० बाल्मीकी : अब तक जो फूड इंस्पेक्टर हैं चाहे व लोकल बाडीज के कर्मचारी हों या आपके अधीन हों क्या उनके ऊपर कोई प्रंकुश है कि वे घप्टाचार न करने पावें ।

Dr. Sushila Nayar: He asks, how do you prevent corruption at the level of the inspectorate in your State?

Shrimati Purabi Mukerjee: The State Government deals with each case of corruption in the case of a public servant. They will be dealt with in the same way.

श्री के० एल० बाल्मीकी : फूड इंस्पेक्टरों की जो बंधी ग्रामदनी माहवार मिलती है उसके कारण होता यह है कि जब कोई ग्रामदमी यह रिपोर्ट करता है कि ग्रामुक दूध विक्रेता के वहां दूध में मिलावट की जाती है तो नमूना भरने से पहले वह उस दुकानदार को इनफॉर्म कर देते हैं और होता यह है कि अच्छी चीज का सैम्पल लिया जाता है और खराब माल का सैम्पल नहीं लिया जाता, क्या इस तरह की बातें आपकी जानकारी में आई हैं ?

Shrimati Purabi Mukerjee: I would request the hon. Member to concentrate on the provisions of the Bill. Whether the Food Inspector will inform the offender or not, the State Government has every power either to reward an officer for good work or suitably punish him for bad work.

That has got nothing to do with vesting powers on food inspectors. It is a matter of administration.

Shri S. S. Mariswami: You were suggesting that police officers be given special powers to take action. Extra powers, more or less of the same nature as suggested by you, were given to police officers in Madras State for detecting cases of breach of prohibition. That resulted in more corruption among the police officers in Madras. That opened the flood-gates to a number of offences which were not there before. In the light of that experience, do you still suggest that the police officers should be given more powers?

Shrimati Purabi Mukerjee: In spite of that experience in the Madras State, I would still plead that the police officers be vested with these powers. Where a police officer misuses his powers, we have the competence to punish him. If the police officer is not given that power, he will not be able to arrest an offender under this Act.

Shri S. S. Mariswami: Instead of creating another evil to use your own words by vesting the police officers with these extra powers, why not rectify the present evil by giving those powers to the food inspectors themselves?

Shrimati Purabi Mukerjee: Even if you give the food inspectors unlimited powers, they do not know how to take fingerprints, they do not know how to make a case history down from the native place up to the place he is working and all that. They will not be able to know whether a person is a first offender or a second offender.

Dr. Sushila Nayar: That is why I suggested that a police squad be attached with the food inspectors. It is one thing to provide police aid to food inspectors, it is completely another thing to hand over implementation of the Act to the police.

Shrimati Purabi Mukerjee: If the police officers are asked only to help they will only accompany the food inspectors and they will have no powers to implement the provisions of this Act. They can only arrest the offenders under some other Act and not under the provisions of this Act.

Dr. Sushila Nayar: What does it matter? On the other hand, if you give the implementation of this Act to unqualified police officers they would play havoc with it. A food inspector is a qualified man and he is trained in this job.

Shrimati Purabi Mukerjee: A food inspector takes the sample to the laboratory and only if it is found, on analysis, to be adulterated that he takes action under the provisions of this Act. The police officers also will act in the same way.

Dr. Sushila Nayar: A food inspector himself can do it. Why do you presume that a food inspector will not be able to take fingerprints, prepare case history and so on. If there is anything wanted, he can be trained in that respect. There is a lot of difference between the food inspectors getting the aid of police officers and the police officers themselves implementing the provisions of this Act.

Shrimati Purabi Mukerjee: We have already directed the enforcement branch police officers to help the food inspectors. But that is not sufficient to crush this menace of food adulteration at least in my State.

Dr. Sushila Nayar: You can have secret police, intelligence squad and all that to find out these anti-social activities. Are you suggesting that you cannot have enough food inspectors and you want the police officers to take action under this Act?

Shrimati Purabi Mookerjee: Even if sufficient number of food inspectors are there, they are not fully trained in the detection of crimes as the police officers with the result that the real offender will be let loose and only the small fry will be caught.

श्री तुलसीदास जाधव : मैं अपनी बहन से जो उन्होंने अभी कहा उस का जरा खुलासा चाहूंगा। जब एडल्टेशन होता है तो उस वक्त हमारे फूड इंस्पेक्टर उसका नमूना लेते हैं लेकिन जो चीज पीछे बच रहती है उस माल को डिस्पोज करने का कोई बंदोबस्त नहीं है ? उस माल को जब्त करने या डिस्ट्राय करने का क्या अभी कोई प्राविजन है ? फूड इंस्पेक्टर तो उस एडल्टेड माल का सम्पुल भर कर ले जाता है लेकिन पीछे जो तमाम माल बच रहता है उस माल का क्या होता है ? उसको पुलिस द्वारा कब्जे में लिया जाता है या उसको नष्ट किया जाता है उस के लिए अभी कानून में क्या कोई प्राविजन है ?

सभापति महोदय : एकमें वजन है।
It will be seized and sealed.

Shri Tulsidas Jadhav: For how long?

Chairman: Until the analyst report comes and the case is decided.

Shrimati Purabi Mookerjee: The present provision is "until the court has decided".

Shri Tulsidas Jadhav: What is your difficulty then? You say that the whole foodstuffs should be destroyed when the sample is taken.

Shrimati Purabi Mookerjee: You have missed my point. These are two different issues.

Shri Hari Vishnu Kamath: Before I put you the question permit me to express the hope that your counterparts in other States of our country display the same earnestness, or are motivated by the same earnestness

which you have shown before the Committee this morning. Your wide experience, your valuable experience as Health Minister of West Bengal for all these years—for how many years are you holding this portfolio?....

Shrimati Purabi Mookerjee: Only six months. I was Minister for Social Welfare and Jails before I became the Health Minister six months back. But what I am presenting here is the decision of the whole cabinet.

Shri Hari Vishnu Kamath: You have made a somewhat astounding proposition or proposal that the sub-inspectors of police should be invested with the powers, functions and duties of food inspectors under the present Act. But I hope you realise that by making such a proposal you are expressing, if I may say so, indirectly though it be, lack of confidence in your own machinery, the machinery which you have at present?

Shrimati Purabi Mookerjee: No. If there is any difficulty, it is due to the lacunae that exist in the Act. I have full confidence in the food inspectors that are being employed under this Act.

Shri Hari Vishnu Kamath: May I invite your attention to rule 8 of the extent rules which prescribes qualifications for food inspectors, not for Directors of central laboratories, medical officer in charge of the health administration for local areas, graduate in medicine, associate in medicine and so on. Do you seriously suggest that all the qualifications that are prescribed under rule 8 of the present rules should be waived or relaxed in the case of police officers?

Shrimati Purabi Mookerjee: 'Waived' is not the proper term. Our recommendation was that police officers, not below the rank of sub-inspectors, should be invested with powers while dealing with the provisions of this Act. I know that most of the sub-inspectors will not have the qualifications that have been enumerated in rule 8, but there are other factors

which have to be taken into consideration, the factors being the experience of a police officer to detect crimes, the machinery for detecting crimes at the disposal of the police officers, the training available to the police officers for detection of crimes etc. Because I visualise that the food inspectors will only collect samples. Their decision about whether an article is adulterated or not is not final. It has to be analysed in a public laboratory. So, if the food inspectors can take a sample, I would suggest that special provisions should be made for including the police officers also so that they can take samples and send them for analysis, because the ultimate judgement will depend upon the report of the analysis, not on the eye examination of the food inspector.

Shri Hari Vishnu Kamath: So, I take it that either because you think the food inspectorate machinery is inadequate or because the police machinery is more efficient and less corrupt than the food inspectorate you are of the view that the rules, as they are at present, should be overhauled and recast.

Shrimati Purabi Mookerjee: No, I do not accept either of those suggestions. I do not feel that my food inspectors are incompetent or inefficient. I was referring to the system the organisation that is at the disposal of the police in every rural area, in every village and town, as compared with the machinery at the disposal of the food inspectors. In any case, ultimately for securing conviction they will have to depend on the analysis report of the laboratory. So, why not empower the police officer, irrespective of whether they are medical graduates or not, whether they have training for testing or not, with the powers of the food inspectors? After all, they have more suitable machinery for detection of crimes. Because, my whole concern is to detect crimes. From personal experience I can say that big offenders are let loose because the food inspectors are not able to catch them. I want to take

the help of the police to catch them and punish them. Here may I refer to section 14 of the present Act which says:

"The Central Government may, by notification in the Official Gazette, appoint any person to exercise the powers of a food inspector under sections 10 and 11—

(a) at any major port, airport or land customs station, in respect of any article of food, and

(b) in respect of any railway station.."

It can be done by the Government of India even now.

Chairman: That section is going to be dropped under the amending Act.

Dr. Sushila Nayar: It is being dropped because there is another section empowering the Government of India to appoint food inspectors. So, when a general power is provided for, there is no need for a special provision for ports etc.

Shrimati Purabi Mookerjee: I think I have wasted much of your valuable time on this point. On behalf of the Government of West Bengal I feel that we will be able to bring to book more criminals of food adulteration if we take the help of police officers and appoint them as food inspectors instead of merely relying on the present machinery alone.

Shri Hari Vishnu Kamath: I am glad to hear that from you, Shrimati Mookerjee. It logically follows, as night doth follow the day, from your proposal that the enforcement machinery at the disposal of the Government at the moment is insufficient.

Shrimati Purabi Mookerjee: No, I again refer you to the lacuna in the Act. The Act was not so suitably amended that we could catch hold of the big traders. You did not provide it in the central Act. So, under the protection given by this Act these big

traders are going scotfree. Either you should amend this Act suitably so that in each case of adulteration it is traced back and the big trader behind this is caught, or you take it for granted that there will be adulteration, whether you have Police officers or Food Inspectors or not. I am not dissatisfied with the present machinery. I only want to tell you that because they are getting this protection and because the police have no jurisdiction to take action under this Act, they are going scotfree.

Mr. Chairman: We will meet again at 4 o'clock.

(The witnesses then withdrew)

(The Committee then adjourned to meet again at 16.00 hours)

(The Committee reassembled at 16.02 hours.)

1. Shrimati Purabi Mookerjee, Minister of Health, West Bengal.

2. Shri B. R. Gupta, Secretary Department of Health, Government, of West Bengal.

(The witnesses were called in and they took their seats)

Chairman: Let us proceed now. Mr. Kamath wanted to put some more questions.

Shri Hari Vishnu Kamath: Mrs. Mookerjee, I am sorry to say that in spite of your best efforts, the statement that you made this morning is not convincing, that is, the statement that you made that it was not because of your experience as Minister and even earlier as a leader of the party in West Bengal that your food inspecting machinery has been found to be inadequate, or insufficient, to cope with this menace and that is why—that my counter-argument—you have got this proposal of investing police officers with these duties and powers of food inspectors. You say, it is not so. Why should we have then this police machinery at all?

Shrimati Purabi Mookerjee: Madam Chairman, I explained this great

length, the difficulties of food inspectors in detecting the crimes, the difficulties of food inspectors in getting the finger prints, the difficulties of identification of crimes and other things. So, I think, along with the food inspectors, if the police officials are also given the powers, it will be better administered. I do not accept the position that the food inspectors in my State at least are incompetent or they are less efficient. But to facilitate the whole thing, to bring more crimes to books, I think, the police officers should also be vested with these powers.

Shri Hari Vishnu Kamath: May I take it that the police inspectors should be invested with certain powers, but not all the powers of the food inspectors?

Shrimati Purabi Mookerjee: Not all. May I read out the powers of the food inspectors?

Shri Hari Vishnu Kamath: They are given in the Act.

Shrimati Purabi Mookerjee: I explained it at that time that the food inspector takes the sample and he sends sample for analysis. A police officer can also do that. It does not require any extra knowledge or technical qualifications for a police officer to do that. But you can also consider whether the police officer should enjoy all the powers of the food inspector or you will give them some limited powers. My main concern was to check corruption; my main concern was to bring to books the real offenders and for that I still insist that the police officer should be brought under the purview of this Act.

Shri Hari Vishnu Kamath: Would I be wrong in thinking or suggesting—I do not wish that you should divulge any Cabinet secret, here—that though in spite of your experience to the effect that your own machinery is adequate, efficient and satisfactory; it is very likely that the Police Minister

or the Home Minister of West Bengal prevailed upon you and, therefore, you have come to suggest this....

Shrimati Purabi Mookerjee: Madam, I object to this sort of question being put.

Chairman: Mr. Kamath, we should restrict ourselves to the relevant questions.

Shrimati Purabi Mookerjee: Madam Chariman, shall I make it absolutely clear that I am a Minister of the Cabinet....

Chairman: That question need not be answered at all.

Shri Hari Vishnu Kamath: I did not want any Cabinet secrets.

Chairman: I have made it clear that that question need not be answered.

Shrimati Purabi Mookerjee: Please allow me to finish only one sentence: I am a Cabinet Minister. My responsibility is a joint responsibility and the whole Cabinet is behind all these recommendations. Not only that but also my party and I myself, before coming here, consulted the leaders of the Opposition groups in my Assembly and they all agreed with our recommendations. Our Chief Minister is the Home Minister and I can tell this Committee on his behalf that the whole Cabinet of West Bengal is out to root out corruption and specially this food adulteration must be checked not only in our State but all over the country. My main purpose in coming here before this Committee was to impress upon the Members of this Committee the importance and the urgency of thoroughly changing the existing Act in order to check food adulteration effectively. I had a mind to bring forward in my Assembly a new legislation. The Members of the Assembly also put pressure on me to bring in a new legislation for the State of West Bengal. I did not do it because as much as we may wish to root out corruption or prevention of food adulteration.....

Chairman: Well, we have understood you well. I made this very clear in the very beginning that this question of Mr. Kamath need not be answered at all.

Shrimati Purabi Mookerjee: I am not answering his question because I feel below my dignity to answer this question. I want to impress on the Members of this Committee that I am quite responsible enough. As a Cabinet Minister, I am really responsible as my Home Minister is.

Shri Hari Vishnu Kamath: 'Dignity' is the wrong word for that.

Chairman: All the Members have understood your point thoroughly well. They are all enlightened Members and veteran parliamentarian. I did not allow the question of Mr. Kamath to be answered. These things also do not arise when the question has not been allowed.

Shri Hari Vishnu Kamath: Now, I proceed to the next question. I have got a note or letter submitted to the Committee by Mr. Gupta, Secretary, Health Department, West Bengal. The Minister said this morning that she wants to make no distinction as regards offence, second offence, third offence etc. and all should be punished alike, if I heard her aright. In this note by the Secretary there is a suggestion made. It says under item (2) as follows:

"Penalties provided for in the Act should be enhanced and provision should be made for compulsory imprisonment for even the first offence: penalties for second and subsequent offences should be enhanced so as to make the penalties deterrent".

There is a dichotomy between what you said and what the Secretary says and I do not know which represents the Government's view. Is it your view or the Secretary's view. Mr. Gupta's view? I want clarification on this point.

Chairman: It has been answered in the morning, whether it is on behalf of the Secretary or the Ministry. It is answered.

Shri Hari Vishnu Kamath: If Secretary makes a statement which is at variance with Minister's statement whose statement should be taken as correct?

Chairman: Is it at variance?

Shrimati Purabi Mookerjee: In the morning speech I have prefaced my arguments by telling this august Committee that we sent the memorandum in a hurry because we did not know that we will have to come to this Joint Select Committee as early as 18th. So before coming here we thought it best that instead of going without sending our views, without sending our particular point of view, it will be very difficult for the Members to understand what we have got to say. So we sent a tentative recommendation. I have every responsibility for this memorandum that my secretary has sent. In my morning speech I said that it must be a deterrent punishment. Then I said, it must be for 5 years. Again I said that I do not want to make any distinction between first offence, second offence, third offence, because from our personal experience told the Committee that it is very difficult for a food inspector to find out whether the same man once convicted as first offender and whether the same man is being again convicted for the second offence so the primary consideration before this Committee is whether the punishment will be very much deterrent and I know in implementation of this act as it is now today, before this is amended, it is very difficult to get a second offence for the same person. I again insist that if you go through the records of each State and find out for how many instances a particular person was convicted for the second offence you will find the position. In no State with this Act will they be able to tell the court, this is the man who was convicted once. So I wanted absolutely to have first offence, or

second offence or third offence to be taken out of this gradation and once for all to make it at least for 5 years. I take full responsibility of that memorandum which has been sent to you. This letter from the Secretary was sent to you on the 5th of August, 1964. This is modified by this memorandum. We can modify even that. That can be modified when I give personal evidence here. There is no point in insisting like that. We can further modify it also. Even if I go back and the Joint Select Committee does not finish its evidence I may again send another recommendation. What is the point? We are all here to help the Government of India in bringing out a legislation which is really effective which can really bring down offenders to book.

Shri Hari Vishnu Kamath: If I heard you aright in the morning, you said that these little fellows, small fry, are caught and the source is not traced, and that the big fish go scotfree. I take it you were talking from experience, experience of administration as a whole. Is it your considered view therefore that in West Bengal there have been many cases during your tenure of office as the Health Minister and as the Minister of Social Security in the past, that many big fish or some big fish have gone scotfree, and that is why you made that statement?

Shrimati Purabi Mookerjee: It is a very permanent question and I want to reply to it. In our State of West Bengal we do not produce as much mustard seed or mustard oil that we require. Most of it comes from other State. I will refer to a judgement recently delivered by a court in Calcutta. Even the agmark ghee was found to be adulterated. This is a serious situation. The source being in the other state we don't trace the root and trace the source, they will go scotfree. In my personal experience I found that because the warranty is defective when the retailer is prosecuted, he takes the plea: I have got this from

so and so. And I did not mix anything; go and check the other stock in my possession." Subsequently it was found that the other articles in his possession bearing the same mark were adulterated. Then that was traced again. Then the wholesaler was approached. He said "I have got this warranty; go and catch hold of that man who has given this warranty". But the warranty does not bear the batch number. Even the licence number is defective. The addressee is never to be found.

Shri J. C. Chatterjee: This Agmark ghee came from Verawal, Gujarat. Is it not so?

Shrimati Purabi Mukerjee: I will give you a copy of that judgement. This is the normal experience of Government, which I am explaining. The Ministry is a continuous process, whether I am there for six months or not. The warranty from the miller is defective; the licence is defective. The licence holder is not traceable. The poor retailer is punished. What should be done in such a case, because the rule making power also does not purely vest with the State Government and the Act is a Central Act and the source of supply is not my State? I have to come to you to seek remedy for this so that you take into consideration the big guys behind it, so that each case of adulteration is traceable to the source, wherever the source is—may be he is outside the State, may be he is outside India. Either you keep the warranty in another form or make the licence more perfect. The warranty should contain the batch number of the unit of production. Some expert should go at length into this question.

Shri Hari Vishnu Kamath: Now the fundamental question of supply to retailers by somebody at the source has arisen. To help you, to help the administration to solve this problem, to tackle it more successfully, would you agree to wholesale trading in foodgrains and other essential commodities like mustard oil by the Government itself?

Shrimati Purabi Mukerjee: I may tell the House that we in our State have decided to take up State trading in foodgrains; it will start from 1st January 1965.

Shri Hari Vishnu Kamath: You said that the big fish go scotfree and the small fry get caught.

Shrimati Purabi Mukerjee: Because of the lacuna in the Act.

Shri Hari Vishnu Kamath: But there have been wild, may I say, suggestions, also allegations and reports in the newspapers and magazines to the effect that the big fish go scotfree because in some mysterious way they are connected with the party in power. There were reports and allegations recently that some of these people in big business, contributed quite a sizeable sum for the Congress President's purse of Rs. 2 lakhs in Calcutta, and the Government is therefore soft to them.

Chairman: Mr. Kamath, you may refer to inefficiency in the administration. But, please do not make a reference to all these things. Madam, you also need not reply to this question.

Shrimati Purabi Mukerjee: I want to reply to this question in order to keep up the prestige of my State.

Chairman: I have requested the members not to bring in party matters.

Shri S. S. Mariswami: There was a report to this effect that a large donation was given by somebody who is not above-board in his dealings. I think Mr. Kamath referred only to that.

Chairman: I am requesting the Minister of West Bengal that if she can restrict her answers to the points it will be much better and we shall be able to cover all points.

Shrimati Purabi Mukerjee: I do not want to go back with some charges.

Chairman: Some of the questions I do not want you to answer.

Shrimati C. Ammanna Raja: If a question is ruled out of order, it should not be answered.

Chairman: Her speech itself was quite enlightening to all of us.

Shri Hari Vishnu Kamath: It might have enlightened you, but in my opinion it has obscured the issues.

Chairman: There should not be repetitions.

श्री के० एल० बाल्मीकी : अभी कामत जी ने एक अलग तरीके से प्रश्न किया है। पार्टी का उस में नाम न भी लिया जाए तो भी यह बात जरूर है कि कुछ बड़े प्रभाव हैं, धन के, पद के, मान के.....

सभापति महोदय : आप सवाल पूछिये।

श्री के० एल० बाल्मीकी : वही मैं पूछ रहा हूँ। इन प्रभावों के कारण बड़ी मछली या छोटी मछली छूट जाती है। यह बतलाने की कृपा की जाए कि वे क्यों छूट जाती हैं और वे प्रभाव क्यों हैं ?

Shrimati Purabi Mukerjee: Madam Chairman, the question is whether the high Government officials or the Ministers are in collusion with these big traders.

Chairman: He does not mean that.

Shri Hari Vishnu Kamath: They are in some mysterious way connected with them.

Shrimati Purabi Mukerjee: That is collusion.

Shri Hari Vishnu Kamath: The word 'collusion' has a bad odour about it.

Shrimati Purabi Mukerjee: If any high official or those who are in the Government of my State are in any mysterious way connected with this group of people, why should I, as the Health Minister of the Government of

West Bengal, come here to give evidence before the Joint Select Committee so that the lacunae and the defects of this Act are rectified? Is it not ample proof that really the officials, the Government and the Ministers in West Bengal are serious about implementing each section of this Act very rapidly?

Shri Hari Vishnu Kamath: You said, if I understood you aright, that you are here to get the lacunae in the Act removed. The lacunae may be there, and what might happen in future is known to God only, but so far one of the main reasons why the big fish went scotfree was not the alleged lacunae in the Act, but some mysterious connection between the big fish and the high ups in the administration. If you say no, it is all right.

Shrimati Purabi Mukerjee: The big fish went free because they did not belong to West Bengal, but came from outside the State. This Act does not empower the State Government to take suitable action beyond the jurisdiction of West Bengal.

श्री के० एल० बाल्मीकी : बंगाल की मछलियां दूर फेंकी जाने लगी हैं। यह तो कोई बरदाश्त नहीं कर सकता।

Shrimati Purabi Mukerjee: I will refer this Committee to the judgment that has been passed in a recent case on food adulteration.

Dr. C. B. Singh: You have mentioned very categorically that you and your Government are very anxious to eradicate this evil from your State. May I know if it has come to your notice that mustard seed is adulterated with *arjuman* seed?

Shrimati Purabi Mukerjee: The analysts' report did not show *arjuman* as such, but it amply showed that the ingredients were injurious to health.

Dr. C. B. Singh: Is there any other adulterant which you have found in your experience which is injurious to the general public in West Bengal?

Shrimati Purabi Mukerjee: In 1962 there was only one case of adulteration of mustard oil with *bakra* oil. It does not have instantaneous effect, but cumulative effect. In the course of this year, we have received two or three instances of mustard oil being mixed with mineral oils. Except these two very harmful things, adulteration is being done mostly with the help of other types of edible oils.

Dr. C. B. Singh: You have suggested deterrent and exemplary punishment viz., a minimum of 5 years R.I. Do you agree that something more drastic—like public flogging—may be awarded as punishment?

Shrimati Purabi Mukerjee: I do not mind. If the Constitution permits that, I have every intention to do it.

Dr. C. B. Singh: You have suggested that the police inspector should be given very wide powers and the food inspectors should be protected. Have you realised that by giving all these powers to the food inspectors, there is likely to be some more trouble about the food inspectors?

Shrimati Purabi Mukerjee: Till now the food inspectors did not enjoy wide powers, but only limited powers. I do not think by giving more powers to the food inspectors, will be wrong in any way, because if some of the food inspectors are found to be misusing their powers, we can suitably punish them.

Dr. C. B. Singh: If we increase the punishment, those who are criminally-minded and who charge Rs. 100 or Rs. 150 now will further increase their charges. Have you thought about that?

Shrimati Purabi Mukerjee: What is that charge? Is it a legal charge or bribe?

Dr. C. B. Singh: Bribe.

Shrimati Purabi Mukerjee: It is not the experience in the State of West Bengal. If it is bribe, why

allow him to charge any bribe at all? You must punish him. The West Bengal Government is competent enough to punish those food inspectors who misuse their powers.

Dr. G. S. Melkote: Are you aware that even today food inspectors are misusing their powers and the food distributed to fair-price shops is made to go underground so that both the inspectors and the shopkeepers can make some money?

Shrimati Purabi Mukerjee: The food inspectors under this Act are entirely different from the food inspectors of the Food Department.

Dr. G. S. Melkote: Is it possible for these inspectors to do that?

Shrimati Purabi Mukerjee: It is not our experience.

Shri K. Damodaran: The witness stated that the West Bengal Government had been implementing the existing Act most vigorously and rigidly. May I have some idea as to the nature of that rigid implementation and the results achieved?

Shrimati Purabi Mukerjee: In the rural areas of our State the sanitary inspectors are appointed as food inspectors by the Municipality. In the Corporation area we have asked the Calcutta Corporation to appoint more food inspectors. We have told the Corporation that if necessary they may come to us for financial assistance. We have also asked the police to help the food inspectors in carrying out the provisions of this Act. We had a conference with the Enforcement Branch, the police officials, the port authorities, the railway authorities, the Calcutta Corporation, and the Health Department and we came to the conclusion that whether there is any provision under this Act or not we will have to take all steps to stop food adulteration under the Defence of India Rules, the Anti-profiteering Act or even the Preventive Detention Act. We are not only

enforcing this Act but we are also taking the help of other Acts to stop food adulteration.

Shri K. Damodaran: From the newspapers one gets the idea that Calcutta is one of the main centres of food adulteration. But from the figures supplied to us we find that in West Bengal only about 9000 samples of food were examined whereas in States like Maharashtra, Punjab, Madras etc., two to three times that number of samples were examined. Even out of these 9000 cases 2429 cases were found to be adulterated, but only in 1900 cases prosecutions were launched. This shows that more than 500 cases of adulteration were not taken up at all for prosecution and they were let free to go on with their adulteration.

Shrimati Purabi Mukerjee: Prosecution starts only after adulteration has been found out on analysis. Because there are only eight public laboratories, it takes much time to get the analysis. After the report is received, some time is lost in locating the real culprit. Unless this process of detecting the real culprit is more simplified, this time lag cannot be avoided. For the simplification of this process we have suggested change in the form of warranty giving the full address in the licence. We have given our recommendations for speeding up prosecution. But, as soon as adulteration is found out, the stock is seized.

Shri K. Damodaran: Were the stocks seized in these cases?

Shrimati Purabi Mukerjee: Yes, in most of the cases.

Shri K. Damodaran: From the figures supplied to us we get the impression that other States are doing far better in the implementation of the existing Act. I feel that what is being done in West Bengal, even under the existing Act, is not enough.

Shrimati Purabi Mukerjee: If I reply to the first part of your question you will get the reply you want. Our main difficulty is that our food articles are mostly supplied from States outside West Bengal. We do not produce even one-fourth of our requirements of mustard oil, food-stuffs and spices; the rest we import from outside in which adulteration is rampant. The provisions of the present Act are inadequate. They do not sufficiently empower the State Government to bring to book all offenders.

Shri Deokinandan Narayan: You said that most of the mustard oil which you need is brought from outside and that is adulterated. Does it mean that what is produced in Bengal is free from adulteration?

Shrimati Purabi Mukerjee: I do not mean that. I include my State also. But we produce only a negligible proportion of our requirements; perhaps less than 25 per cent. Our Chief Minister declared on the floor of the House that he has already passed an order prohibiting the import of any mustard oil or mustard seed from other States which do not bear 'Agmark'. The comic part of it is, since we passed that order we find that adulterated ghee comes with 'Agmark'. What are we to do?

Shri Deokinandan Narayan: Your Secretary has said that your State is producing about 25 per cent of your requirements. Have you found out whether your factory owners are adulterating their products at that very stage? If so, have you prosecuted any of them? What are the results?

Shrimati Purabi Mukerjee: There were a few such instances. There is one concern in Manitala area, a very big one. I cannot tell you the name offhand; the owner does not belong to that place. That person has been detained under the Defence of India Act.

Shri Deokinandan Narayan: You suggested that the minimum punishment should be five years. Do you mean to say that it should be made applicable to even small vendors who mix water with milk?

Shrimati Purabi Mukerjee: Why not? After all, adulteration is adulteration whether it is on a small scale or a big scale.

Shri Deokinandan Narayan: Then you said that such offences should be made non-bailable and there should be no appeal. Is it permissible under the Constitution and the rules of the High Court?

Shrimati Purabi Mukerjee: It is for the Joint Committee to consider whether such a provision should be made. I think any offence can be made non-bailable under the Constitution. On the question of appeal, I am not sure whether an amendment is necessary or not.

Chairman: In any case, it is for the Committee to consider.

Shri Deokinandan Narayan: Then you said something about the payment of compensation for food articles destroyed if afterwards it is found that the food was not adulterated. Have you any idea of the magnitude of the amount that will have to be paid in each State if there is such a provision?

Shrimati Purabi Mukerjee: There is already a provision to that effect in the Act.

Shri C. M. Kedaria: It is our experience that more the power vested with the police officers more the misuse. In spite of that, does she want the police officers to be vested with powers under this Act?

Chairman: She has made it clear more than once.

Shri C. M. Kedaria: She has said that the Act should be implemented or enforced rigidly and severe punishment should be given when a case is

detected? Will it not result in innocent persons being prosecuted and held responsible and real culprits going scotfree?

Shrimati Purabi Mukerjee: I have dealt with it as point No. 9 in my note.

Shri Tulshidas Jadhav: You have suggested amendment of section 8 in order to give protection to the vendor. As all the safeguards have been provided, what more do you want?

Shrimati Purabi Mukerjee: We want a change of the form. Also we want to define the word "vendor" because under the present Act a vendor is "anybody who sells or offers to sell or who deals in any trade in foodstuffs". In that case, how can you make a distinction between a small vendor and a big vendor? So, you have to define the word more definitely.

Shri Tulshidas Jadhav: You said that adulteration is more in Bengal, particularly in mustard oil. If there is strict enforcement of the Act by the Government why should there be so much of adulteration?

Shrimati Purabi Mukerjee: I have said more than once that adulteration is done somewhere outside Bengal and we are forced to swallow that adulterated food in Bengal. The source of supply of that adulterated food is somewhere outside Bengal.

Shri Tulshidas Jadhav: That I know. But when foodstuffs come into the State from outside, why do you not check them then?

Shrimati Purabi Mukerjee: For three reasons we cannot check it properly. The existing Act does not allow the State Government officials to go to the railway yard or to the port, that is, to the places where the goods first arrived. After they arrive they are distributed to thousands or lakhs of channels. The food inspector has to go, chase those channels and detect it.

Shri Tulshidas Jadhav: But, now under the amending Bill, the railway stations and the ports come within the food inspector's jurisdiction.

Shrimati Purabi Mookerjee: That will not be sufficient.

Shri Tulshidas Jadhav: You may be having a list of the wholesalers. So why do you not check them in the godowns of the wholesalers when they are brought there from the railway station or the port?

Shrimati Purabi Mookerjee: After the articles reach there they are hypothecated in a bank. It is done in West Bengal mostly. The food inspector cannot go and check the hypothecated article. It is banned under the Act. So, we have suggested a new section in this Act so that we can also touch hypothecated goods.

Shri Tulshidas Jadhav: Have you any confidence that it will be stopped if we enhance the minimum punishment to five years when there is a shortage of foodstuffs, mustard oil etc.?

Shrimati Purabi Mookerjee: If this clause is simultaneously implemented throughout India in all the States, then and then only it can reasonably be expected that adulteration will be stopped for ever.

Shri Tulshidas Jadhav: The implementation of the Act is under your Government. Is it not so?

Shrimati Purabi Mookerjee: Yes, it is so.

Shri Tulshidas Jadhav: And you are in the Government. So, what is the difficulty in checking it at least in your State?

Shrimati Purabi Mookerjee: The main adulterated foods come from outside my State.

Shri Tulshidas Jadhav: Every food-stuff is brought from outside?

Shrimati Purabi Mookerjee: Mainly the items which are adulterated are scarcity goods, like edible oils, ghee, spices and we do not produce them.

Shri Tulshidas Jadhav: Am I to understand that foodstuffs which are produced in West Bengal are not adulterated at all?

Shrimati Purabi Mookerjee: No, I do not claim that. They are also adulterated. But what I want from this Joint Committee is that, firstly, each State must very rigorously implement the provisions of this Act, secondly, all the defects and lacunae in this Act should be removed and it should be amended and, thirdly, there should be complete co-ordination between the trade and the State Governments so that even for goods that pass from one State to another through trade channels the State Government takes full responsibility of looking into the fact whether the goods are adulterated or not. Even if I want to do it in my State, I cannot do it because I do not grow all the food. If I can do it, I can bring forward another Act there to punish them. But then why should I have come here? I only came here to say that all the States should make a joint effort to root out altogether this adulteration of foodstuffs.

Shri Tulshidas Jadhav: In your opinion should the implementation of this Act be by the Central Government or by the State Governments?

Shrimati Purabi Mookerjee: By both. Within the State the State Government should have full powers to do it, but if a State Government fails, the Central Government should swoop down on it and tell it, "You are not doing your duty; so, we take away that power from you". I do not mind that.

Shri Tulshidas Jadhav: Then the Corporations and the Municipalities should also be given powers.

Shrimati Purabi Mookerjee: They are also responsible bodies. Why should I not vest them with this power?

Shri Tulshidas Jadhav: Will there not be any local influence brought on the food inspectors then?

Shrimati Purabi Mookerjee: I do not think so. Specially in my State that is not the problem.

Shri G. Mohanty: Are the Cabinet Ministers, Members of the Assembly and also members of the opposition all unanimous in their support for your proposal that there should not even be any bail and power to appeal to a vendor?

Shrimati Purabi Mookerjee: I did not even write it in my memorandum that no appeal should lie because I know that there may be some constitutional difficulties about the question of appeal. I wanted the Joint Committee to consider this point.

Shri Tulshidas Jadhav: How many articles of foodstuffs produced in West Bengal were analysed by you and how many of them were found to be adulterated?

Chairman: You are entering into details.

Shrimati Purabi Mookerjee: I might submit that we have taken the burden of all the States of India for refugees and whatever we grow does not meet our demand for essential items.

Shri Tulshidas Jadhav: Are some articles produced in West Bengal or not?

Shrimati Purabi Mookerjee: Rice is produced there.

Shri Tulshidas Jadhav: Only rice? Nothing else?

Shrimati Purabi Mookerjee: Mustard oil also, but very little.

Shri Tulshidas Jadhav: Is there no adulteration in rice?

Shrimati Purabi Mookerjee: Generally, no; but, maybe, in some places people have some complaints.

Shri Deokinandan Narayan: Calcutta is a very big city and there are dark corners spread all over Calcutta. Someone told us yesterday or this morning that adulteration is going on mostly in dark areas and not in the open market or factories. Adulteration is always done in places that are not easily detected. So, I would like to know if there are such dark places where adulteration of ghee, spices etc. is going on.

Shrimati Purabi Mookerjee: It cannot be that there is no dark place, all are open and all are enlightened.

Shri Deokinandan Narayan: No, no. Adulteration is not going on in the open market or in the factory or in any shop.

Shrimati Purabi Mookerjee: Naturally.

Shri Deokinandan Narayan: I want to know from you how far your police is helping you to detect such cases.

Shrimati Purabi Mookerjee: Where is the scope of the police here under your Act?

Shri Deokinandan Narayan: Your police is there.

Shrimati Purabi Mookerjee: How can I explain on the activities of those persons who do not come under the purview of your Act?

Shri Deokinandan Narayan: There are so many other Acts. There is the D.I.R. Are you helped by your police in detecting such cases?

Shrimati Purabi Mookerjee: Of course. Already 3000 persons are in jail.

Shri Deokinandan Narayan: What I mean to say is, if your police is so very alert—that is what we have understood from you—has your police helped you in detecting such cases and, if so, how many cases were detected by your police during the last year. That is my question.

Shrimati Purabi Mookerjee: Madam, Chairman, I do not want to reply to this question because if you

include the police officers under the purview of this Act, then and then only you could ask whether the police officers have discharged their duties efficiently and dutifully.

Chairman: If you do not wish to answer the question, then it is all right.

Shri Deekinandan Narayan: She said in the morning that the police are working under several Acts, the D.I.H. and for this very purpose. How can she say that they are not working?

Shrimati Purabi Mookerjee: How can I give the number as to how many cases were detected during the last year?

Chairman: If you are not able to give the figure, then it is all right.

Shrimati Purabi Mookerjee: I can only say that my State Government along with other police officers in different branches and under the different Acts that exist today are taking suitable action in each case that is noticed.

Shri J. C. Chatterjee: Has it come to your knowledge that in West Bengal some of the food inspectors keep even motor cars and some inspectors' children are educated in England and other foreign countries?

Shrimati Purabi Mookerjee: You mean these food inspectors under this Act?

Shri J. C. Chatterjee: Present-day food inspectors.

Shrimati Purabi Mookerjee: There are different types of inspectors with different pay scales. The food inspectors under this Act are paid only Rs. 135 a month. How can they maintain a car? If they do, they are corrupt officers and if you can kindly give me the specific cases, I will take suitable action under the law.

श्री के० एल० बाल्मीकी : आपने कहा है कि जो मिलावट करते हैं उनमें से बड़े लोगों की जड़ कलकत्ता या बंगाल में नहीं है बल्कि बाहर है। क्या आपका यह मतलब है कि कोई इंटर-स्टेट गैंग है जो इस तरह मिलावट का काम करता है। और अगर आप यह समझती हैं कि ऐसा गैंग है, तो उसको खत्म करने के लिए आपका क्या सुझाव है ?

Shrimati Purabi Mookerjee: Madam Chairman, perhaps the hon. Member did not understand me. Otherwise, he should not have put this question. I want to tell this Committee only one thing. I thought the purpose of this Joint Select Committee was to ask us to give our experience as to how this Act was being implemented and to suggest how it can be more effectively implemented and get the Act suitably amended.

Chairman: Yes, that is the purpose. The hon. Member wants to know whether there is any inter-State gang dealing with all these things.

Shrimati Purabi Mookerjee: I do not know.

Chairman: That is a very simple answer. That is all.

श्री के० एल० बाल्मीकी : मैं यह पूछना चाहता हूँ कि जो ऐसे दुकानदार हैं, चाहे वे रिटेलर हों या होल सेलर, जिन पर कि पिछले बीस साल में कभी मिलावट के लिए मुकदमा नहीं चला है और जो कि अच्छा काम कर रहे हैं, क्या उनको किसी प्रकार का पारितोषिक देने की बात आप उचित समझती हैं ?

Shrimati Purabi Mookerjee: The trader is rewarded by the consumer if he does his business honestly.

श्री के० एल० बाल्मीकी : जिस तरह से अन्य लोगों का आदर किया जाता है सरकार की तरफ से, या प्रसीडेंट या गवर्नर की ओर से, इसी तरह से ईमानदार दुकानदारों का आदर करना उचित है या नहीं ?

Shrimati Purabi Mookerjee: Let the Joint Select Committee send a recommendation for that.

Chairman: Now, I would like to ask this question.

Shrimati Purabi Mookerjee: Before you do that, I want to suggest one or two things more. There is Section 22 where a question of intention has been raised in the original Act. It is a very difficult thing to find out. I think the Joint Select Committee should consider whether that should be retained or not.

I also want to raise another point. Under some Section companies have been defined. But what about the State enterprises? What about the public sector? What about some commercial undertakings under the charge of either the State Government or the Government of India? Who is to find out adulteration and how they are to be punished? That should also be defined.

Chairman: The Committee is thinking over all these things.

I want to ask this question. In the year 1962, the West Bengal Government examined 9,492 samples and out of them 2,429 were found adulterated. What I mean is this. As compared with the number of samples taken in other States, it is a very small number. May I know the reason for this small number of samples taken and analysed?

Shrimati Purabi Mookerjee: I could not tell you off-hand. I want to stress only one thing. This rampant adulteration started only a few months back as soon as the scarcity conditions were there.

Chairman: As compared with the figures of the same year in the other States, your number is very small.

Shrimati Purabi Mookerjee: I understand that is the main point that we wanted to tell you. As soon as the scarcity conditions were created

throughout the State and other parts of India also, about these essential commodities, like, mustard oil, mustard seeds and some other things also, it came to our notice that there is a large-scale adulteration going on. The Calcutta corporation only had some 12 or 13 food inspectors and now they have raised the number to 22. They have raised upto 22 and we have asked them to increase more. This happened because there was not sufficient number of food inspectors. So it was not done in that way. This food adulteration was not rampant at that time. Now at the present moment we have acute scarcity in all the essential food articles in West Bengal. It started in the early part of July. It continues up till now.

Chairman: Scarcity should not be the defence for adulteration. That is the thing. All over India, from the point of view of the whole country, we are considering this. Compared to the sample tested in Madras, Maharashtra, U.P. and other States this number is very small. In West Bengal there are 13 laboratories. In Maharashtra there are 5 laboratories.

Shrimati Purabi Mookerjee: I will check it up.

Chairman: Even in Calcutta the sample tested is 2,000. The proportion is one per thousand.

Shrimati Purabi Mookerjee: That is the jurisdiction of Calcutta corporation.

Chairman: The second question. You said the State has no jurisdiction over the manufacturers who are sending articles from outside your State. What are the articles if at all which go outside from your State? Are there any such complaints as regards adulteration from other States? Have you informed the other States of the adulteration made by those States with regard to the articles sent to your State?

Shrimati Purabi Mookerjee: We have sent to the Government of India for that.

Chairman: You said there is no jurisdiction over the other person residing in other State. According to the provision of the Act if the adulterated article is found in the possession of retailer or wholesaler or whoever he may be, action can be taken. Wholesaler is brought to the court. He may try to throw away the responsibility on the shoulders of the manufacturers. But if the manufacturer is made party to this under section 179 of the Criminal Procedure Code when he is outside that State proper action can be taken. Are there any such cases in your State?

Shrimati Purabi Mookerjee: When the food inspector prosecutes a case, he prosecutes under the Prevention of Food Adulteration Act of 1954. The section that you have mentioned here, that comes under criminal procedure. That is not here.

Chairman: That is applicable to the provisions of the Prevention of Food Adulteration Act. Under Section 179 of the Criminal Procedure Code the magistrate can call him. Suppose wholesaler is brought to court?

Shrimati Purabi Mookerjee: Where he is to be found? The warranty or address goes to the wrong address. The man is not traceable. I asked my legal opinion about it.

Chairman: Under section 6 there is provision. Under the new amendment there is provision. Wholesaler or retailer has to disclose the name of the person from whom he got the articles. That will be sufficient?

Shrimati Purabi Mookerjee: After the amendment is done. But in the existing Act there is no such provision. I would request, consider the question of retaining the warranty and change the form to suit the purpose. Warranty cannot give immunity to the big person, the miller or the wholesaler. If you change the form the warranty will bear the signature, the address and also the licence number and batch number.

Chairman: I may say, we are adding in the rules that the cash memo should bear all these things. In rules the duties of the food inspector will be defined.

Shrimati Purabi Mookerjee: Not only duties, but I want special provision under this Act so that the State Government can appoint police officer also to collect samples and send the samples to the laboratories to seize the stock if it is found to be adulterated and to prosecute in that case.

Chairman: We have got that point. Which duties of the police officers should be shifted to the food inspectors?

Shrimati Purabi Mookerjee: It has been stipulated that the Central Government may by notification in official gazette appoint any person to exercise the powers of food inspector under section 10 and 11. I want this power of State Government to be retained so that the police officers can be appointed as it was done in section 14.

Chairman: She is in favour of retaining the Section 14.

Shrimati Purabi Mookerjee: We will not appoint them specifically. They will be deemed to be Food Inspectors for the purpose of this Act.

Shri Tulshidas Jadhav: That will be only for Railway Stations and major ports.

Shrimati Purabi Mookerjee: That is there under Section 14—The Central Government may, by notification in the Official Gazette, appoint any person to exercise the powers of a food inspector under sections 10 and 11—(a) at any major port, airport or land customs station in respect of any article of food which is being imported through such port or station; (b) in respect of any railway station or group of railway stations where food is being sold. If you see 14(2) it reads—Every person appointed or authorised under sub-section (1) shall be deemed to be a food inspector for the purposes of this Act.

Shri Tulshidas Jadhav: It is removed now.

Chairman: Section 14 is to be amended.

Shrimati Purabi Mookerjee: You are deleting Section 14 altogether. You are giving powers to the State Governments to appoint Food Inspectors for the ports and railway stations. Similarly, I want this section to be kept for the purpose of appointing Police Officers as Food Inspectors.

Shri Tulshidas Jadhav: Clause 14(2) should remain there.

Shrimati Purabi Mookerjee: Not in this form. You can suitably amend the rules.

Shri Yamuna Prasad Mandal: If any other laboratory equally good, equally organised and equally efficient furnishes a report about adulteration, should it not be taken as good as the report of the Central Laboratory?

Shrimati Purabi Mookerjee: That will serve our purpose. We will get the help of more laboratories, if they are authorised also.

श्री के० एल० बाल्मीकी : मान लीजिये कि सैम्पल लिये जाते हैं, जिन में से एक सेंट्रल फूड लेबोरेटरी में और दूसरा किसी प्राइवेट लेबोरेटरी में एनेलिसिस के लिए जाता है और दोनों के रिजल्ट्स में फर्क है। कैमिस्ट्री तो एक परफेक्ट साइंस है। इस का मतलब है कि वहां पर ह्यूमैन एरर हुआ है। क्या उस ह्यूमैन एरर का फायदा देना चाहिए ?

Shrimati Purabi Mookerjee: Under this Act any analysis of the Central Laboratory cannot be challenged. We have to accept it, right or wrong. The question that my friend raised is whether we can appoint more private laboratories and authorise them to undertake the analysis; I have no objection if such a laboratory is fully equipped, if the assistants are fully qualified and if you authorise them

under the purview of this Act to undertake this process of analysis.

श्री के० एल० बाल्मीकी : क्या आप की जानकारी में कलकता में ऐसे केसिज हुए हैं, जिन में कोर्ट ने प्राइवेट एनेलिस्ट की फाइंडिंग को सरकारी और सेंट्रल फूड लेबोरेटरी की फाइंडिंग से ज्यादा करेक्ट पाया है ?

Shrimati Purabi Mookerjee: The Central Laboratory is not my laboratory.

Chairman: It is the highest appellate laboratory. The report of that laboratory cannot be questioned.

Shri Hari Vishnu Kamath: The question of Shri Balmiki was that in Calcutta and perhaps in West Bengal there have been cases where the courts have given their verdict, holding the private analysts' finding as more reliable than that of the public analyst or even of the Central Laboratory.

Shrimati Purabi Mookerjee: A private laboratory is not authorised to take any samples under this Act.

Chairman: It will not be authentic.

Shri K. L. Balmiki: The private analyst can appear in the Court and it is the duty of the Court to give consideration or not.

Shrimati Purabi Mookerjee: So long as a laboratory is not authorised the report of the analyst from that laboratory, whether it is right or wrong, is not legal in the true sense of the term which is envisaged under this Act.

Chairman: Mrs. Mukerjee, you please see Section 4 of the Amendment Bill. This is an amendment to Section 9 of the principal Act. Here it is provided that the Central Government or a State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be food inspectors for such areas as

may be assigned to them by the Central Government or the State Government, as the case may be. That is why section 14 has been dropped and two things have been combined.

Shrimati Purabi Mookerjee: In the new amendment, those persons will be appointed who have the prescribed qualifications.

Chairman: I have understood your point. Prescribed qualifications clause may be relaxed.

Shrimati Purabi Mookerjee: To accommodate Police Officers.

Chairman: Members of the Select Committee, on your behalf I have very great pleasure in extending our thanks to Shrimati Mukerjee, Minister of Health of West Bengal Government and to Shri Gupta for their

guidance and valuable information. Of course, they have been able to enlighten us on so many matters.

Shrimati Purabi Mookerjee: On behalf of the State of West Bengal, and on my own behalf and that of the Secretary, I thank you, Madam Chairman and the Members of the Joint Select Committee and also the Minister of Health of Government of India for kindly allowing us to come and give evidence before this learned Committee. If I have created any bitter impression during the course of evidence, I beg to be excused. I have said everything in my anxiety to help you and to help my State in rooting out the adulteration.

*(The witnesses then withdrew)
The Committee then adjourned.*