

The motion was adopted.

Clauses 14 to 20 were added to the Bill.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

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

MR. CHAIRMAN : Now the Minister.

SHRI VASANT SATHE : I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted.

14.12 hrs .

BUREAU OF INDIAN
STANDARDS BILL, 1986

[English]

MR. CHAIRMAN : Now Shri H.K.L. Bhagat.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H.K.L. BHAGAT) : I beg to move :

“That the Bill to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality

certification of goods and for matters connected therewith or incidental thereto, be taken into consideration.”

Sir, while moving this I would like to make the following observations :

The Indian Standards Institution was set up in the same year in which our country attained independence. It was established with the objectives of preparing and promoting standards. In pursuance of these objectives, ISI has done commendable work in formulating standards and in operating the certification marks scheme which is governed by the Indian Standards Institution (Certification Marks) Act, 1952 and rules and regulations framed thereunder.

ISI has built an image over the years both within the country and abroad. It has played a pioneering role in evolving national standards and their implementation, and in spreading quality consciousness in the country. In this connection, mention may be made of the significant part played by ISI in the introduction of the metric system in India. ISI has so far formulated more than 13,000 standards covering diverse areas such as civil engineering, chemicals, electronics and telecommunication, mechanical engineering, textiles and consumer products. At the end of October 1986, nearly 9,000 ISI certification marks licences were in operation. The certification scheme is basically voluntary in character. However for 112 items, affecting health and safety of the consumer, Government of India has made it obligatory through various statutory measures to make ISI marking mandatory for them. Government is considering to cover more products under mandatory certification marking.

ISI has played an important role as a developing country in standardisation at international level. ISI is a member and active participant in the two most important international organisations namely, International Organisation for Standardisation and International Electrotechnical

Commission. India is a member of 94 technical committees of these two organisations and has made effective contribution in their deliberations. India took a leading part in organizing the work in the sphere of standardisation, measurement and quality control under the Non-Aligned Movement and hosted the first Conference of the Group of Experts in New Delhi in 1985. ISI has so far conducted 18 international training programmes attended by participants from developing countries.

Hon'ble Members would appreciate that when ISI was established, India was on the threshold of planned economic development and massive industrialisation programme. There has been remarkable progress in various sectors of the Indian economy during the past four decades. The agricultural sector has witnessed the 'Green Revolution' which is spreading to more crops and more areas. The industrial development and growth has been phenomenal. The industrial sector has undergone structural and qualitative transformation. We have become self-sufficient in respect of almost all agricultural commodities and industrial product that we need. In fact we have developed some surpluses for exports.

In the first phase of our industrialisation we concentrated on creating new capacities, absorbing imported technologies and attaining self-sufficiency in as many products as possible. In the process, adequate attention was not paid to quality and standards of adequate goods produced. One of the most significant developments in our industrialisation has been the growth and development of modern small scale industry during the planning era which has now become a vital part of India's industrial economy.

It is in the background of these developments during the last 40 years that competition, quality and standards did not receive as much attention as is desirable in order to safeguard the interest of consumers, ensure production of goods comparable to international standards, promote exports and build up "quality

and standards culture." It is in this context that our Prime Minister emphasized recently: "The need of the hour is a national commitment to quality in all walks of life. We should not be satisfied with anything but the best in the goods and services that we produce."

It is, thus, obvious that a new thrust to the overall objectives of standards formulation, quality control and certification activities has to be given. A national strategy has to be evolved to give due recognition and importance to standards and the organization which makes them. The standards-making Institution has to gear up its activities in order to make the public and private sectors including small-scale industries to intensify efforts to produce more and more goods of quality so as to bring about faster growth, more competition, increased exports and customer satisfaction.

The standards organisation has to align its programmes with others both within the country and abroad so as to meet the challenges of dynamics of technology and industrial development. The standards organization has necessarily to dovetail its activities in accordance with the growth and development envisaged for various sectors of the economy as indicated in the Five-Year Plans and various programmes of the Government and industry. There is need for better integration of the activities of various organisations formulating standards and for this it would be necessary to have a statutory body so that Government is able to give policy directions to it. There are a number of organizations dealing with standards in the country. For a coordinated approach to standardization, it would be necessary to have a statutory institution of national importance. The proposed Bureau will thus be in a better position to achieve these objectives.

The present stage of our economic development calls for building up standards and quality culture and consciousness. This would need greater stress on (a) product standards (b) system standards covering parts and components and functions of a group of products, and (c)

[Shri H. K. L. Bhagat] standards at all levels in a unit of production. For accomplishment of such task also, it is felt necessary by the Government to have an organization as envisaged in this Bill.

For the formulation and implementation of standards, there is need for more involvement of consumers and their representative organisations. The Bill provides for representation to consumers and their organizations in formulation and implementation of standards. A notable provision of the Bill is to give to the consumer and consumer organizations the right to complain regarding quality of products.

Here I might add that the Government is considering giving the right to the consumer in other laws also, which are relevant for consumer protection. This is in line with the Government's policy of developing an effective and broad-based consumer movement in the country.

It has been felt that a more broad-based legal status to certification marks scheme has become necessary in the light of experience gained. As envisaged in the Bill a product can be brought under mandatory certification marking. The Bill makes new provisions for ensuring better adherence to standards by the licensees. The penal provisions have been made more deterrent.

While the Bureau will now become a statutory body, it will have operational freedom in its day-to-day activities. The Government will provide, as has been stated by me earlier, broad directions in terms of policies, priorities and important programmes.

Thus, the Bill envisages to broaden the activities of ISI, making its working more effective and ensuring interaction with various interests, both within the country, and abroad. The Government will provide from time to time directions to the Bureau to ensure that its activities are in line with the national policies and priorities. It is expected that with broad-

ened scope and more powers, the Bureau will meet the challenges of the Eighties and Nineties in promoting standards and quality effectively. Hon'ble Members will agree that in a fast-changing technological environment, and global competition, the provisions of the Bill are vitally important for faster growth of the national economy and in the interests of the consumers.

MR. CHAIRMAN : Motion Moved :

"That the Bill to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto, be taken into consideration".

SHRI SYED MASUDAL HOSSAIN (Murshidabad) : May I point out Madam, Chairperson, that there is no quorum in the House ?

MR. CHAIRMAN : The bell is being rung.

MR. CHAIRMAN : Now, there is quorum.

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : I welcome this Bill. In fact, it is a very very important Bill that has been brought forward for discussion in this House. Actually, this should have been brought forward much earlier in order to protect the poor consumer who was helpless all these years. I congratulate the Government that at least now it has brought forward this Bill.

All these 39 years, millions of consumers have been exploited by the manufacturers, distributors, traders and the middle-men. An estimate says that due to under-weighment of articles purchased by consumers, every year the consumers, on an average, are cheated to the extent of nearly Rs. 1600 crores. It is very strange in this country that we find very few articles that may not be adulterated or sub-standard or contrary to the standards

that have been specified on the containers of the product. The greediness among the people has increased to such a level that they wantonly adulterate almost every item including our daily consumption items like food, milk, turmeric, etc. Even life saving drugs are not spared. There are several instances where very responsible medical officers have administered outdated and expired injections to the patients and the patients have died. Even in Delhi, just before festival, when the Weights and Measures Department conducted raids on sweet shops it found that barring a few shops, almost all shops had resorted to this under-weighment. Though there is a provision that when the sweets are measured in paper boxes, they should put 50 gramme more, none is following that. Thereby the accumulated loss to the consumers in Delhi alone runs into tens of lakhs of rupees. It is a common experience that the farmers of our country are looted, cheated, duped to the extent of hundreds of crores of rupees due to adulteration...

SHRI MOOL CHAND DA'GA : I am on a point of order. There is a Prevention of Food Adulteration Act. Do you think that this Bill covers all these subjects ?

MR. CHAIRMAN : No point of order.

SHRI V. SOBHANADREESWARA RAO : Madam, you know the farmers' problems very well and you know the problem of sub-standard pesticides that are supplied to the farmers. Though technically the standards are prescribed there is lack of sufficient control over the quality of products leading to sub-standard pesticides that are supplied to the farmers because of which not only the farmers are losing money but they are getting less yield from the crops, which is another loss from them. Even in regard to fertilisers, especially in regard to fertiliser mixtures, the standard aspect is sacrificed in several companies. Even those items which we export to other countries are also contrary to the standard, contrary to the specifications, contrary to the agreement regarding the quality of the item which we are

exporting. It happened so in respect of tobacco previously when tobacco was returned back, which is a shame for the country. For several years we could not get sufficient orders from China. Only this year they have again started giving orders. What I would like to impress upon is the enormous damage due to lack of commitment by the manufacturers and by the exporters to adhere to the standards prescribed. It is resulting in the robbing of consumers and at the same time bringing very bad reputation to the country on the international front.

It may be strange to note that out of the sixteen electric bulb manufacturing units in the country, only two are having ISI certificate; the rest are not having the ISI certificate. They are following their own standards. Similarly, in regard to tooth paste also which we use daily, the weight is not as per the weight that is mentioned on the cover. It is less than the prescribed weight. In these circumstances, I congratulate the Government for having come forward with this Bill to standardise almost all articles of manufacture to protect the consumer.

In this respect, I would like to make a few suggestions regarding the Bill that has been brought forward. In clause 3 on page 4, there is a mention about the persons who are to represent. It says, "such number of other persons, to represent the Government, industry, and other interest". I suggest that representation should be given to agricultural sector and to consumers also. There should be people who have contributed to a great extent to enlighten the public, the consumers, regarding their rights, and the need to improve the quality of the articles of use. Such people also should be involved in this organisation.

In clause 5 there is an item regarding the constitution of Financial Committee, Certification Advisory Committee and like that. I suggest that a quality control committee should also be there. *Shrimati* this committee should procure different articles periodically and find out the quality, examine them and take suitable steps;

[Shri V. Sobhanadreeswara Rao]

Similarly, in respect of clause 10 regarding the powers and functions of the Bureau, there should be another item.

This Bureau should help in conducting seminars, conferences to make consumer movement a peoples movement. Because of the utter poverty conditions in this country and inspite of our commitment that everybody should be literate, still only 50% are literate in this country. In these circumstances the Government, this Bureau should try its best to inspire the consumers, the people, regarding the consumer movement. A person like Ralph Nader single-handedly was able to build up a strong consumer movement in United States of America. He fought against a giant like a general motor Company. Unless the Bureau comes to the help of the consumer; unless it take this aspect as one of its functions which cannot be done from the consumer's side.

Page 12, clause 33 :

“Any member who contravenes the provisions of section 11, or section 12 or section 14 shall be punishable with fine which may extend to fifty thousand rupees.”

There may be several instances when a manufacturer will be prepared to pay Rs. 50,000 fine because he may be getting lakhs and crores of rupees on an item which he produces. Until he is caught, he will be getting profit. So, there should be deterrent action against such people who want to make product which is not in tune with the specified standard. So, this penalty should not be Rs. 50,000 but Rs. 5 lakhs.

Some time back one higher authority had announced that in contravention to these provisions four years imprisonment will also be there. But I find it is missing in this Bill that has been brought forward before us. I request the hon. Minister to consider to include that provision also. Four years imprisonment also or at least

two years imprisonment should be there to deter such people who want to make money and rob the consumers.

Again on page 12, clause 33, there is a sentence—

“Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.”

In respect of the spurious pesticides, the distributor who sells to the farmer says that it is the fault of the manufacturer and the manufacturer says, no, it is done by the trader or he might have got it from somewhere else. My product is pucca. We are observing the standards Like this they are escaping. This fact should be taken into consideration by the Government. Scope should not be given for escaping of unscrupulous people in that manner.

Also in this clause there is no penalty for violating the standard specifications. Heavy amount of fine as well imprisonment shall also be prescribed. It should also provide scope for the consumer to sue the manufacturers if that item is not up to the standard which is specified. These consumers should have right to sue for the compensation for the loss he had incurred because of sub-standard article.

In other countries even the doctors are very careful, they are very attentive and they fear from the patient, the man who is getting the treatment from him. The moment he gets any call, he will go there and attend on the patient. But in our country there are instances where doctors have left even the patient under operation and there are some instances where live people are thrown into the mortuary also. All those persons who have done that without any shame, without any responsibility, they even try to

manhandle the people when the serious lapses are brought into open but no action is taken against them. So, in future the consumer should be protected with all necessary provisions. I agree fully with all the objects and reasons that have been stated by the Minister and I would like to make one or two suggestions more.

Our standards should also correspond to the international standards. Otherwise our trade gap is increasing, we are not able to export as our targets and objectives. Our standards also should be in tune with the international standards so that our products also withstand the competition of the international market and we get more exports, and till now no statutory power to freeze these products in case of misuse is there. This lacuna should also be taken into consideration and necessary provision should be made in respect of this also.

The proposed Bureau should also launch a training programme to acquaint its personnel with the latest technology and bring them into closer contact with consumers as well as the manufacturers. They should be made aware of several practices that are being followed in other countries and here also they should be taught. If necessary, some of them may be sent to those places so that they can discharge their duties very effectively to protect the consumer interest.

In some countries like the U.S.A. and U. K. there is testing of the products periodically and they compare the quality of different products and they make available the information to the journals that are published by the consumers' organisations thereby the consumer, the common man, will be able to distinguish what is the quality of this product or that brand and similarly, here also some such efforts should be made by our Bureau. Also the public opinion of the consumers should be taken into consideration, how people are feeling, what is their practical experience etc. Our experience at Delhi or any State Capitals may be different, but what the villagers, the common men in the remote areas, what they are feeling about the quality of the products which they are

using, that information also should be taken back by the Bureau so that it can be a helping guide for the manufacturers to set their house in order and take all necessary steps so that they follow the standards. I hope in the coming days the Government will take all necessary steps to protect the consumers in this country. In other countries on almost all items the quality is mentioned. Actually we feel so happy, we will be astonished to find the quality of the items there, but here we feel very sorry. We hope in the coming years there will be some substantial change in the supply of the articles to the people. And this Bureau of Indian Standards which is going to be set up to improve and increase the standard of all items of consumption as well as industrial products will help the consumers also and help our country to attain our due place in the international markets.

SHRI SHANTARAM NAIK (Panaji) : Madam Chairman, this Bill namely the Bureau of Indian Standards Bill, 1986, I would say, is one of the finest Bills that we have introduced during this session. Quality is our motto and the entire nation is today committed to quality. And, therefore, this Bill which seeks compulsory standardisation of articles is the most essential thing that the country needs not only for local consumption but also for increasing our exports.

The relevant clause 14 reads as under :

“If the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient so to do, in the public interest, it may by order publish in the official Gazette,—

- (a) Notify any article or process, of any scheduled industry which shall conform to the Indian Standard; etc.”

In this clause, there is a provision for compulsory standardisation of goods.

[Shri Spantaram Naik

Now which are the articles or the goods, which are required to be compulsorily standardised, are given in a different legislation, namely, the Industries (Development and Regulation) Act, 1951. In this Act, there is an exhaustive list given in the first schedule in which more than 300 articles are mentioned, coming under about 38 headings — more than 1300 articles are given which will be incorporated automatically in this Bureau of Indian Standards Act and in which the standardisation will be required. My suggestion would be that this entire schedule which is given in the Industries (Development and Regulation) Act which we have referred to and relied upon in this Bill, should have been included in the present Bill so that the list is available handy in this very Act itself. Although the idea is very clear, we have referred to the Industries (Development and Regulation) Act, 1951 and said that schedule will be applicable to this Bill. But if the very schedule has been reproduced as it is, making that schedule here, that would have been very nice.

Secondly, today various commodities are coming in the market. Take the simple example of tooth paste, as has been quoted by my learned colleague. Till today, we buy several tooth pastes on several occasions. I may say, in my family itself, there is always a conflict between myself and my wife as to which tooth paste should be used. One day, I suggested to my wife, "Whatever brand, you are using, let us mix both your brand paste and that of my brand, so that there is no quarrel between us." I am saying this because, let anyone say today, according to him, it is the best tooth paste. This education ought to have been given by the Government.

Even as far as the soap is concerned, we are using this week one soap next week other soap. Why we are doing it is because we do not know what are the standard commodities. As you see, even in washing powder, the battle is going on in TV, whether Nirma is good or Surf is good. The brands are fighting on the TV saying that one washing powder is cheap;

and the other, my washing powder is a standard washing powder and to purchase a standard washing powder, there should be *amajdari* and all these things. This conflict is there because people are not educated. The Government is also not coming forward to educate the people on the standard goods. These companies are minting money at our cost. One soap company, I have learnt, minted millions of rupees by just advertisements, saying this is the best product. So, the cost could also come down, if they have not advertised so much. If the Government has educated the people on the standard goods, we would have also benefited.

Thirdly, even in the markets, sometimes, one commodity, let us say, Dettol which we have been using for the last several years, is very good, as a disinfectant. But just because that Dettol has become very popular, one product, now Dettol Soap is coming. The other day I used the Dettol soap and my hair has started falling. I am giving this example because in one field a name has been created. There must be some standardisation because unless the goods in that line are checked, they will not come forward. Just because Ponds powder is very popular, Ponds tooth-paste cannot be that popular unless that tooth paste comes to standardisation. These are the things which should be controlled by the Government. Therefore, the Bureau is very good idea and if this Bureau acts properly, then real standardisation goals will be achieved. Whatever work Bureau has to do, it should be prescribed by the rules under the Act. The Bureau should not be given any power to frame regulation. What will then happen? The Government will frame rules and the Bureau will frame regulations. There will be a conflict and then, if one day I want to know what is the standardisation with respect to a given product, I would have to see rules framed by the Government and regulation also framed by the Bureau. If Bureau is allowed to frame regulations, I will not get that regulations. I will not get that regulation copy anywhere in the market. All standard products will be available, except

the regulation prepared by the Bureau. As for ~~as~~ knowledge is concerned, it is essential that only rules are framed by the Government and all the activities of the Government are controlled through these regulations.

The Members of the Bureau have been suggested there. My colleague has also suggested that consumer agencies will be represented.

I also suggest that at least two Members from Lok Sabha and one Member from Rajya Sabha should be there. Why I am saying this is not because peoples' representatives can create miracles. But on a subject like quality, if representatives of the people are not there, at least we may have one or two, then there would not be a real watch-dog situation there. Therefore, I suggest that at least there should be two Members from Lok Sabha and one Member from Rajya Sabha on this.

I would suggest that these goods with respect to which standardisation certificates are given should be made known to the people. How can we know? One is standard Government Gazette which generally people may not read. Therefore, in each State, at least in one newspaper, these goods for which standardisation certificate is issued, must be published from time to time, so that people are aware of this list.

Against any order passed under the Act, an appeal has been provided for under Clause 16. Wherever an appeal is provided for, the time is always prescribed in the main Act. Here it is said :—

Any person aggrieved by the order may under Section 15 prefer an appeal to the Central Government within such period as prescribed."

I would say instead of leaving this aspect to be prescribed by the rules, why not Act itself say 30 days or 40 days what-

ever it is? It should be in the main Act because this is a part of substantive law.

Coming to Clause 33 which provides for punishment, if standardisation is to be achieved with effectiveness, then it is essential that there must be very severe punishment to those who violate. Otherwise, we will not get quality goods. As my learned friend suggested, a fine of Rs. 50,000/- is not enough because if you sell a sub-standard product, you will mint lakhs of rupees. Rs. 50,000/— is nothing. Therefore, there must be some sort of compulsory fine which should be higher than Rs. 50,000/—and imprisonment to those who violate the Act with respect to standardisation. Otherwise, nobody will be bothered about standardisation. They can cheat the Government and the public and consumer like anything.

Lastly, I would submit that powers under this legislation should be given to voluntary agencies. You have taken very right initiative with respect to essential commodities. The Government is now going to vest powers in consumer organisation. Under this legislation, the statutory power should be given to voluntary organisation. The statutory power should be similar to the power which Government authorities enjoy so that they can guard and control the standardisation of goods.

[Translation]

SHRI MOOL CHAND DAGA (Pali): Mr. Chairman, Sir, I thank the hon. Minister for formulating this law but what is the objective of this law? The objective of this law is to give all the powers in the hands of bureaucrats and the Parliament will have no right over it. Bare outlines have been given and all other things will be done by the bureaucrats. There is only one thing in the section. I think it will take at least two years to frame the rules. It will increase your expenditure. You have brought this legislation in hurry without giving it proper thinking. If I am asked whether the Parliament should make it a substantive law or not, you can think what would be my reply. You can take

[Shri Mool Chand Daga]

up any clause and start it from anywhere. I read out one clause as an example.

[English]

Now, regarding constitution of the Bureau, Clause 3, Sub-Clause 3 (e) says : "such number of other persons, to represent the Government, industry, scientific and research institutions and other interests..." etc. I would like to ask : what is the 'other interests' ? It has been said 'as may be prescribed'. So, It is for the the Parliament to decide the interest. 'As may be prescribed' means by whom ? It is by the Executive Agencies, by your subordinate officers and not by Parliament. Now, you say that you want to establish a Corporation of Bureau of Indian Standards. How many members will be there ? From your point of view, it is not necessary to mention. Further, what will be the term ? We cannot say that. The qualifications of those people have not been laid down. You do not know the term of the members and as to how many members will be there. What does the term 'such number of persons' mean ? That term may mean any number like 10, 15, 20, or 100.

As far as the establishment and incorporation of the Bureau is concerned, Clause 3(1) says :

"with effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Bureau, to be called the Bureau of Indian Standards".

Now, that would be called the Bureau of Indian Standards. Regarding the term of office, it has been mentioned in Clause 3 Sub-clause (4) as follows :

"The term of office of the members referred to in clause (e) of sub-section (3) and the manner of filling vacancies among, and

the procedure to be followed in the discharge of their functions by, the members, shall be such as may be prescribed."

So, every Section, every Clause of this Bill says "as may be prescribed." You need not bother about the members. The members need not take any pains because after all you leave it to the Executive Agencies and the Bureau may with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee Clause 4(1) says :

"The Bureau may with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee which shall consist of the following members, namely" :

(a) Director-General of the Bureau... Clause 4(1) Sub-Clause (b) says :

"(b) "such number of members, as may be prescribed."

15.00 hrs.

We do not know how many members will be there on the Executive Committee. We do not know who will be the members and how many persons will be members of the Executive Committee. Clause 4(2) reads :

"The Executive Committee constituted under sub-section (1) shall perform, exercise and discharge such of the functions, powers and duties of the Bureau as may be prescribed..."

What will be the functions of the Executive Committee, nothing has been laid down. Today the few Members who are present in the House now are giving powers to whom ? It is said that there will be an Executive Committee. We do not know who will be the members of

the Executive Committee; we leave it to the bureaucrats. What will be their functions, we leave it to the bureaucrats to decide. What will be their qualifications, we leave it to the bureaucrats to decide. Procedural matters can be entrusted to them. But these are basic things. And you say here in the Bill :

“such number of members may be prescribed.”

“The Executive Committee constituted under sub-section (1) shall perform, exercise and discharge such of the functions, powers and duties of the Bureau as may be prescribed...”

We do not know what will be the duties and functions of the Executive Committee. It is the bureaucrats or your executive agencies who will decide that. The Minister of Parliamentary Affairs has to get these Bills passed hurriedly. But at least kindly lay down in this Bill that so and so will be the members of the Executive Committee, their term will be such and such their qualifications will be such and such, Otherwise, you do not know what will happen. You are giving the powers to the bureaucrats. That means, you say, it is better for Members of Parliament not to break their heads with such things, they may say just ‘yes’ and these powers may be given to the bureaucrats. Here, we are leaving everything to them. What will be the duties of the Executive Committee, how many members should be on the Executive Committee, every thing will done by them. They will decide...

MR. CHAIRMAN : Please try to conclude.

SHRI MOOL CHAND DAGA : It is a question of standards. If you hurry us like this, then the objectives will not be achieved...

MR. CHAIRMAN : I am interested in this.

SHRI MOOL CHAND DAGA : I know, you are interested. But you want to finish this Bill by 5.00 p.m. We had given notice of amendments, but unfortunately it was late and, therefore, they were not published.

Now I come to Clause 5. Clause 5 reads :

“Subject to any regulations made in this behalf, the Bureau may, from time to time and as and when it is considered necessary, constitute the following Advisory Committees for the efficient discharge of its functions, namely :—

- (a) Financial Committee;
- (b) Certification Advisory Committee;
- (c) Standards Advisory Committee;
- (d) Laboratory Advisory Committee;
- (e) Planning and Development Advisory Committees;
- (f) such number of other committees as may be determined by regulations.”

It will be a very big empire. I tell you, the bureaucrats will never allow the public representatives to function according to their will.

They will always mislead the public representative. They say such number of other committees as may be determined by the regulation. In this one sentence you can have as many committees as you like. At least there should be a big building for this. Then, it is said that each Advisory Committee shall consist of a Chairman and such other members as may be determined by regulations. Everything is done by regulations. If you want to achieve the objective then we must know at least the procedure of how

[Shri Mool Chand Daga]

will you achieve your objective. We don't know anything. All will depend upon the regulations and by-laws which will be framed by the executive agencies or by bureaucrats.

Now I come to the terms and conditions of service of DG. Clause 8(1) says :

“The Bureau may appoint such others officers and employees as it considers necessary for the efficient discharge of its functions under this Act.”

Clause 14 directs the use of the Indian Standard under a licence as compulsory on such article or process.

[*Translation*]

If there is any evil in the country it is the Inspector Raj. You will find so many inspectors such as food Inspector, Sub Inspector, Boiler Inspector, Factory Inspector etc. and these inspectors, have lined their pockets. This Bureau will also appoint inspectors. We wanted to get rid of these inspectors but like shop inspectors, holiday inspectors and food inspectors, you are also appointing inspectors here.

[*English*]

The grant of renewal of the licence under sub-section (1) shall be subject to such conditions and on payment of such fees as may be determined by regulations. Don't give powers. How much fees to be collected must be determined by the Parliament and not by the executive agencies. Then, it says :

“No appeal shall be admitted if it is preferred after the expiry of the period prescribed thereof”

What is the period ? My friend Shri Shantaram Naik just said that it is to be prescribed by the executive agencies. Give

them 60 days for appeal. What is the fee ? Nothing, all right.

Clause 25 (1) says :

“The Bureau may appoint as many inspecting officers as may be necessary for the purpose of inspecting whether any article or process in relation to which the Standard Mark has been used conforms to the...”

At least they must have fixed the number, it may be 100, 200.

[*Translation*]

It is a big country and so many things are produced here and it is, therefore, possible that separate inspectors may be appointed for 300 or 400 commodities. Whenever you appoint these inspectors, you should take their weight and after two years you will be surprised to see that their weight has increased considerably and they have become heavyweight champions.

Yesterday, I had asked a question but I did not get any reply. I will not go into details. The equipments which had become obsolete had been imported in the name of technology. These imports have been made so liberally that it has disturbed our balance of payment position and we have not been able to improve it. We are importing so many things in the name of high technology. There is more discussion on quality but you apprise us of your own standard. You should convince the Members of the Parliament. Otherwise there will be no purpose of bringing this Bill. This Bill can be implemented only when its rules and regulations will be framed.

[*English*]

You cannot implement your Bill just now. It can only be implemented provided you have got your rules and regulations framed and that will not take less than two years. Each clause says ‘as may be

prescribed' or 'as it may deem necessary'.

MR. CHAIRMAN: Please conclude. You have already taken lot of time. There are many other members who want to speak on this Bill.

SHRI MOOL CHAND DAGA: Now, I would like to draw your attention to Clause 27. It says:

"The Bureau may, by general or special order in writing, delegate to any member, member of the Executive Committee, officer of the Bureau or any other person..."

So, there will be sub-delegation of powers. The Bureau will be delegated certain powers and then Bureau will delegate these powers to other persons.

MR. CHAIRMAN: Please conclude.

SHRI MOOL CHAND DAGA: Now, I would like to draw your attention to Clause 34. Clause 34 says:

"No court should take cognizance of any offence punishable under this Act, save on a complaint made by or under the authority of the Government or Bureau or by any other officer empowered in this behalf....."

Why is it so? Why not a person can go directly and file a complaint.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): Sir, this is there in the Bill.

[Translation]

SHRI MOOL CHAND DAGA: That is why; I was saying that you should

have apprised the Members of the basic things and also the purpose of the Bill. You should have specified the standards for each commodity. No schedule has been appended with the Bill whereas the schedule is necessary for these things. I would also like to say that such a large Board should not be constituted because it will become a group of bureaucrats only and the people will face difficulty. This Bill has been brought with good motive but if you think that after passing it, the consumers will get its benefits soon, I think that is not going to happen. We are going to be here in the House for the next three years, and we shall see what happens.

That is all I want to say.

[English]

SHRI R. P. DAS (Krishnagar): Mr. Chairman, I am glad that the Bureau of Indian Standards Bill, 1986 has been brought before the House for consideration. I do not have much difference with the opinion expressed by my learned friend just now. He has gone through the Bill and discussed almost all the clauses.

The Bill has been brought before this House for two express reasons. One, the consumers in general all over the country are being robbed at every level, be it in the villages or in the big cities without any exception. Though we have the Indian Standards Institution at present, this Bill has been brought to strengthen this organization further.

Secondly, the Minister is all praise for the Indian Standards Institution, but at the same time he is also very much aware that the ISI does not have a good image in the export market. As we know, the entire internal and export market has been flooded with sub-standard and low quality goods. Even articles with ISI markings do not have a good standing in the export market.

The ISI has made a little impact in

[Shri K.P. Das]

the internal market. Only the educated people, those who are living in the urban areas, are aware of the existence of ISI and its standards, and may perhaps give a little weightage to the ISI markings while making their purchases. However, the ISI has no meaning for the people in the villages, in the hilly areas, or those belonging to the lower sections of the society, or those who are not at all educated. They are not aware of the functions of the ISI. These people are always robbed by the shopkeepers, retailers, wholesale dealers or industrialists; in fact, they become victims at the hands of all these people from whom they have to purchase their requirements.

The Minister has rightly said that this organization needs to be strengthened so that its impact could be felt on the internal and external market and the Indian articles manufactured in this country bearing ISI markings could have a ready market in India and abroad. But our hon. Minister has expressed his opinion in a press conference that consumers should stick to the ISI mark. If ISI were to be a good organisation, ensuring standardisation and having quality control, then it will certainly have a good impact on the consumers of all sorts. But if it could not be made effective, then it is going to be the same as it was in the past and in the future also, it will not make any impact either on the market or on the consumers.

There is also an idea of self-discipline in the industry. Industry has been asked to improve the quality of products. Well, it will be quite a good thing for the people if industry follows standard norms for the articles that they manufacture. It is really good if they could produce quality articles. But this is a wild cry. It has no meaning in our market. Time and again industry and other people are asked to enter into gentlemen agreements or things like that. But they never have any discipline. They are always guided only by profit motive. They only want that their articles must be sold as hot cakes in the market. They are always

guided by the principle of demand and supply and since supply is never equal to demand, they need not feel the necessity of making good quality articles. Therefore, self-discipline is a word which does not carry meaning.

There is yet another idea about consumers protection movement. You cannot organise a consumers movement from the lowest to the highest level. It is not possible at all under the present set up. Even your part does not have a good movement or good organisation from the village to the national level. When the political parties themselves are not able to build up such organisations from the lowest level to the national level, how is it possible for any governmental organisation or governmental agency to organise consumer protection movement? On the other hand, it may take another form. In this regard we have had a very bad experience. Some year back, I think it was 20 years back, this consumers movement turned into consumers resistance movement. Of course, there is a term in economics, known as consumer resistance. Then it turned into violent and things were changed into a different manner. In this way, every thing may end up in a mess and chaotic conditions will be created in the name of this consumer movement. People at the lowest level are robbed in such a manner and to such an extent that if such an organisation is built up or if such a movement is at all created, it may so happen that those people who are responsible for distribution of products or articles in the villages and towns may become targets for attack. If they are attacked, then articles may vanish from the market. With the disappearance of articles from the market, there will be chaotic conditions and essential goods also will not be available in the market. This idea of consumers' protection movement without a proper leadership would mean a shipwreck in the stormy seas.

Lastly, I would like to say that this ISI could be made viable, if we want to organise the public distribution system as a very effective system.

Now, we do have, I hope, not more

than 3 lakhs fair price shops all over the country, but this country requires about seven and a half lakhs of these shops all over the country and without that it is not possible to distribute the essential or other commodities to all the people at fair price and at the same time quality of the articles could not be controlled.

Madam, therefore, I am in favour of having this public distribution system all over the country through which this standardisation of quality goods could be maintained because in that case, the people need not go the retail shops operated by different types of people or business community or those who work by traditional practice of cheating and robbing the people. Therefore, P. D. S. is the answer and to some extent, it could be checked, if this is extended all over the country.

With these few words, I conclude and support this Bill also.

PROF. N. G. RANGA (Guntur) : Madam, Chairman, we are all prepared to support this Bill for strengthening our industrial standards but then quite a number of very relevant criticisms have been made by my friend Shri Mool Chand Daga and also by other friends, Shri Nair and Mr. Rao. This is a kind of counter-part to the police that we have in regard to ordinary citizenry. If there is a trouble, we need the assistance, support, as well as the protection of the police. Similarly, madam, we need this Bureau in regard to all these commodities which are being produced by the industries, the help and assistance of this Bureau and I am glad it is going to be established and strengthened. But then how strong it is going to be, we do not know. On the whole, I think, a wrong procedure has come to be in fashion with the drafting of these Bills in the Law Ministry and also their acceptance by the other Ministries. When they bring forward such Bills, so many details-vital details-which are to be placed before the House, are not mentioned at all here. In regard to the personnel, of the executive or the Bureau itself and then the number

of these Advisory Committees and Councils and so on and what is worse is that there is no representation at all provided for the Members of Parliament-both Houses. It is a very useful suggestion which was made by hon. friend Mr. Rao that atleast two from this House and one from the other House should be placed in this Council. But now it is too late. I do not know whether my hon. friend, the Minister in charge of it, has got any official amendment to advance in regard to this.

Now, this raises a very important point in regard to all these Bill, and a serious consideration will have to be given by my hon. friend Bhagatji who also happens to be the Minister of Parliamentary Affairs in regard to all these Bills. Should we not have any details at all, even about the essential items? Earlier, there used to be a better practice, even then it was not good enough, but it was much better than what is now pursued by the Ministry in charge of law drafting these Bills and also for other Ministries who are responsible for placing this Bill before the House. I am particular, just now, to raise one particular point in regard to this consumers' movement. My hon. friend the representative of the Communist Party, has got some doubt, that it may not work. Supposing we invoke the aid of the organized trade unions, and the Krishak Samaj and the other organization also that we have, viz. Rural People's Federation, certainly it should be possible to protect consumers, at least to some content. They are responsible organizations. I would like my hon. friend Mr. Bhagat to keep this in mind and see that if and when they formulate their proposals for fixing the personnel of these various committees, due representation comes to be given to the representatives of All India Krishak Samaj, Rural People's Federation, and the Trade Union Congresses—both the wings, viz. INTUC and AITUC. They would help. I think.

Then there is this question of supplying fertilizers, manures and tested seeds, If anything goes wrong in that direction, crores and crores worth of damage would

[Prof. N. G. Ranga]

come to be inflicted upon our farmers. And that is the reason why some time ago, when the attention of the House was drawn to the complaints in regard to the adulteration of pesticides and manures, the hon Speaker exhorted us, Members of Parliament to take special notice of such crimes and said that exemplary punishment should be given to those people who include in such crimes. I hope this Bureau would pay special attention to this aspect, because from time to time pests begin to attack our crops. Our poor farmers are dependent upon pesticides. They are becoming popular. The farmers go to the market. They do not know whether anything that is passed off as a suitable pesticide is good enough, or not. Some certificate must be there. That certificate must be associated with the bill or receipt saying that according to such and such a certificate, the certification given by the Bureau, this pesticide is considered to be good for such and such pests.

Similarly about manures also, this kind of a certification must emanate from the Bureau. If that is not attached to the sales receipts, then the farmer would know that there must be something funny about it. He would begin to be suspicious, and he would be expected to make representations to the kisans' organizations whatever Kisan organisation may be available in that particular area, in such a way that some protection might be afforded to our kisans. This protection is very urgently needed.

Take now, for instance, the cotton crops or the tobacco crop. What is known as the white fly has begun to attack it. It is very terrible thing: our farmers have suffered in the last three years, crores' worth of losses.

What is a pesticide? We do not know. Some pesticide has to be discovered, and it has to be certified also. Similarly, manures too. In manures, ordinary rocks, *chunam* and such things are turned into dust; and that dust is mixed into the manure, and that is passed off as good enough manure, and we pay heavily for it. And after that, what happens?

We expect good results from our crops. In the end, we come to be disappointed.

15.34 hrs.

[SHRI SHARAD DIGHE *in the chair.*]

Therefore, the farming community as a whole got to be protected very assiduously, and diligently. Till now, we do not have that kind of protection. I hope some protection would come from this Bill provided, of course, this Bureau comes to be strengthened with the necessary staff, good enough staff, and honest staff also. We know how the Police is behaving. Similarly, these people are also likely to go bad, go wrong. They can be corrupt. They can be corrupted from both sides also. Therefore, there should be an element of check, even over these people: from which centres, from which spheres can we expect that kind of a check?

From the trade union organisations and similar organisations that we are having now in the towns going in the name of consumer organisations and so on. Therefore, in all these directions, my hon. friend will have to give necessary instructions and advice to his own officers to see that our people are protected from these anti-social elements.

SHRI V. S. KRISHNA IYER (Bangalore South) : Mr. Chair-person, Sir, I welcome this Bill. It is long over-due. Though the ISI has been in existence for the past 3½ decades, it has been one of most neglected organisations; it has no funds; it has no teeth. I would like to ask the Minister how many people know that there is an organisation of the ISI, and what are its functions and for whose benefit it is?

I am happy now that the hon. Minister has brought forward the Bill which envisaged a constitution of a Bureau by which I am sure there will be more and more contacts between the public and the consumers and the organisation. I would not like to go into the clauses. I would only touch one or two clauses about which Mr. Daga had also referred. In clause 3, sub-clause (e) the member of numbers is not specific. In a statutory organisation like this, it is

absolutely necessary that you should mention the number of persons. Now, here it has been mentioned; it is left to the discretion of the executive. Even now, I think the hon. Minister is not late; he should see that the number of persons both in the Bureau as well as the executives should be specified.

Another dangerous clause is that you have not mentioned the term of the members. It is also necessary to mention the term of the members; it cannot be indefinite or at the whims and pleasure of the Government; it should be specified whether it should be three years or five years or whatever it is; the Government must specify it. I am sure the hon. Minister will take note of it and see that the number is mentioned.

We have a number of legislations. We have already got a number of laws to protect consumers. Unfortunately, they are only paper tigers. We have got the Weights and Measures Act; we have also got the Anti-Adulteration Act; we have got so many Acts which are supposed to be in the interest of the consumers. But what is happening? Just now, the hon. member Shri Ranga and the hon. member Shri Rao mentioned about it. Even today we find that the public are being cheated by the traders because they are able to enforce these laws. To enforce these laws, I personally feel that it would be necessary to have a Bureau, if it really works in accordance with the objectives or the purpose for which it has been constituted. Then, I am sure, these Weights and Measures Act and the Anti-Adulteration Act, all these Acts can be effectively implemented, if these come into force.

I feel that it is absolutely necessary that we should promote. Standardisation and quality control both in agriculture and industry. When this Institution came into existence, then our country had not developed. Now, we have got modernisation of the industry and also agriculture. It is absolutely necessary that there should be quality control. Unless there is quality control, India's image cannot find a place anywhere in the world. It is very nec-

essary that we should have proper standard and also quality control.

Another point which I would like to bring to the notice of the hon. Minister is for whose benefit are we making all these laws? It is for the benefit of the consumer. We must see that whatever the Bureau does, it must have the interest of the consumer. So, whether it is quality control or standardisation, I personally feel that the organisation of the Bureau must have in their minds the interest of the consumer. We must see that the consumer gets quality goods at the cheap rates. Now, we have got only a few articles subject to certification.

It is reported in one of the reports of the ISI that the ISI has developed 12000 standards. I personally feel that almost all the articles of consumption, must be covered by this Act. That is absolutely necessary. Even in the question of implementation the Government must have a clear method to ensure that the implementation is properly done. Even in the Government organisation they do not observe the ISI standards. Not only in the production but in the manufacture of several goods the Government comes into the picture. It is the producer and consumer also in many cases.

There are also lot of complaints about the fertilizers to which many hon. Members referred. Almost all the fertilizers are in the public sector. So if there is adulteration or under-weight who is responsible for it? It is not clear that the Government is indirectly responsible for it?

Similarly in the case of many consumer products the Government is the main producer. You know that there are a number of occasions when the officers of Government do not care to go on for ISI certified goods for their Departments. Several directives given by the Commerce Ministry have not been heeded.

Very recently I want to mention, I came to know about the cases of petrol and diesel being adulterated. In this case

[Shri V. S. Krishna Iyer]

Government is itself a producer. Government should be an ideal producer and an ideal consumer.

PROF. N. G. RANGA : Ideal producer also !

SHRI V. S. KRISHNA IYER : Yes, I said, 'ideal producer'. Then only the Government will be able to inspire the confidence of the public. Unless you inculcate such confidence in the minds of the public, you cannot enforce these laws. Even for the normal goods of consumer interest the ISI certificate should be there. Even in the case of clinical equipment like thermometer and B. P. apparatus they do not have any certification marks. So, I once again request that all such articles of mass consumption should be brought under this Act.

This is a very good piece of legislation. But it should not be a paper legislation. It should be effectively implemented. My esteemed friend Bhagatji has done this creditable service by bringing forward this Bill. But he must see to it that it is effectively enforced in the spirit in which it has been brought before the House. Of course, lot of changes will take place in the Cabinet and I am sure that as long as he is there he will do it.

Another point about the under-weight. Have you heard of this ? In my own constituency I have heard complaints about the consumer goods being under weighed. Gas cylinders, you take. Who produces ? It is one hundred percent in the public sector. How can there be under-weight of cylinders ? Government should ensure that is not done. So also distribution of petrol. All the oil companies are in the public sector only. If petrol is adulterated, whose responsibility is it ? Diesel is mixed with oil and sold in the market and what is the effect of that on the population in the cities ? Pollution in the cities is more on account of this mixed petrol and oil than anything else. So, the Government must see that adulteration of petrol and diesel does not

take place. ISI should ensure that proper standards are maintained.

Another point which I want to bring to the notice of the hon. Minister is that consumer movement should be encouraged. We do not have a movement at all. People are illiterate. We should talk to people and see that they realise the importance of this consumer movement. Illiterate people should be enlightened. Even we educated people we do not make any complaint about sub-standard goods, then could we ask the illiterate people to do ? It is absolutely necessary that for anything that you purchase, there should be official stamp of ISI. This organisation must grow into a mass movement. Unless it does so, it will not serve the purpose.

I am told that the present ISI membership is 30,000 or so. Whatever it is, it must protect the interest of consumers and implement the Act. For that it is very necessary that you should have very honest and efficient officers to implement the Act.

The hon. Minister was also saying that India is a member of the International Standards Organisation. I welcome this. But when we go as member of the International Standards Organisation and speak about the standards, we must set an example to other countries. We must see that India's goods are of standard quality. Now there are complaints that some of our goods are of sub-standard quality and they are very unpopular. You must ensure that whatever is meant for export, that is of very good quality.

Another very happy and good news is that even the NAM countries are also planning to establish a Fund to have co-operation in the matter of standards and quality control among NAM countries. I welcome that.

I would like to know as to how you are going to control and monitor the standards and quality. Of course, ISI has branches all over the country. It is

reported in one of the papers that you are going to have some sort of a computer with multiple terminals to monitor and control the entire movement. I cannot say now how efficient it will be. If it proves effective in having control and monitor, I welcome that.

Regarding the membership of the Bureau, Mr. Ranga has also mentioned about the representation. You have said in the Bill that representation will be there from the Government, industry, scientific and research industry and other interests as prescribed under the rules. I have certain experience about the word 'prescribed'. Even in your speech you have said that consumer organisations will be represented. Also you have said in the Statement of Objects and Reasons that consumer organisations will be represented. But why have you not mentioned it in the Bill itself? Tomorrow a particular Minister may say that since it is not mentioned in the Act, it may not be necessary because everybody is a consumer. It is very necessary and you should specifically state that consumers organisations will be represented in the Bureau.

While welcoming the Bill, I once again, reiterate that Government must discuss it at the National Development Council and ask the Chief Ministers to see that this legislation is implemented in letter and spirit. Unless State Governments cooperate in this, you cannot implement the legislation because ultimately it is they who have to implement the legislation and take action. At the same time, Government must issue instructions to all the Ministries and Departments that they should go in, whenever they call for tenders, only for ISI certified articles.

With these words, I welcome the Bill.

[*Translation*]

SHRI GIRDHARI LAL VYAS (Bhilwara): Mr. Chairman, Sir, I rise to support the Bureau of Indian Standards Bill. The should have come years ago.

The Government has thought of this belatedly but one has taken a right step. This Bill should have been brought at the earliest so that the consumers may not get sub-standard items. The people in this country should get standardised items so that they may remain healthy. Instead, people are getting adulterated commodities and no one is there to look after these things. An Institution has been set up which puts ISI mark, guaranteeing good quality goods but experience in this regard is better. There are people who are bringing bad name to the country. They have amassed crores of rupees for themselves but have brought a bad name to the country. There is one such scandal about which you too must have heard. The case was reported in 'India Today'. In this case Parmal' rice worth crores of rupees was exported by trader as 'Basmati' rice. Thereby They pocketed profit of crores of rupees in collusion with our officers. Such people are bringing disrepute to our country.

First of all, the hon. Minister should, as far as possible, strengthen this Institution so that people may not get sub-standard commodities. It should also be ensured that the commodities being exported are of good standard which may raise the image of the country.

Secondly, the consumer movement, which is almost missing in our country and has no protection from the Government, needs to be strengthened so that the consumers are saved from those people who try to cheat them by getting the ISI mark stamped on sub-standard items.

Besides, I submit that standardisation of each and every article should be made compulsory. You have brought the Bill but you are aware that how much expenditure will have to be incurred on standardisation. This provision of 11 or 12 crore rupees is not going to be sufficient because a large organisation will be needed with branches in all the States, which would look after the entire arrangements. Several types of exports will have to be appointed. Presently, even any the DGS&D the Government agency

[Shri Girdhari Lal Vyas]

for procurement does not have experts. The result is that substandard articles are procured from foreign countries and after fixing wrong markings are recommended as of good quality. This is the position existing in the country at present. Therefore, I want to say that the provisions made in the Financial Memorandum is inadequate. It is not going to be sufficient. Therefore, a serious thought will have to be given about the size, branches etc of the Organisation and also about the number of inspectors and officers to be appointed, who would organise and man it and will implement the entire scheme. I am of the view that neither you nor the officials have thought over it. They prepared the Bill and you have presented it here. The intention is very good that the articles should be standardised and people should get standard commodities but no thought has been given as to how this scheme will be implemented? You should think seriously about the size of this Organisation and the procedure to be adopted to set up its branches in the entire country so that selling of substandard commodities is checked? Presently, inferior quality items are sold in every field. Medicines, life saving drugs are substandard which can cause death any time. People spend money to live but these medicines become source of death. When even life saving drugs are spurious, what will be the position of other articles? Edibles are marked ISI but which of them, whether it is turmeric, chillies or 'dhanra' is not adulterated? Have you ever thought as to how all these things must be affecting the health of the people of the country? Has any action been taken against persons who sell such inferior quality goods. If some big businessman starts producing motor cars, then in the beginning he produces good motor cars, but the profiteering motive of the people of this country is so strong that everything is turned sub-standard. People try to export inferior quality goods after obtaining good raw material with a view to earn more profits. This brings a bad name to the country. Today, all the big businessmen in this country are indulging in such practices. This problem, therefore, requires serious attention. You will have

to think as to how the Bill which has been brought here will be implemented, and what provisions are to be made for its implementation. The biggest weakness of this Bill is that a provision for only a fine of Rs. 50,000 has been made for making sub-standard goods or using a wrong mark. There is no provision for imprisonment. The big capitalists fear imprisonment and not fine. They are not going to suffer any losses due to a fine of Rs. 50,000. You should include a provision for imprisonment also in this penal clause. This system cannot be effective unless there is provision for imprisonment for one or two or five years. Mere fine does not affect the big capitalists in any way. They invest crores of rupees in their business ventures. Our official machinery is such that it detects one out of a thousand cases. Most of the people go scot free. No action is taken against them. In such cases exemplary punishment should be given, which is not there in the Bill. Therefore, your Bill is not going to affect big capitalists in any way. They manufacture sub-standard goods and your officers provide them ISI. Mark and no legal action is taken against them. Therefore, it is necessary to implement this law strictly.

16.00 hrs.

This is an age of advertisement—be it through T. V., radio or newspapers. Both the quality goods producers as well as those who produce inferior goods go in for publicity. These advertisements are cheating the public. I want that only ISI marked products should be allowed to be advertised in the Government controlled media whether it is T.V., radio or newspapers. You should impose such restrictions through this law as may ensure that the common man in the country is not cheated. The provision is absolutely necessary which this Bill lacks completely. I want that this thing should be kept in mind while framing the rules and should be incorporated in them so that inferior quality goods are not advertised.

As Shri Daga was just now telling, all the enactments made by you lack all those provisions which were necessary. Why do

you not include in this Bill all the necessary provisions like rules governing the bureau, powers of the bureau for efficient functioning etc. This aspect requires your attention.

As regards its membership, I am not in favour of making M.Ps and other representatives of the people its members. Hon. Minister will be its Chairman but members should be drawn from the consumers so that they may inform as to who produces sub-standard goods. You will come to know through them as to who are cheating the public and this country. Thereby you will be able to take action against them. A proper implementation of this system is very much required.

Another point is that a complete list of those articles which you are going to standardise should be published in a gazette or newspapers. If you publish a list of such articles then the public will come to know of it and will buy standardised goods according to that list. It should be ensured that this is done without fail.

I want to point out one thing about the F.C.I. F.C.I's wheat is spoiled by rains as it is stored in open, with the result that the public gets sub-standard wheat. Have you ever thought that such a big organisation receiving crores of rupees as subsidy from the Government, keeps what in open due to lack of godowns which ultimately becomes so inedible that even animals would not like to eat that wheat. But it is sold to people through fair price shops. This aspect needs to be looked into. We agree that you are short of funds and due to that you cannot keep the goods in godowns and they remain in open. Will then our Government ensure that the people of our country do not get such inferior goods which may ruin our health and may cause many diseases. It should be ensured that sub-standard goods are not given to the public. It is not marked ISI as it is supplied by the Government and is sold through ration shops.

You can take examples of other goods

also. Even ISI marked edible oils are adulterated and the people are cheated. You do not have any machinery to distinguish between sub-standard and quality goods. You must have some machinery to identify sub-standard commodities. An hon. Member was just now speaking about diesel. Petrol is also adulterated but kerosene oil is certainly adulterated heavily which is increasing pollution to a large extent. It requires attention and strict steps are needed to check adulteration. You should seriously think over this problem.

I want to reiterate that you have not made provision for imprisonment in the penal clause and it has not been made a cognizable offence. The problem of adulteration and manufacturing sub-standard goods is a very serious matter but it has not been made a cognizable offence. You have provided that individual complainant can initiate prosecution. When you are not appointing an authority and do not have any system to apprehend the adulterators, who will dare to file reports against these big persons and file suits in court. In my view the absence of this provision has totally defeated the objective of this Bill and it has become useless. Therefore, I want that this offence should be made cognizable. You must have noticed that in foreign countries capital punishment is provided for the offence of adulteration but you have made a provision of a fine of Rs. 50,000 only in this Bill and nothing else. It should, therefore, be made a cognizable offence. You yourself are a lawyer and know much about these things. Why will any one be interested in filing suits against these powerful persons. Common man dare not file suit against these persons. Only the Government has power to file suits against these persons. You should, therefore, seriously think over this issue. Make it a cognizable offence and impose such a heavy penalty which may deter people from indulging in such crimes. Only such a provision can make this law effective.

With these words I conclude.

SHRI HARISH RAWAT (Almora) :
Mr. Chairman, Sir, after Shri Mool Chand

[Shri Harish Rawat]

Daga and Shri Girdhari Lal Vyas's speeches, I do not think an ordinary person like me can say much. When the ISI was formed, the circumstances were different from those obtaining today. That is why the hon. Minister had said while introducing the Bill, that keeping in view the changed circumstances and the progress made in the industrial and other sectors and also the increasing export possibilities, it is essential that some institution should be there to meet the demands. This institution must work both efficiently as well as effectively and that is why the Indian Standards Bureau should take over the work of the Indian Standards Institute.

So far as the spirit behind the Bill is concerned no one has any objection to it. The hon. Minister should be congratulated for the fact that he has understood its significance and has therefore, brought this Bill. I wish to draw the attention of the hon. Minister to a certain fact. You have said that the Bureau should be made more effective and in this connection you have talked of creating an enforcing agency which may check misuse of ISI markings. It is not necessary that some firm or factory will copy the product which has been certified and thus will violate the ISI standards. About creating the enforcing agency, referred to by the hon. Minister, I think the traditional machinery available in the States as well as in the Centre can be made equally effective and ISI itself can be so effective that it can punish those persons who misuse ISI markings. It is for this reason that the hon. Minister has not made it a cognizable offence and he has left it to the people to ensure that there is no misuse of it. The people can themselves file suits against those who indulge in such activities. I do not think that in India where lakhs of people live below the poverty line, are poor, illiterate and lack the required resources will be able to understand the significance of the ISI marking or what their rights are in this respect. How can they be expected to initiate legal action against those who misuse the ISI markings.

You have thought about an elaborate

plan but I do not think that your plan can be implemented. Therefore, I would urge that provision for the enforcing agency as well as the punishment to be awarded should be made in this Bill itself. Provisions for the procedure of awarding punishment and the quantum of punishment should both be made in the Bill itself. The provisions of this Bill are inadequate in this respect. I do not think that keeping in view the prevailing conditions in the country and the way adulterators are playing with the lives of people, it would be possible to check adulteration by just forming a Bureau, giving it certain powers and nominating certain people in it.

You have rightly said that you will nominate people in it from different groups. But in the Bill, the qualifications and experience of the persons to be nominated to the Bureau have not been laid down. The people who are nominated should at least represent their own field. From 'their own field' I mean the different fields of activities. In whatever field the need arises to certify products, there should be representative of that field in the Bureau. This Bureau should have a very good representative character. The present Bill does not provide for it. Therefore, I will request the hon. Minister that this Bureau should have a representative character and experts drawn from various fields should be associated with it so that the short comings could be identified and the required attention paid to it.

We are formulating big plans for increasing our exports and for bridging our trade gap. We are also hoping to bring about improvements in our economic system. We are aiming at improving the quality of our products. If our products are of an inferior quality, then it affects our economy. Some cases have been cited here. I would also like to draw your attention. It is especially true in the case of automobile sector where standardisation is completely being misused. You do not have an agency to check such cases. Recently, some African countries rejected our consignments a second time because the items supplied were not of the same

quality as of the sample shown. The same thing happened in the case of engineering goods, fertilizers and several other products. Therefore, I want to request that it should be ensured that people have faith in a commodity that has been certified by you.

Again, you talked of consumer movement while introducing the Bill. I want to urge that the issue of consumer movement has been raised more than once in the House but who is going to build the movement. Mere sermons cannot yield desirable results; we, as well as the Ministers keep on sermonising here but it should have some affect on people. People should be mentally prepared, they should be impelled to identify areas where adulteration is taking place, where underweighing is being resorted to, and substandard and uncertified commodities are being sold. A Force comprising such people has to be organised and this work can be undertaken either by the political parties or by the Government.

These days articles of inferior quality are advertised through the Government media, more the commodities are substandard, more publicity is given on T V., radio, newspapers etc. I want to request the hon. Minister that the Government media and machinery should be utilised for building up a consumer movement. Until a consumer movement is properly built up, this work cannot be done successfully. The Government enforcing agencies should also be strengthened and controlled so effectively that ISI markings are not misused and the people who indulge in such activities are punished. This cannot be achieved merely by a Bill or framing an Act of the Parliament for it would make people feel that the Parliament is merely an Act formulating agency. What is needed is to award punishment to such people who violate the set standards and play with the lives of the people. Otherwise we will all become laughing stock of the people. Your ideas are worthy of respect and should be welcomed but those should be implemented effectively as well. The proposed Bureau should work efficiently and should be given necessary powers. It should be able to identify and plug the loopholes of the Indian Standards

Institute. You must pay due attention in this direction.

SHRI RAMASHRAY PRASAD SINGH (Jehanabad) : Mr. Chairman, Sir, through you, I welcome this Bill but would like to tell the hon. Minister, that the purpose for which this Bill has been brought forward is not going to be achieved. You can frame laws in this House but if the law enforcing machinery is not efficient, the mere enhancement of punishments is not going to serve the purpose. Even if stringent punishment is provided, it will not help in stopping people from indulging in such practices. Whatever the hon. Members have said in this connection is very true. I want to point out that the purchases made by the Government for use in its own departments are of very inferior quality although the vouchers are made for superior quality commodities. What can the Government do in such situations? The motor parts being presently manufactured are all substandard.

How will you apprehend them? I want to tell you about the situation in my rural area. The Government formulated a scheme to provide tubewells to the poor Harijans having small holding so that they may use modern methods in cultivation. For this purpose, pipes were bought from the Government undertakings whereas these were to be bought from Tata. These were purchased at a price of Rs. 11 per foot instead of Rs. 28. How will you check it? All the pipes failed. This is the condition of the bureaucracy. It is true that there are a lot of shortcomings in Democracy. The discussion being done by us is useless as nothing is going to happen. Mention of substandard drugs was also made here. These are causing loss of life. The people who produce such drugs are sitting in this House also. If they are elected to this House after spending Rs. 75 lakhs, what quality of drugs will they produce? You must tell us how you are going to nab them? I have seen petty shopkeepers being caught for selling adulterated stuff. When a Health Inspector reports that turmeric is coloured or the oil is adulterated, the

[Shri Ramashary Prasad Singh]

manufacturer is not caught who has supplied hundreds of tins of that oil; it is the petty oil seller who is caught. The big capitalists who are responsible for it, are the hon. Members of the House. Therefore, this law will not apply to them. You cannot catch them. I would like to give you an example, Indira Diesel pump was approved by the Government and people took it for granted that it will be of good quality. The farmers bought it by taking loans but it did not work even for two months. Now their fields are being sold because they have to repay their loans. The custodians of law are themselves violating the law. You have various departments. There is a Department of Weights and Measures which checks weights and meters. You can see as to how consumers are being cheated by the traders. Who indulges in malpractices? Law is there but even then people are being cheated on large scale because the custodians of law indulge in corrupt practices, for whom these laws are being made then? Now, I tell you about FCI in Gaya. The wheat which is given to the people under N.R.E.P., is of such an inferior quality that even animals cannot eat it. But even then the poor have a capacity to tolerate all this. We cannot eat the wheat. The poor people who work for the whole day get this kind of wheat. Now you can well imagine what type of health will they maintain with such stuff? Framing of law is all right but implementation of the law honestly can bring the desired results. There is adulteration in every commodity but you cannot detect it—be it soap or the fertilizers. Fertilizers are being sold with salt mixed in it. How will you curb such a large scale adulteration? Only the future will tell whether you have been successful or not. You will be reduced only to a law making agency. An hon. Member has said that there is a good programme of law making, but the laws are not being implemented, You make a law against the child labour but still the children are working. Therefore, you should give a serious thought to it as to how the Bill should be implemented which is being introduced by you so that one may not make a fun of law. Otherwise, framing of laws will not benefit

the poor. Largely, the farmers and the poor will fall victim to it who are already suffering because they are unable to differentiate. There are lots of people who can identify drugs, clothes etc. from the markings on them but there are crores of people who do not know even this much. They simply go to a shop and buy whatever is given by the shopkeepers. Therefore, you should form such an agency which should honestly get this law implemented. The aim with which this law has been brought is noble but you should get it implemented in a right manner and that is what we want.

[English]

SHRI K. S. RAO (Machilipatnam):
Mr. Chairman Sir: May I say that a Bill of this type is very much desirable particularly in view of the adulteration and not keeping upto the standards? Not keeping upto the standards is also causing terrible loss by way of extensive damages to health, damages to the standards and damages to the machinery and equipment. So, bringing this Bill with a view to maintaining the standards of various commodities, manufacturing products and other articles is good and desirable.

The Bill serves the purpose only when adequate measures are taken to see that it is enforced properly. While making this Bill, it is mentioned in Clause 3 (3) that the Minister and the State Minister are also the President and the Vice President respectively of the Bureau. In case the Minister, the State Minister and the Secretary are also to be the members, I don't think we will have any means to find fault with any laps on the part of the Bureau. So, I wish the hon. Minister will think whether it is desirable to keep these two people as well as the Secretary as ex-officio members in the Bureau.

In regard to the appeal also, as stated in Clause 16 (1) the Central Government is the appealing authority. The Central Government, by virtue of the presence of the Minister, the State Minister and the Secretary who are there in the Bureau itself as members, I could not

understand how and who else would be the appellate authority. Possibly, the Prime Minister alone be the appellate authority. This aspect may also be taken into account. If possible, these three people can be deleted as members because enough powers are already given to the Central Government.

No specific provision has been made for the representation of the consumer council and for the consumers in this Bill. We have been discussing time and again the need for organising consumer protection which alone can bring the desirable protection to the quality of products and which can save the interest of the consumers. Sir, including representation of various consumer protection councils in various parts of the country or their national forum in this Bill as members in adequate number will help achieving the goals of this Bill. So, if the Hon. Minister cannot provide it today, he must take adequate precaution to see that consumer representation is made in good number.

In Clause 24 (2) it is said that it must be only a printing error.

“The decision of the Central Government whether a question is one of policy or not shall be final”

If the word is ‘final’ and not ‘trial’ then it is okay. In Clause 33 (i) there is provision for a penalty of Rs. 50,000/- but until and unless there is a fear of imprisonment this Rs. 50,000/- will not serve the end. A number of manufacturers are prepared to have such facility of paying the penalty without undergoing imprisonment because it might be profitable for them to commit any number of mistakes and based on the law of probability of getting caught for the offence it may be advantageous to pay Rs. 50,000/- as penalty. Only the fear of imprisonment will have the desired effect in their minds so that they should not resort to adulteration and maintain the standards. Penalty alone will not serve the purpose.

Coming to rules and regulations in this Bill I find rules and regulations are sepa-

rated. The power of making rules is given to the Government and power of making regulations is given to the executive committee, of course, with the prior consent of the Government of India. Once again the Central Government has all the powers of giving directions which are final. The power of making rules also can be given to the executive committee which constitutes members who are experts in various lines and who alone can say what is required and what is not required and also if there is delay on the part of the Central Government for not laying the rules on the table of the House then the responsibility lies with them only. So we cannot contradict our own actions in Parliament. I prefer that power should be transferred to the executive committee and insist on their placing these rules and regulations in time. Our earlier experience shows that rules and regulations are not being laid on the Table of the House in time and they are being delayed. Clause 39 (i) gives validity to all those actions. An amendment should be brought so that time limit is mentioned within which the rules and regulations must be laid on the Table of the House. Parallel emphasis must be laid in ensuring maximum number of representation is given to consumer protection councils and public personalities with proven integrity and experience in various directions. They should be there in good number rather the officers as ex-officio members.

[Translation]

SHRI MANVENDRA SINGH (Mathura): Mr. Chairman, Sir, I support the Bureau of Indian Standards Bill. I would also like to give some suggestions.

In our country the question of adulteration is very serious and critical. Day by day this tendency is increasing. Cases of adulteration in food items, in particular are on the increase. Edible items like ghee, oil and spices are largely being adulterated, about which there are frequent Press reports. You must have read in the newspapers that at some place hundreds of ‘baratis’ in a marriage ceremony suffered from food poisoning

[Shri Manvendra Singh]

due to the use of adulterated ghee. In the case of spices also, there is large scale adulteration. For example, dung is mixed in coriander, yellow dust is mixed in turmeric and urea is mixed in sugar. Likewise, there are many other adulterated things which adversely affect our health. You should pay special attention to it.

So far as taking of samples is concerned, the Department does take these samples but some manipulation takes place afterwards. This is a matter of regret towards which I want to draw the attention of the hon. Minister. When samples are taken at the place of testing, there these are replaced for some consideration. Corruption is rampant there. This way though on the complaints by the people, the items are seized but those are later on declared unadulterated.

Regarding drugs, a lot of complaints are received. The patients die on account of spurious drugs. Therefore, through you, I would like to make request to the hon. Minister to provide for deterrent punishment in the Bill. In the case of fertilizers also you will find the same condition. India's 75 per cent population depends on agriculture and by doing this sort of adulteration they are playing havoc with their future and with farmers occupation as well. These traders are misleading the poor farmers and thereby harming them. Such people should be treated as traitors and dealt with severely. They are causing harm to the country.

Along with this, I am told that insecticides like B.H.C. Gamaxine or D.D.T. are also adulterated. When godowns were inspected then white ants were found in the bags of B H. C. Therefore, I want to draw the attention of the hon. Minister that adulteration in the insecticides etc, which are supplied to the villages, causes great resentment. When we go to the villages the people complain to us of adulteration and state that those insecticides do not kill the mosquitoes. The same is the situation with the gas cylinders. It is quite a complicated issue. When inspected, a lot of cylinders were de-

tected which had already been rejected. I would urge the hon. Minister to formulate strict laws to meet the situation. This offence should be made nonbailable and only then people would get relief.

With these words, I conclude and thank you for providing me an opportunity to speak.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H. K. L. BHAGAT): Mr. Chairman,
Sir, first of all, I want to thank all the
hon. Members for taking interest in the
discussion on this Bill and also for giving
some suggestions, which I think will be of
help to me.

An important, thing that has emerged after the discussion is that almost all the hon Members have said that the aim of this Bill is very good and it should have been introduced much earlier and that strengthening of I. S. I. is necessary. Broadly, the House has supported the introduction of this Bill. Now, I will mention about the suggestions and points made regarding this Bill. Some hon. Members while giving their suggestions have expressed certain doubts but they have also welcomed this Bill for which I want to thank them. Some of the suggestions are quite enlightened.

I want to mention that the aim of this Bill is to strengthen the I. S. I. More items should be brought under it, more items should be standardized, should have certification mark enforcement should be done in a better way and whosoever violates the certification mark should be punished. Besides, there should be coordination among the various agencies working under it and consumers should get representation in it. These are the main objectives of Bill. Most of the points mentioned are very relevant and essential. The points raised by the hon. Members are correct and I do not deny them. I do not say that merely strengthening of I.S.I. will solve all the problems of the consumers all over the country. Strengthening

of I. S. I. is one step to protect the interest of the consumers and for this purpose there is not one but many legislations. I will discuss them briefly. Strengthening of I. S. I. means providing a base for strengthening of standards and making them compulsory. Some Members have also praised this step. Food articles were discussed a lot. Other articles were also discussed. There are a number of items under the Prevention of Food Adulteration Act whose technical standards etc, have been fixed. According to them, if there is any adulteration in these items then action should be taken under this Act. I feel that there are several laws like the Food Adulteration Act or the Drugs Act or the Essential Commodities Act which need to be properly enforced. There are certain laws which are under the jurisdiction of the Central Government. Those should be enforced vigorously by it. Certain laws come under the jurisdiction of the State Governments. In my capacity as the Civil Supplies Minister I have written to them many a time that laws relating my Ministry should be enforced vigorously. They have assured me to some extent and have taken some action also. What I want to say is that standards for many of the articles including food articles have been fixed. Regarding fertilisers, I fully agree that the agriculturist should get full protection. I also agree that it is not wrong to say that the consumers as well as agriculturists are cheated in this country. There is no doubt in it. Now what is to be done is to check this tendency. So far as fertilisers are concerned, standards have been fixed for them and the enforcement of the quality is ensured by the Agriculture Ministry under the Agmark Act. In this Act, agricultural commodities are covered, which include fertilisers also. The States have powers regarding those commodities which come under the Essential Commodities Acts of the States. I will convey the feelings of the House to the Agriculture Ministry. As Minister of Civil Supplies I can ask the State Governments about this and I will definitely ask them.

One thing more. Maximum number of articles should get ISI mark by fulfilling

the requirements of the standards fixed. Principally, it is quite correct and I like it. This Bill has been brought with this intention. If you look at section 14, you will find that so far it was not compulsory. In certain Acts, it was compulsory for certain things. Now we have assumed power to make it compulsory. I read out section 14 :

[English]

“If the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient so to do, in the public interest, it may, by order, publish in the official Gazette,—

- (a) notify any article or process, of any scheduled industry which shall conform to the Indian standard; and
- (b) direct the use of the Indian Standard under a licence as compulsory on such article or process.”

[Translation]

Further, in Explanation it has been stated :

[English]

“For the purposes of this section, the expression “Scheduled industry” shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951.”

[Translation]

All the industries have been enumerated in scheduled-I. Some of the hon. Members have stated that the schedule should be appended with it. Schedule-I is already there. Almost all the industries have been included in it. If certain industries have been left, those can be included by amending the schedule,

[Shri H.K.L. Bhagat]

This Bill provides scope for covering the maximum number of articles. But to bring more & more articles under it for fixing the standards, ISI should have the full capacity. If we cover all the articles at a time without having technical support and other requisite infrastructure, that will have a good impact. We want to augment the capacity of ISI.

An hon. Member has said that it is going to be a large institution which will have branches at different places and for that we should provide adequate funds because provision made is inadequate. ISI has already several branches. These are to be strengthened at many places. We learn something after every experience. A study was made in the Institute of Management, Ahmedabad, which had recommended that ISI should be given this shape. This type of institution exists in several countries of the world, particularly in Japan and other countries. Therefore, we thought it fit to strengthen ISI. Thus, with increase in the capacity of ISI, more and more articles will be brought under it.

It is true that consumers' items should be given priority. Now there are many articles which are manufactured by the small industries as well as by others. To enlarge its scope further this Bill has been brought.

One of the questions raised by the hon. Members was that the punishment prescribed in it is confined to only a fine of Rs 50,000. I beg your pardon It is our mistake. A corrigendum has been issued which provides for one year's imprisonment or Rs. 50,000 fine. There cannot be two opinions that provision for imprisonment should be there. Some hon. Members have pleaded for two or four years imprisonment, some other have suggested to make it a cognizable offence. Let us have some experience. If necessary we can think of making it a cognizable offence. Government is not averse to it but the law should be such as can be implemented properly.

A very important step has been taken through this Bill. It has been provided that the consumers or some recognised Associations of the consumers can file a complaint directly against someone. In the earlier law, only an inspector or an officer could file a complaint. Now it has been decided that if the consumer feels, he can himself file a complaint. As I have said earlier, the Government is not averse to provide protection to the consumers. The Government is thinking of empowering the consumers and consumer Associations to invoke the law so that consumer movement is encouraged. It should get encouragement. This will create awareness in the consumers. I think that will be a good thing.

A mention was made about its composition also. I may tell that I respect the hon. Members. Some of the hon. Members have said that the Law Ministry has not prepared the Bill properly. The Law Ministry is not at fault. Whatever we suggest to them they frame the legislation on those lines. If there are certain shortcomings we are responsible for them and not the Law Ministry. About the composition, it has been stated that this has not been clarified as to what will be the number of Members of the Bureau or in the Council or in the Executive Committee. Usually these things are mentioned. This time different categories have been shown. I want to assure the House that in the formation of the agencies mentioned in the Bill, consumers will be adequately represented. There is no question of not giving them full representation. A suggestion to take MPs in it has also come; we shall think over it. Some hon. Members were of the view that MPs should be taken, others opposed it. We shall think over it. There is no bar on taking them in such bodies. Some hon. Members were of the view that everything has been left to the bureaucracy or officialdom. It is not so. The rules which will be framed will be laid before the House. 'Prescribed under the rules made by the Central Government' does not mean that the final power has been given to some institution or bureaucracy. The rules are subsequently laid before the House. Regulations too cannot be

framed without the Central Government's sanction. I also want to assure you that though the bureaucracy or the executive will have its own role because it is an important institution of our country and you cannot ignore it totally; but whatever is necessary along with the Bureaucracy will also be done. I want to assure that these institutions which will be set up will neither be the preserves of the bureaucracy nor will they be dominated by it. All interests, whether they belong to trade, science, technology or consumers, will find place in it so that it may work in the best possible way. One suggestion put forward was that trade unions and farmers' societies should also be nominated in it. This will be thought over as to who can be the representatives of the consumers. Every one can be accommodated in it to get the best type of work. About these categories also a thought can be given. That is why it has not been detailed in it because once the entire composition is given, it becomes difficult to change that. This is the reason why it has been kept open so that action can be taken according to the suggestions received. This is done quite often in the Bills. It is not a new thing in the Bill. Parameters are broadly laid down and then rules are framed after considering all the aspects. This Bill has not been brought hurriedly too. Frankly speaking I have no hitch in telling that it has been brought belatedly. This Bill should have been brought quite earlier. A beginning had been made long back and as such it would have been wrong to delay it for two or three years more. It has also been said that in framing rules two to three years time will be taken and nothing tangible will be done. I want to say that till this Bill comes into force, rules in regard to the present ISI will remain applicable. It is not that the work of the ISI will remain applicable. It is not that the work of the ISI will come to a halt. Moreover, I want to assure that rules will be framed at the earliest and this Bill will be enforced as early as possible so that the difficulties are reduced.

Exports too were referred to. It is true that the standards for the export items are fixed by ISI and all the indust-

ries and public undertakings can be covered under this system. ISI should fix standards for better quality items but in the matter of export items it is the Export Council which decides finally in consultation with the ISI.

About advertisements it was stated that these cause great harm. It cannot be denied that advertisements do have a motivating effect and the people start purchasing the items. It is possible that some of the items may not be of good standard and some people may be allured to purchase certain articles resulting in undue profit to some people. For this there is a separate law. As you are aware, there is a provision in the Monopolies and Restrictive Trade Practices Act which deals with unfair trade practices. Action can be taken against such advertisements under this provision. In certain cases, action has been taken. However, I agree that some way to deal with this issue should be found out. The advertisements should not be allowed to harm the consumers. There is one thing more to think about. In certain countries consumers are cautioned through media about the articles found below standard so that they may come to know that a particular item has not been found upto the mark or the manufacturer has been punished. I think these are good things on which we must think over. At the time of framing rules, this thing will be kept in mind that the people who are found to have done a wrong thing should be exposed. On the one hand it was said that the number of inspecting officers will be quite large but on the other hand it is said that the laws are not being enforced properly. If there are no inspecting officers, who will inspect the things? Someone has to be there to go and check the articles. The question is of human machinery. I fully agree with the view that howsoever good a law may be, the main thing is implementation. If the human machinery is good, enforcement will be good. If there is something lacking in the human machinery, our effort will be to improve it. It is not that these things have not been looked into. It is possible that you might have considered them more deeply than us but these surely have been considered

[Shri H.K.L. Bhagat]

by us also. We have to improve them collectively.

An hon. Member has made a reference to FCI. Standard for FCI foodgrains has been fixed in the Food Adulteration Act. Quality tests and checks are made for them. They too have taken samples at places. I cannot claim that nowhere there is sub-standard stock. Complaints from certain places have been received and action has been taken on them. By and large, standard foodgrains are supplied and these are checked. Arrangements have been made with the State Governments for double sampling. An hon. Member whom I hold in great esteem has stated that stocks remain lying in the open. It is not like that. These stocks are kept in the covered godowns or other covered places. Nowhere FCI stocks are lying in the open. It does not mean that FCI stocks do not get damaged. To a certain extent they do but efforts are made to ensure that there is minimum damage. However, the quantum of foodgrains getting damaged is not much. It has been said here that favour is shown to the FCI. It is not so.

As regards the consumer movement, I would like to say that consumer consciousness to some extent exists in our country but not to the desired extent. If we want to encourage consumer consciousness, the people of India will have to come forward to take the lead. The Government can help by creating the infrastructure. It can help partly by enacting laws and partly through other means.

[English]

Ultimately it has to be a voluntary movement of the consumers and the consumer organisations.

[Translation]

We want that consumer movement should get an impetus in the country. Women are particularly conscious about it. In all the consumer forums our Ministry

will give proper representation to the women so that their experience may help us. Just now one of our friend referred to diesel and kerosene. Standards for these items are fixed. In case of adulteration in them, action is taken under the Adulteration Act. An hon. Member had said that nothing will be done and no action will be taken against any big person as Government consists of rich people. I do not want to give political colour to this consumer movement but this much I will definitely say that during the last two years several big fish have been caught in the net, and cases have been filed against them. All this has happened in this Government's tenure. I would like to know from these hon. Members who were saying these things—I do not have any complaint against their Government—how many big persons have been touched by the Government of their Party with the powers of detention available under the Essential Commodities Act with the State Governments?

17.00 hrs.

One thing more. An hon. Member has said that the rule making power should also be entrusted to the Executive Committee. I do not agree with that. It will give chance for complaints. The power of appeal to the Central Government starts from lower to higher authority. About delegation of power, I am of the view that we shall be able to do something only when certain powers are delegated. All told, it is a good step. What is needed is its proper implementation. There is need to expand ISI, to set up good laboratories and to coordinate and to create awareness in the entire country and also to improve the different laws concerning consumer protection. In other laws also, it is being thought that the consumers should get their rights. The Government is thinking of fighting cases for consumer organisations because it is quite a lengthy process and it takes time to decide such cases. In such a situation the Government is thinking of bringing forward some comprehensive consumer laws which may remain in force concurrently with other laws whereby a set up should be available to the consumers for getting an early

relief. The Government is thinking on these lines. Views have been expressed on ISI. If on the one hand, I say that it is not functioning well and on the other hand, I say that it is having a good image, that will be saying two opposite things. Actually, it is doing good work. Its area of functioning is quite large. There is no doubt that it has offices in other countries which command good respect in the international forum. The confidence of the people in it has increased but with the passage of time its responsibilities have also increased. There has been interaction with the non-aligned countries which has resulted in increased responsibilities. There are no two opinions that it needs to be strengthened. I think very good views have been expressed by the hon. Members during the discussion. We will try to do our best to get its provisions implemented. I thank the hon. Members for extending cooperation to this Bill basically.

[English]

MR. DEPUTY SPEAKER : The question is :

“That the Bill to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER: We shall now take up Clause by Clause consideration of the Bill.

The question is :

“That Clauses 2 to 42 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 42 were added to the Bill.

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

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

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

17 05 hrs.

ATOMIC ENERGY (AMENDMENT) BILL, 1986

[English]

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K. R. NARAYANAN) : I beg to move :

“That the Bill further to amend the Atomic Energy Act, 1962, be taken into consideration.”

The Atomic Energy Act of 1962 provides for the development control and use of Atomic Energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith.

Section 6 of the Act deals with disposal of uranium and provides that any mineral, concentrate or other material which contain uranium in its natural state in excess of such proportion as may be prescribed by notification by the Central Government shall, on service of a notice and payment of compensation in accordance with section 21, become the property of the Central Government. A reading of this provision in section 6(2) which makes payment of compensation a condition precedent to vesting of the property in the material in the Central Government combined with section 21 (1) (a) which provides for fixation of compensation by agreement, could give rise to an argument that the element of mutual consents is not altogether excluded