

14.30 hrs.

**STANDARDS OF WEIGHTS AND
MEASURES BILL**

MR. DEPUTY-SPEAKER: I see that it is a very interesting Bill. I want to congratulate my good friend, Mr. George for having this very special task of piloting this Bill. There are a few hard facts about the Bill. It has 85 clauses. There are 20 amendments to this Bill. I tried to read the statement of objects and reasons, but I found that it was very difficult to understand and to digest Mr. George has the distinction of seeing this Bill through in one hour. Let us do our best.

**THE MINISTER OF STATE IN
THE MINISTRY OF INDUSTRY AND
CIVIL SUPPLIES (SHRI A C
GEORGE):** Thank you very much for compliments.

I beg to move. *

"That the Bill to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

In India, unit standards of weights and measures based on the metric system were established for the first time in 1956 when the standards of Weights and Measures Act was passed. The standards then established were based on the international system of units as recognised by the International Organisation of Legal Metrology of which India is a member.

The International Organisation of Legal Metrology has since prepared the draft of a legislation incorporating the revised standards of weights and measures in order to maintain a co-

herent plan having regard to the advances made in the field of science and technology. This new system has been given an abbreviated name 'I' includes 7 base units, 2 supplementary units and about 50 derived units. The derived units are themselves required in specialised fields of nuclear science, space technology, aeronautics, etc. Taking into account the revision of standards recommended by the International Organisation, the Central Government constituted an Export Committee which included technical and scientific experts including those of State Governments. Based on that Committee's report, a Bill was prepared and introduced in Rajya Sabha in July, 1975. It was passed by the Rajya Sabha on 15th January, 1976.

I would like to explain the main features of the Bill in a nutshell. The main features of the Bill are —

- (1) Establishment of standards of weights and measures based on the SI units and recognised by the International Organisation of Legal Metrology;
- (2) regulation of inter-State commerce in weights and measures;
- (3) control and regulation of export and import of weights and measures; and
- (4) approval (before manufacture) of models of weighting and measuring instruments intending to be manufactured.

It also provides for recognition of the Indian Institute of Legal Metrology for imparting training and provides for surveys and collection of statistics for facilitating planning and enforcement of the proposed legislation.

Finally, it is necessary to stress that the Bill provides for consumer protection in respect of packaged commodities.

ties. We are all aware, for years together, the consumer in this country was subjected to cheating and betrayal in short weights, short measures and short numbers even. All these malpractices were taken for granted against which many of us thought that there was no legal remedy at all. So, this measure in its enforcement will be an important chapter in our attempts to provide for consumer protection in respect of packaged commodities.

The Bill contains a provision for proper indication on the package of net quantity by weight, measure, etc, the name of the manufacturer and the price of the package. Normally, whenever there is something packed, it is given a beautiful outer coverage and some sort of weights and measures are mentioned on the package and it is taken for granted that it must be correct. The manufacturer or the person who is engaged in packaging was absolutely free in a way, to cheat the poor consumer and the consumer was taken for granted. Now, we are trying to have this measure to see that the consumer is not cheated and that the standards of weights and measures are rigidly enforced. By this measure, we are trying to see that proper measures are taken all over the country, by all legal methods, and to see that ultimately it becomes a very effective instrument in the matter of consumer protection.

In this connection, it may be mentioned that a Packaged Commodities Regulation Order has been enforced with effect from 2nd October, 1975. This Order currently derives its authority from Defence of India and Internal Security Rules. With the passing of the proposed legislation, the consumer will henceforth have a statutory base.

With these words, I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER. Motion moved:

"That the Bill to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

SHRI P. G. MAVALANKAR (Ahmedabad): Just a minute. What is the legal provision for consumer protection. Let the Minister explain in some detail that we can understand it. The Bill is so technical. If he explains to us at least some measures by which the consumer will be protected, we will be grateful to him.

SHRI A. C. GEORGE: As the Chair remarked, this is a Bill with a lot of technical details. It has 85 clauses and all that. So, I did not want to take much time of the House by going into the details. The Bill was circulated to the hon. Members quite a long time back.

SHRI P. G. MAVALANKAR: The Minister says that the consumer is going to be protected by having so many legal provisions whereby cheating by the manufacturers can be detected; but what are those provisions? He should at least explain something in non-legal language.

SHRI A. C. GEORGE: It is stipulated that anybody engaged in the manufacture of commodities will have to very legibly mention in a noticeable position for the benefit of the consumer the weight, measure, number, time of packing and the price at which it is expected to be sold.

MR. DEPUTY SPEAKER: Shri Saradiah Roy.

DR. SARADISH ROY (Bolpur): Mr. Deputy speaker, Sir, in principle nobody can object to the introduction of such a Bill which ensures the consumers' interest by means of the provisions regarding weights and measures which are being provided; but the objection is to the manner in which the Bill is going to be implemented. In 1956 the Standard Weight and Measures Act was enacted but how the Act was implemented is not known. A Committee of Experts went through it and recommended repeal of the 1956 Act and the provisions made under the Act. We fear that the same fate is awaiting this Bill in regard to its implementation. Negligence and corruption in the machinery will detract from the advantage that is being provided for the ordinary consumers.

In its report, the Committee of experts which went into the weights and measures remarked that about 60 per cent of the taxi meters in Delhi city itself are not accurate and the passengers are forced to give a higher rate due to inaccurate metres. Even the machines of the petrol pumps in the city of Delhi are manipulated in such a way that the purchasers are forced to pay a higher rate of money for the petrol they are supplied with. It is alarming that even the weights and measures that are provided to students, doing research work are not accurate; we can easily imagine what the results of their experiments will be?

In its report on p 18 it has stated that in retail and wholesale trade in commodities, an error of just 1 per cent, which is very difficult to detect, in weight or measure or in the weighing or measuring instruments may lead to a loss to the mass consumers to the extent of Rs 160 crores and Rs. 140 crores to the farmers per year. Such is the alarming condition, not only in the private sector but in the public sector also. Even in the Railway stations the weighing machinery are not accurate.

It has come in the papers that a public undertaking supplies coal mixed with coal dust and with a breath of wind the dust disappears and the coal supplied is thus less. The consumers are being cheated in this way.

The Act provides for the packaging of packaged goods being supplied. We have seen that small traders and petty hawkers are being prosecuted for underweight measures but the larger manufactures who had been cheating the consumers daily are not being tackled and their cases are not being dealt with properly. There is a provision in the Act in Section 29. It is stated on page 18-

"... that Government may direct the manufacturers and also the packers or distributors to sell, distribute or deliver such commodity in such standard quantities or number as may be prescribed."

This is to be executed by a machinery which is entirely corrupt. Therefore, we get the apprehension that these measures are not going to be implemented properly these measures will remain only on paper.

This report has recommended that the inspectors who will implement this measure should be properly qualified. In several States, even matriculates who have no scientific knowledge or training are being recruited as inspectors for weights and measures. The report has recommended that properly trained graduates should be appointed, and they should get ample remuneration so that they may not fall an easy prey to corruption.

Package articles are being sold in the market. For example, the bread package is sold with the label '200 gms.', but actually the weight of the contents is 180 gms, that is, ten per cent less. Consumers are being cheated to the extent of ten per cent of the goods.

In certain packages it is mentioned that the price is so much without local

taxes. For example, Amul milk-spray; it is mentioned on the package that the price is Rs. 8.89, but actually it is sold for more than Rs. 10 with taxes. And the consumers do not know what are the actual taxes, and there are always conflicts between the consumers and the retail traders. So, these things must be looked into. These are the things which are causing much trouble to consumers and traders. These unscrupulous manufacturers are showing that they are selling things at a lower price but actually the consumers are forced to purchase at a higher rate.

In some packages it is mentioned 'when packed' and the package material is also included in the weight. For example, bread. The package material is also included in the weight, and the consumers are cheated. Sometimes it is mentioned in the report that, due to moisture, the weight may have been higher at the time of packing and afterwards it may have become lower. But certain provisions should have been made, so that the people may not be cheated.

In conclusion, I want to mention that the main things is the availability of weights and measures and weighing machines and weights. In our country, Avery India Limited is holding the monopoly in this industry of supplying weighing machines. It is a foreign concern which is minting money and is cheating people, but the Government is doing nothing. I want that this company, Avery India Limited, a foreign, multi-national concern, should be taken over by Government and nationalised without compensation. There is ample technical knowledge available in our country. We can manufacture the machinery ourselves and thus save the valuable foreign exchange. If we cannot manufacture the machinery in our country, how can we expect to implement the

measures that are provided in this Bill properly in the interest of the consumers and the general public?

श्री सरज पांडे (गाजीपुर) : उपाध्यक्ष जी, वैसे यह बिल जैसा आपने खद कहा ह, बहुत दिलचस्प और लम्बा चौड़ा है और यह तो हम लोगों की समझ से काफी दूर है कि इसमें क्या क्या प्रोवोजन किये गये है। वैसे पिछली दफा जब यह बिल बना था तो भारी पैमाने पर छोटे लोगों का हेरामंटेट इसके जगिये से हुआ था। ग्राम लोग में, जैसा कि माननीय सदस्य ने कहा, नमाम छोटे छोटे दुकानदारों का पकड़ कर जैलों में बन्द किया. और जो हमारे कजूमरों से वह भी नहीं समझ पाने थे कि यह बेट क्या है। मन, मेर, छटाक की जगह पर एक नई चीज इंट्रोड्यूस कर दो जिनका बजट में उल्लेखनों को भारी परेशानिया हुई और ग्राम भी हैं। मैं समझना हू कि इस बिल के जो इम्प्लीमेंटेशन का स्वभाव है वह बहुत कठिन है और फिर वही हेरामंटेट हमारी ग्राम जनता का भी होगा और छोटे छोटे दुकानदारों को भी परेशानी होगी। कभी कभी कर्मचारी लोगों को इस अघार पर पकड़ लेते हैं कि इसमें नम्बर ठीक नहीं लगा है, इसका मेड - छोटा है, जिनकी लम्बाई चौड़ाई होनी चाहिए वह नहीं होती है। इस तरह के नमाल ग्राम हैं और इसमें लोगों को परेशानियां होती है और हमारे कजूमरों को भी नमाल बड़ा मरिक्त होना है। जैसा कि मेरे से पूर्व बकना ने कहा कि डबल रोटी के पैकट पर 200 ग्राम लिखा होता है, लेकिन उनका होता नहीं है। तो इनकी सारी चीजों को आदमी किस तरह में मेजर करेगा यह कजूमर के लिए बड़ा मुश्किल है। और एक बड़ा भारी बिज हमारे मास पर रख दिया गया। और उसके बाद इसका इंटरसेप्शन होगा और किस तरह में इनको गास में, छोटे छोटे शहरों में लागू करेंगे, यह नमाम कठिनाइया पैदा होंगी।

[श्री सरजू पांडे]

वैसे तो यह बिल ठीक है चूंकि वेट्स का स्टेडर्डिजेशन करना है, और इसकी जरूरत भी है। लेकिन यह बात भी सही है कि इसमें जो करप्शन होगा उसके स्कावट की व्यवस्था इस बिल में नहीं है। तो इसका भी आपको ध्यान रखना चाहिए कि जो हमारे गांवों के रहने वाले लोग हैं, जो इसको नहीं समझ सकते, या जो बड़े लोग हैं वह काफी लूट मचाये हुए हैं, और जो इंस्पेक्टर होंगे वह मामूली किस्म के लोग होते हैं और वह लोगों को गांवों में, उनकी अज्ञानता के आधार पर, हैरास करते हैं। तो आपको इसको भी देखना होगा कि लोगों का नाजायज हैरासमेंट न होने पाये।

आपको याद होगा यहां पर हम बिल पास करते हैं कि मिलावट करना जुर्म है। लेकिन उसकी इम्प्लीमेंटेशन मशीनरी में इतना करप्शन है कि हर दूकानदार के यहां इंस्पेक्टर का बधा हुआ हिस्सा होता है। हमारे शहर में ही एक कसाई को इंस्पेक्टर पकड़ कर लाया और कहा कि इसमें मरा हुआ बकरा मारा और उसका गोشت बेचा, जो कि सरासर झूठ था। लेकिन जब उस कर्मचारी को रिश्वत दे दी गई तो उसने रिपोर्ट में लिख दिया कि यह बकरा जिन्दा था। मेरे कहने का मतलब यह है कि इस तरह रिश्वत लेने के लिए छोटे छोटे लोगों को पकड़ा जाएगा। यों हमने कोई संशोधन तो नहीं दिया, लेकिन मैं यह ज़रूर चाहता हूँ कि इस बात की कोई सुरक्षा होनी चाहिए कि जो अधिकारी इस लिए नियुक्त हों, या जो वेट्स और मेजर्स को तैयार करेंगे, वह ईमानदारी से काम करें। इसी प्रकार से लाइसेंस देने का जो प्रोवांजन है उसमें भी रिश्वत चलेगा, जो लोग इनको तैयार करेंगे उस में भी भ्रष्टाचार होगा। इसलिये मंत्री जी इसकी भी व्यवस्था करें कि जो कर्मचारी इसको लागू करें उनको इस

किस्म के डायरेक्शन दिए जायें कि वह लोगों को परेशान न करें बेकार में, और जो कंज्यूमर्स नहीं समझते हैं उनको भी बिना बात हैरास न किया जाये। माननीय सदस्य बता रहें थे कि बिजली मीटर के बारे में, गांवों में जो बिजली के मीटर लगे होते हैं उनको लोग पढ़ नहीं सकते जिसकी वजह से मीटर रीडर भारी भ्रष्टाचार करता है, और जिससे पैसा पा जाता है उसको लिख देता है कि कम बिजली खर्च हुई, और जो पैसा नहीं खिलाता उसने ऊपर ज्यादा चार्ज करता है। बहुत सारे लोगों के मीटर चलते ही नहीं हैं, वह बिजली की चोरी करते हैं और अधिकारी उनको छिराने की कोशिश करते हैं। इसलिये इसकी व्यवस्था इसमें होनी चाहिये। जैसा हमारा समाज है वह सब को मालूम है, इसमें भारी परेशानियां लोगों को उठानी पड़ेगी और इसीलिये मंत्री जी को चाहिये कि जो इम्प्लीमेंटेशन मशीनरी हो वह सही मायने में ईमानदारी से काम करे, और छोटे छोटे गरीब लोगों को ज्यादा परेशानियां न हों। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री मूल चन्द डागा (पाली) : अन्तर्राष्ट्रीय पद्धति के आधार पर जो यह बिल लाया गया है इसका मैं स्वागत करता हूँ। डिप्टी स्पीकर साहब ने पहले ही कह दिया है कि यह बिल लागू कैसे होगा और उन्होंने एक बड़े अच्छे ढंग से इस को कहा। आप यह देखें कि मि० जार्ज क्लाज (3) में क्या कह रहे हैं :

"It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

- (a) provisions of this Act,
- (b) areas,
- (c) classes of undertakings,

- (d) classes of goods,
- (e) classes of weights and measures, or
- (f) classes of users of weights and measures,...

इस कानून को लागू करने के लिए एक ही हिस्से में आप कई डेट्स फिक्स करेगे और उसके अन्दर भी कई बात अलग अलग होंगी। इन्टरटेविंग के लिए लागू करेगे या नहीं करेगे पता नहीं, कौन सी चीजों के लिए लागू करेगे पता नहीं, कौन से एरिया के लिये किस तारीख में लागू करेगे, पता नहीं। इस के लिए आप डिफिन्ट डेट्स रखेंगे। मेरा कहना यह है कि कानून ऐसा बनना चाहिये जो कि भ्रम हो और जिम्को आगामी में लागू किया जा सके। कानून तो यह अच्छा है और इसका स्वागत होगा ही लेकिन आपने यह बहुत सख्त कानून बनाया है और शुरू में ही दो दो साल की मज्जा रख दी है। 60 करोड़ का यह उनका बड़ा देश है और इसमें कई तरह के लोग रहते हैं। मैत्रा कमेटी ने भी यह कहा है

"The Committee is aware that there are many markets in India where commodities are sold by heaps or in truck-loads or cart-loads without any weighing or measurement of the commodities contained in each such heap, truck or cart. The buyer is required to make an offer on the basis of an eye estimation of the quantity contained in each such heap, truck or cart."

आज हिन्दुस्तान में कई पद्धतिया चल रहे हैं। मेरे गांव में लाइम को बेचने की पद्धति यह है कि गाड़ी खड़ी रहती है और उसी चूना भर कर बेचा जाता है। सब लोग उसी तरह में चूना खरीदते हैं। अब चूने का मेजरमेंट कैसे होगा, मेरी समझ में नहीं आता। इसी तरह से मकान के लिए मिट्टी खरीदनी है, तो उसका मेजरमेंट कैसे होगा। इस तरह की बहुत सी चीजें बाजारों के अन्दर

चलती हैं और बहुत सी इन्टीग्रियर एसेज हैं, वहां पर इसको कैसे लागू किया जाएगा और इसमें आपने इतनी सख्त मज्जा रख दी है कि वही पर दो साल की मज्जा है और कहीं पर छ मड़ाने ही। इस तरह के कानून को, जिम्मा 2 करोड़ है, जार्ज माहब चाहते हैं कि आधे घंटे में पता हो जाए और मैं समझता हूँ कि राज्य सभा में तो यह पाच मिनट में ही पता हो जाएगा। मेरा कहना यह है कि इस कानून को मेहरबानी करना थोड़ा सा ध्यान में देखिये। आप कह रहे हैं कि मुह से अगर कोई बह देगा, तो उसका सजा मिल जायेगी। मुझे याद है कि अभी भी हम सभा में मन ही कहते हैं, क्वीटल नहीं कहते। इसी तरह से कई जगह से ही कहते हैं, किलो नहीं कहते। अब अगर कितना व मुह से मन या भर निकल गया, तो उसको भी आप मज्जा दे देंगे क्योंकि क्लॉज 33 में आपने यह कहा है

"No person shall, in relation to any goods, thing or service to which this Part applies,—

(a) quote, or make announcement of, whether by word of mouth or otherwise...."

चलिये इसमें भी मज्जा। मैं गांव का रहने वाला हूँ। मैंने कह दिया कि पाच घड़ी यह सामान है, तो उसमें भी सजा क्योंकि आप कहते हैं :

liable to be prosecuted for six months.

और इस तरह का कानून लागू करने वालों को नौग हावे। बहुत सारे अधिकारी आपने इन्के लिए रख दिये हैं जैसे कि

Director, Addl. Director, Joint Director, Deputy Director, Asstt. Director or any person entrusted.

जब मैं आपको बताता हूँ कि हमारे यहां जो फर्टिफाइड में बेइंग मशीन लगी है उस पर मैं अपने को तुलनाता हूँ और पार्लियामेंट की

[श्री मूल चन्द ढोंग]

एन्केटी में जो वेइग मशीन है उस पर तुलवाता ह, तो दोनों में अन्तर होता है जब कि मेरा वजन एक ही है। इस तरह से दोनों मशीनें अलग अलग वजन देती हैं। इसके अन्दर आपने कानून बनाया है कि कौन आफिसर्स होंगे। मारा इसमें प्रेमकाई। आज यहा कानून पाम हा जायगा और रेडियो में खबर आ जायगी कि मि० अर्ज ने कानून पास कराया है। हम भी उनको धन्यवाद देंगे। लेकिन इगको लाग कैसे रिया जायेगा? इसमें आपने लिखा है कि ये आफिसर्स होंगे।

“Additional, Joint, Deputy, Assistant Director or other Officers appointed under sub-section and any person authorised to exercise the powers.”

Who is that ‘any person’ to whom you want to authorise? What is the definition of ‘any persons’?

आपने बकीवा की कमाई का साधन पैदा कर दिया है। जितना ज्यादा कानून बनेगा उसके लिए नयासं एडवोकेटस सालिसिटर्स आपको धन्यवाद देंगे कि आपन बहुत बड़ा काम किया है। इस कानून के अन्दर आपने मजा लिखी है—क्लाज 80 आप पढ़िये—

Clause 80. (1) No unit of weight, measure or numeration shall after the commencement of this Act, be stated in any enactment notification, rule, order, contract, deed or other instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration

(2) On and from the commencement of this Act, no weight, measure or number other than the standard weight, measure or number shall be used in, or form the basis of, any contract or other agreement

in relation to any inter-State or international trade or commerce;

I live in a very small village. I enter into a contract. That contract is put in black and white. The agreement is between a farmer and an educated person. The matter is taken to the court of law. The educated person says that the measures have not been mentioned according to this Act. The evidence of the farmer will have no weight and value

हिन्दुस्तान में अगर कोई चीज बड़ी है तो वह नीकरगाही बड़ी है। इमने काफी तरक्की की है। हिन्दुस्तान में अगर किसी की तरक्की हुई है तो वह नीकरगाही की तरक्की हुई है। मैं तो कहता हूँ कि भगवान करे उनकी मरुया और बड़ जाए और सारे हिन्दुस्तान में कानून ऐसा सख्त हो कि वह हिल न सके। यह एक कानून बनाया है

(3) Any contract or other agreement in contravention of the provisions of sub-section (2) shall be void

It shall be void *ab initio* after passing this legislation

हिन्दुस्तान में हम सभी लोगों को एजुकेशन नहीं द सके। कान्स्टीट्यूशन में लिखा है कि कान्स्टीट्यूशन बनने के 15 वर्ष के अन्दर हम लोगों को एजुकेट कर दगे लेकिन 27 वर्ष तक हम ऐसा नहीं कर सके। कान्स्टीट्यूशन बनने के 15 वर्ष बाद हम हिन्दी को राष्ट्रभाषा बनाना था लेकिन वह भी हम नहीं कर सके। इसलिए कानून जो बने वह प्रैक्टिकल होना चाहिए जो काम में आ सके।

आपने कहा कि सिविकस में पांच माल में यह कानून लागू कर दिया जायगा लेकिन क्लाज 2 में आप कह रहे हैं

"It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

* * * * *

Provided that the provisions of this Act (including the standards established by or under this Act) shall come into force in the State of Sikkim on such date not being later than five years from the passing of this Act "

Why do you put this proviso? What is the purpose?

The manufacturers will have to record everything

यह मेज़मैट कानून जो हिन्दुस्तान के माठ करोड़ लोगों पर लागू होगा उसमें कहा गया है कि मैन्युफैक्चरर कौन होगा। मैन्युफैक्चरर वह एण्टीजिनम आदमी है जो गांव में बैठा हुआ है। उसको आप इस कानून के अन्तर्ग में आया है।

He will have to prepare a chart and give everything in writing

उनकी नानी मर जायगी। दे आर एड विल नाट वी इन ए पोजिशन ट उ ईट थिंग। गांव में काम करने वाले जो लोग होत हैं उनको पता ही नहीं होता है कि क्या कानून बना है। आपने अब हर एक आदमी में पांच हजार रुपये देने का प्रावधान किया है। ठीक है हममें आपको आमदनी हो जायगी। जो इस काम को करेगा वह आपका पांच हजार देगा।

Here it says, 'manufactures, sells distributes repairs any weight or measure'

मान लें कोई आदमी बाँट डीर कर रहा है। आप कहते हैं कि वह न उपेन न। गाँवों में जो इस काम में लगे हुए हैं उनकी क्या हालत इससे होगी आप अन्दाजा नहीं लगा सकते हैं। आप 35 हजार को पढ़े।

यह भी आपत्तिजनक है। आप चाहते हैं कि निर्धारित समय में इसको पास कर दिया जाए। लेकिन आप 50 को देखें, 51 को देखें। कोई भी कदात्र ऐसा नहीं है जिस पर कुछ न कुछ आपत्ति न की जा सके। इस तरह के बिना को अगर सिनेकट कमेटी के पास भेज दिया जाता और वह एक बार इसको एग्जैमा करती तो कोई हार्म नहीं था और आमनाम गिर नहीं पड़ता। डिप्टी स्पीकर महत्व न था उनका इशारा किया था। पता नहीं उसको उतना माना है या नहीं माना है। यह उनका मर्जी की बात है। उस बिना के पास हो जान में कोई नहीं कह सकता है कि क्या होगा।

15 hrs

एर और भी मिफारिज पब्लिसिटी के बारे में की गई थी। बहुत साफ यह मिफारिज है :

Steps should also be taken to give adequate publicity, information in regard to legal methodology in regard to the various offences Emphasis should be laid on these things

आप इसको पब्लिसिटी दे लोको को इसके लिए तैयार करें इस कानून को धीरे धीरे लागू करें। डायरेक्टर और ज्वायंट डायरेक्टर आदि जो हैं उनको आप कहे कि थोड़ा वे सब और इस कानून का जल्दी से लागू न करें। धीरे धीरे समझा कर लोगों का मन जीत कर लागू करें।

SHRI SURENDRA MOHANTY (Kendrapara) Sir, although this Bill is unexceptionable in principle, yet, I have my own misgivings about the utility and about the usefulness of this particular piece of legislation

Sir, with great respect to the hon. Minister, I wish to point out that I have a feeling that he has taken up this piece of legislation in a very casual manner, he is treating it lightly, and this can be seen from the allotment of

[Shri Surendra Mohanty]
meagre time of one hour for this Bill which has got tremendous importance from the consumers' point of view.

I invite the hon. Minister's attention to a statement recently made, during last month, by Mr. S. K. Maitra, Chairman of Weights and Measures Law Division Committee in Calcutta to the effect that annually this underweighing business is generating Rs. 1500 crores of black money. His estimate was, this normal average of underweighing was of the order of five percent and this on an average generates Rs. 1500 crores of black money. Even though from 1956 weights and measures have been 'standardised' according to the Minister, one really wonders why the Government was sleeping for this long period of 20 years to bring about this sort of legislation and why the consumers and the Government have been cheated to the tune of Rs. 1500 crores annually. I hope the Minister will give a reply to this which will give satisfaction not only to this House, but to the whole country.

Describing the dimensions of this Bill the Chairman goes on to say that this widespread evil is effecting the consumers and the national economy alike and, in one form or the other, the customer is cheated on account of the manipulations in weights and measures. He found in Delhi that a cement bag which was supposed to contain 50 k.g. contained only 20 k.g. Only 60 per cent of taxis has recorded meters on the higher side. Even the scientific instruments gave a wrong reading and those students who based their calculations on this reach a wrong conclusion.

In all humility I now ask the Hon. Minister: is he going to check this malady? Can he check this malady by this piece of legislation? Does he understand it himself? Clause 23 makes provisions for the enforcement of this legislation. But, you will find in the Schedule to Section 79 that one

horse power (U.K.) equals so many watts and one H.P. (European) equals so many watts. I would like to know how many competent persons the hon. Minister can get round who can check this kind of electrical meter reading whether one horse power equals a particular stipulated voltage. Who will find out that? Has he made any provision anywhere? As we all know, this is one of the vicious rackets. Similarly you will find one barometric inch of mercury is equal to so many pascals. In all humility, I ask the hon. Minister how he can find out a few competent people in this country who can check this?

Therefore, my own feeling is that though the objective of the Bill is unexceptionable and though the Government like Rip Van Winkle has woken up twenty years later to check this malady, still, this Bill leaves some doubt, misgiving or a question mark whether this is going to be implemented at all. My own feeling here is that it is not going to be implemented at all as would be evident from the very fact that the Government has not decided from which date the Bill will come into force. The Government, in its own wisdom, will decide some date from which it will come into force.

That only shows that the Government is not serious at all about saving the consumers from this kind of fleecing which is going on. And according to the Chairman of the Weights and Measures (Law Division) the consumers of India are being fleeced at the rate of Rs. 1500 crores annually.

There is another small point and I have done. For implementation of the Bill, the Government, in its wisdom—bureaucratic set-up of mind—makes provisions for the appointment of directors and high-salaried posts at the top. It is not the high-salaried directors or deputy directors or assistant directors who will go to the bazar to inspect whether the consumers are being cheated or not and whether the weights

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and measures are properly used in accordance with the standardised weights and measures. It is for the lower staff to do that. The Bill makes no provision for the appointment of lower staff, nor does it give any indication of what should be the requisite qualification for the staff who are going to be employed. As I said, I am afraid, some matriculates or under matriculates or, perhaps even for the implementation of the twenty point economic programme, some unemployed youths of some political party may be appointed or may be perhaps taken in, for the implementation of this measure. Perhaps they may find some employment. I do not grudge it. The only thing that I want to emphasise is that this Bill is not going to serve the purpose for which it is meant and designed and it is only an eye-wash and the consumers are still going to be fleeced at the rate of Rs. 100 crores annually.

SHRI P G MAVALANKAR
(Ahmedabad) Mr. Deputy Speaker,
Sir, you gave a very right note at the start of this discussion when you said that the Bill is interesting but it needs to be explained in many a detail.

I tried to listen to my good friend, the Minister, with great respect, and with sympathy also for him—after all if anyone of us had been in his place we would have been put to the same difficulty in explaining the Bill to the House—as to why this kind of Bill should be passed because of the following kind of provisions, etc. Now, Sir, if the Minister were to request and tell us that the objectives are very laudable and, therefore, the Bill be passed, we will pass it immediately, but the question is whether these laudable objectives are going to be translated into proper action doing justice to the consumers and minimising their harassment. My first point to the Minister is: Has he and the Government really given consideration to the fact of harassment and hardship

to the consumers? The Bill obviously wants to protect the interests of the consumers as he said, and I agree with him on that point, but he should explain how are they going to minimise the hardship, harassment and injustice done to the millions of not only illiterate consumers but even literate and highly educated consumers. When we go to various shops we are cheated by all kinds of methods and the law is unable to do anything. By that I am not suggesting not to do anything but my first point is: Is this Bill not too much ahead of time in the sense that it does try to do at least theoretically, if not practically, too much too suddenly and too quickly.

There is a provision in the Bill for establishing a training institute but again it does not say in many details as to what kind of scheme Government have before them for this training.

My next point is although the Bill's objectives are laudable yet they will not be achieved even partially. The measure is complicated and requires lot of understanding and intelligent applicability on the part of both the implementers of law and those who have to abide by the law and in between are the vast millions of consumers who will be sandwiched between these two extremes. In any case, if the consumers are not going to be benefited, why have this piece of legislation? Therefore, I would like to ask the Minister: Is it not necessary from this point of view—and the fact that it contains many complicated details—that it be sent to the Select Committee? The whole purpose of sending a Bill to the Select Committee is twofold, namely the whole House has neither the time nor the required competence to go into the details. The purpose of passing the Bill is defeated if you go hurriedly without proper consideration of the matters involved and without trying to listen to all points of view—point of view of the consumers, point of view of the manufacturers, point of

[Shri P. G. Mavalankar]
view of traders, point of view of government officials and point of view of various social organisations and institutions involved in the movement of consumers' interest in general in this country. Without doing all this, asking this House to pass such a detailed measure in less than an hour's time, when everybody, including the Minister says 'I do not know, but it is good, therefore, pass it'.

SHRI A. C. GEORGE: I do not recollect when I said 'I do not know'.

SHRI P. G. MAVALANKAR. Because you were not able to tell us what precisely are the legal provisions, you were not able to tell us how you will catch hold of the defaulter, what is the machinery, how will the consumers' interest be protected, how he will not be harassed, how you would eliminate corruption. All these points and questions remain unanswered. Therefore, merely by the Minister telling us that he knows this Bill and therefore, we should pass it, does not take up anywhere. Of course, he has our sympathy, we can pass it. Also we are in sympathy with the objectives. But we cannot be asked to pass a Bill which knowingly we cannot understand.

SHRI M. RAM GOPAL REDDY (Nizamabad): Please read the Bill.

SHRI P. G. MAVALANKAR: I have read the Bill three times, first when it was last introduced in the Rajya Sabha and again twice before it came up here.

Therefore, I only want to say this in conclusion, apart from the suggestion to send it to a Select Committee, that the satisfaction of merely passing laws, even on matters which contain socially good and laudable objectives, cannot be of much avail, because law in itself cannot do much. Now, it is true that if a law is an effective instru-

ment or an effective agency, then the bureaucracy is necessarily strengthened then. I am not for outright criticism of the bureaucracy; if we have laws, we have to have a government machinery. Bureaucracy is bound to increase and we have to give them more powers. But, surely you must know that the powers are worthily placed in the right kinds of individuals as a result of which the people's welfare will be increased and harassment will be decreased.

Over a period of some years, I carry the feeling, especially when I come across such legislation that the tendency on the part of governments, particularly the Government of the day at the Centre, is increasing that merely by passing legislation with some good, desirable objective, you have achieved the results.

SHRI M. RAM GOPAL REDDY: This is the beginning.

SHRI P. G. MAVALANKAR. Progress is achieved partly by legislation, partly by persuasion but mainly by education of the electorate, education of the citizenry, education of the vast masses of people both consumers and producers or manufacturers. If you do not do all these things and merely jump to the last point, namely, make a law and get it passed by Parliament—because Parliament may pass it without having time enough to discuss it, because it has not the competence enough to discuss it—you can say, one more law has been passed now. We can send out posters; then newspaper headlines will come that the Standards of Weights and measures Bill has been passed by Parliament and consumers are not to be afraid and they will all be given justice. But poor consumers, ignorant consumers, illiterate consumers or even literate consumers—they are all in the same boat, without any further improvement!

Therefore, I say in all humility and sincerity—I am not saying this in a critical spirit—let us resist this temptation of passing too much of legislation or passing mere legislation for the satisfaction that we have achieved a welfare state. On these counts, therefore, I feel rather a sense or reservation when I am supporting this Bill. We must have some standard of measurement. Even the Bhagvad Gita talks of the standard of measurement, of right conduct, though in a different context, when it says that the best men in society must behave in such a manner that their behaviour itself become a standard of measurement.

यद्यदाचर—नि श्रेष्ठः तत्तदेवेतरो जनः ।

म यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

The wise and the best men by their conduct shall establish a *praman*, a measurement of certain behaviour.

मं यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

What *praman* are you going to establish in this legislation in regard to various commodities and goods?

So, I hope the Minister will at least in his reply try to clear some of the doubts and reservations we have in regard to this Bill. Will he tell us what special measures he has in mind, what precautions Government have in mind to remove the possible not only possible but almost definite and clear-cut, expansion of corruption on the part of the bureaucracy and harassment to consumers. Do you think that you will get the consumers' interest protected by this Bill? I do not think that anyone in this House, and much more so people outside the House, the

millions of consumers, will ever be truly, and really saved. Sir, I thank you for the opportunity you gave me to express my views.

श्री डी० एन० तिवारी (गोपालगंज) :

उपाध्यक्ष जी, जब मैंने देखा कि इस बिल के लिए एक ही घंटा है तो मैं बोलना नहीं चाहता था। लेकिन माननीय सदस्यों के भाषणों से ऐसा मालूम हुआ कि कोई समझना नहीं है कि क्यों यह बिल प्रायः और शायद वह भी नहीं समझने हैं तो बिल लाने में क्या फायदा होगा। यह ठीक है कि देश के विभिन्न स्थानों पर विभिन्न वेट्स एण्ड मेजर्स हैं। एक जगह में दूसरी जगह अलग अलग वेट्स एण्ड मेजर्स हैं। कहीं मेर है, कहीं गण्डा है, कहीं किलो है, कहीं कुछ और है। स्थिति ऐसी थी कि दिल्ली का आदमी पटना में जाय खरीदने तो दो डिफरेंट वेट्स एण्ड मेजर्स मिल जायेंगे। ऐसे : पहले जब एक रुपये के 64 पैसे मिलने थे और जब सी पैसे लागू हुए तो कुछ गडबडों चली, बहुत गडबडों चली और बहुत लोग जो समझ नहीं सके वह उभरे भी गए। ऐसे ही इस में भी हो सकता है। इस बिल का लाने में गवर्नमेंट का एक ही मकसद ही रहना है कि गरीबों को कुछ देर लगेगी, कुछ गडबडों पहले होंगी लेकिन अन्त में हावत सुधर जायगी। आज एक रुपये के सा पैसे जो दिए गए उसमें किता का कोई डिफिकल्टी नहीं होती। सभी समझते हैं कि कितना देना है, कितना लेना है। लेकिन शुरू शुरू में नहीं समझते थे। माननाय सदस्यों में किसी ने भी इस बिल के प्राविजन पर विरोध की बात नहीं कहा है। सबने इसका स्वागत किया है। यह भी ठीक है कि गवर्नमेंट ने एक अच्छा कदम उठाया है, एक अच्छा रास्ता अच्छेयार किया है। तो हमें जरूरत है कि जो बकिय में डिफिकल्टी हो उसमें लिए बाद में अफर अमेंडमेंट करें। आप अपने सुझाव दें कि क्या गडबडियां हैं। अभी तो जो पहले स्थिति थी इसे बिल के पास हो जाने के बाद उससे

[श्री डी० एन० तिवारी]

अच्छी स्थिति होगी, इसमें कोई शक नहीं। पहले तो कुछ भी नहीं था। जो कुछ भी चाहें कर सकते थे। लेकिन कानून बनने के बाद एक रुकावट होगी जिससे इतने धड़ल्ले से गड़बड़ी नहीं हो पाएगी। मैं जानता हूँ प्राविजन्स को न समझने की वजह से बहुत से गांव के लोग गलती करेंगे और ठगे जाएंगे। लेकिन यह सब पहले से कम होगा और गवर्नमेंट को देखना चाहिए कि इस कानून से पहले की स्थिति में कुछ सुधार होगा या गड़बड़ी और बढ़ जायगी। किसी सदस्य ने नहीं कहा कि इस बिल के पास होने के बाद और गड़बड़ी हो जायगी। यह ठीक है कि इससे कोई बहुत सुधार नहीं होगा और बहुत जगह गड़बड़ी भी चल सकती है। लेकिन पहले की स्थिति और खराब हो जायगी ऐसा किसी ने नहीं कहा है। यदि बिल लाइबल है अच्छा है सभी इसका स्वागत करते हैं तो फिर इसकी वकिंग में जो त्रुटियां हो सकती हैं उनको सामने रख कर मिनिस्टर को बताएं कि ये त्रुटियां हैं। मैं मानता हूँ कि कुछ त्रुटियां होंगी क्योंकि लाखों व्यापारी हैं। उनके अलग अलग वेड्स एण्ड मेजर्स हैं। इस बिल के पास होने के बाद नये मेजर्स लाने होंगे। इसमें वे हिचकेंगे कि पैसा खर्च करें या न करें, उनको लाएं या न लाएं। लेकिन उनको पैसा खर्च करना होगा। परन्तु जो छोटे व्यापारी हैं, दस बीस रुपये का बिजनेस करते हैं उनको डिफिकल्टी होगी लेकिन जब कानून पास होगा तो कोई रास्ता निकालना होगा कि पहले के और आज के वेड्स एण्ड मेजर्स को कैसे बदलें। नहीं तो गवर्नमेंट का अगर विचार है कि एकाएक बदल दें तो यह असम्भव है। ऐसा नहीं हो सकता है। मैं इस बिल का स्वागत करता हूँ। लेकिन जो डिफिकल्टीज़ हैं जो सदस्यों ने बतलायी हैं उनकी तरफ ध्यान जाना चाहिए। यह भी सही है कि जो एम्प्लॉईज होंगे जो इस को लागू करेंगे वह मामूली केलिबर के होंगे। इस के इम्प्लीमेंटेशन की बातें वह खुद भी

समझ सकेगा या नहीं—यह देखने की बात है। इसको कैसे एन्फोर्स करना है—इसके लिये इसमें ट्रेनिंग का प्रावधान है, उनको ट्रेनिंग दी जायगी एक-दो-एक सारे देश में यह कानून लागू होने नहीं जा रहा है। किसी एरिया में पहले लागू होगा, वहां देखा जायगा कि कितनी सफलता मिली, उस अनुभव के बाद दूसरे एरियाज़ में लागू होगा। कुछ सामानों पर लागू होगा, कुछ पर नहीं होगा—यह गड़बड़ इसमें होगी, लेकिन सरकार को इसमें कीयतली चलना है और देवना है कि कहां तक कितने स्टैप्न लिये जायं जिससे अधिक से अधिक सुधार हो सके।

इसलिये मैं समझता हूँ कि यह बिल अच्छा है, इसको अवश्य पास करना चाहिये। यह ठीक है कि समय बहुत कम रखा गया है, इसकी 80-85 क्लॉजेज हैं, एक घण्टे में पास करना कठिन है। अगर क्लॉजेज पर ही वोट होने लगे और कहीं डिवाइजन हो जाय, तो कितना समय लग सकता है आप स्वयं अन्दाज़ा लगा सकते हैं। इसलिये मिनिस्टर साहब को पहले देखना चाहिये था कि हम से कम तीन-चार घण्टे रखे जाते। इस समय हमारे हाथ बंधे हुए हैं, जब तक आप समय न बढ़ायें कुछ नहीं कर सकते हैं। मैं आप से अपील करूंगा कि आप कुछ समय बढ़ा दीजिये ताकि इसके ऊपर कुछ डिस्कशन हो सके और जब क्लॉजेज बाइ-क्लॉजेज पर डिस्कशन हो तो कुछ समय लोगों को मिल सके। लेकिन यदि इस बिल पर कोई आब्जेक्शन नहीं है, इसमें कोई खामी नहीं है तो इसको पास होने दीजिये और आगे जो अनुभव होगा, उसके आधार पर हम लोग बाद में कुछ मुद्दाव ला सकते हैं।

SHRI A. C. GEORGE: Mr. Deputy-Speaker, Sir, at the very outset I would like to express my profound thanks to all the hon. Members who took a very keen interest in the discussion of this Bill and one thing for

which I am particularly gratified is that invariably every hon. Member was one with the laudable concept and intentions behind this Bill. The only thing is that Mr. Mohanty has said that this Bill is brought before this House a bit too late and Mr. Mavalankar has said that it is brought a bit too early. Apart from that, as far as I could understand, the main criticism, if at all there was any, is about the implementation of it. Mr. Daga has raised a very pertinent point about the implementation of the various clauses of the Bill and, subsequently, I think, he himself said that all over the country there are different weights prevalent, especially in local areas which concerns the villagers. It is in fact keeping this in view that we thought that an element of process of education will have to be gone through and the implementation will be in phased manners. But perhaps if hon. Members are given enough time to go through various clauses of the Bill, they will understand that many of the clauses relate to inter-State trading and international trading. Some of the hon. Members are apprehensive about the harassment and the difficulties that might have to be faced by the consumers. I would say that it is not at all so. It is about the inter-State trading and international trading and the local trading is not coming in many of these clauses.

SHRI SURENDRA MOHANTY: It is a matter of vital importance to consumers. The question relates to the protection of the interests of the consumers in India. Now, the hon. Minister says that this bill is primarily designed for inter-State trading and international trading.

SHRI A. C. GEORGE: No, no. It is not primarily designed for that. But Mr. Daga has said about inter-State trading and international trading.

(Interruptions)

MR. DEPUTY-SPEAKER: Let the Minister continue.

SHRI A. C. GEORGE: Mr. Mavalankar was apprehensive that it has been brought in a bit too haste. Sir, this Bill may appear to be too voluminous consisting of 86 clauses. But this has been formulated on the standards suggested by the international organisation concerned in the matter, namely, the General Conference on Weights and Measures. It is an internationally authorised organisation. The other provisions of the Bill are mainly based on draft legislation suggested by the International Organisation of Legal Metrology (OIML). The recommendations made by the CGPM, i.e. the General Conference on Weights and Measures were considered by an expert committee consisting of—

- (a) its Chairman, who is a Legislative Counsel to the Government of India,
- (b) the scientist in-charge of the Standards Division of the National Physical Laboratory,
- (c) the Master of the Government of India Mint at Bombay,
- (d) the Director of Weights and Measures, who was its member-Secretary and
- (e) the Controllers of Weights and Measures of seven States.

Therefore, this has not been done in haste. A lot of thought by experts has gone into this and I would like to dispel any misapprehension in the minds of hon. members that it has been brought in haste or sufficient thought has not been given. Everybody has admitted that this is a laudable piece of legislation to protect the consumers. Unless a Bill is introduced and passed, how can we think of implementation? We approached the problem with caution because this is a large country.