

दस्तावेजों के आघार पर मैं कह रहा हूँ कि यह कच्छ का इलाका था ही नहीं, यह हमारा इलाका था ही नहीं। इस सब से हमारे राष्ट्रीय सम्मान पर बड़ा असर पड़ने वाला है। दुनिया की निगाह में हम अपने को सैल्फ कन्फिडेंस एग्रेसर कह रहे हैं, कह रहे हैं कि हमारा कोई अधिकार नहीं था, हम ने इसको छीन लिया था पाकिस्तान से। मेरे मित्र मुझको समझे। मेरी प्रार्थना है कि आप स्पीकर साहब से कहिये और कल जो कि आखरी दिन है इस पर बहस करवाइये। इसके लिए इतना हल्ला करने की जरूरत नहीं थी।

MR. DEPUTY-SPEAKER : I shall convey to the Speaker the sentiments expressed. Next business.

— — —

15.22 hrs.

#### INSECTICIDES BILL—Contd.

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

SHRI NITIRAJ SINGH CHAUDHARY (Hoshangabad) : I am moving my amendments—No. 11 to 15.

MR. DEPUTY-SPEAKER : I shall now put amendment No. 11 to clause 2 to the vote of the House.

SHRI N. SREEKANTAN NAIR (Quilon) : How can you do like this ? How can you take all his amendments together ?

MR. DEPUTY-SPEAKER : I am taking up clause by clause consideration of the Bill. I asked him if he was moving his amendment. He said, yes.

SHRI N. SREEKANTAN NAIR : How can you put it to vote without a discussion ?

MR. DEPUTY-SPEAKER : If he wanted to speak, I would have given him an opportunity for a minute or two. He does not want to speak. What can I do ?

SHRI N. SREEKANTAN NAIR : The procedure in regard to Bills is that we take up one clause after another. He can move amendments only to clause 2. I may have another amendment to clause 2 ; I should be allowed. It is like that. He has moved all his amendments.

MR. DEPUTY-SPEAKER : We are on clause 2. There is only one amendment.

SHRI N. SREEKANTAN NAIR : But he has moved all his amendments.

SHRI NITIRAJ SINGH CHAUDHARY : My amendment No. 11 is not for clause 2. It is for clause 3.

MR. DEPUTY-SPEAKER : Your amendment No. 11 relates to page 21, line 5. It relates to clause 2, is it not ?

SHRI NITIRAJ SINGH CHAUDHARY : There is some confusion.

SHRI N. SREEKANTAN NAIR : Sir, the procedure followed by the Secretariat so long has been that the clause number was also given. Now, only the page number is given. When the amendments are moved by the Government or when an amending Bill is brought, they also do not give the original Act. I am in the dark ; you are at sea ; the House is at sea and everything is dark. This amendment is for clause 3, but because only the page number is given, it is taken as an amendment to clause 2.

MR. DEPUTY-SPEAKER : You are confusing the issue. To clause 3 there are several amendments.

SHRI N. SREEKANTAN NAIR : What I am submitting is this. The Secretariat has changed the long-standing practice of giving the clause also along with the amendments.

MR. DEPUTY-SPEAKER : You want the clause to be printed along with the amendment ?

SHRI N. SREEKANTAN NAIR ; Yes.

MR. DEPUTY-SPEAKER : That is a suggestion for future consideration.

I will keep it in mind.

I find that amendment No. 11 relates to clause 3.

So there is no amendment to clause 2. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3—(Definitions)**

SHRI NITIRAJ SINGH CHAUDHARY (Hoshangabad) : I move :

Page 2,—

*after line 5, insert—*

'(a) "active ingredient" means any substance or mixture of substance in a product which is responsible for insecticidal effects'. (11)

Page 3, line 36,—

*for "a toxicity" substitute—*

"insecticidal constituent or active ingredient", (12)

Page 4,—

*after line 18, insert—*

'(qq) "use" means use of an insecticide as per directions of the manufacturer.' (13)

SHRI N. SREEKANTAN NAIR : I beg to move :

Page 3,—

*after line 12, insert—*

'(jj) "toxicity" means the quantum of the effective poisonous substance in an insecticide.' (3)

SHRI SRINIBAS MISRA (Cuttack) : I beg to move :

Page 2,—

*for lines 23 to 29, substitute—*

"(iv) if any word, statement, design, picture representation or other information required by or under this Act to appear on the label is not displayed thereon in such manner as may be prescribed ; or" (31)

MR. DEPUTY-SPEAKER : Shri Sanghi—absent.

SHRI N. SREEKANTAN NAIR : The issue on which all of us have these amendments to this clause, I submit, is the same. It is a question of toxicity. We spoke yesterday without knowing the toxic content, without knowing the poisonous content in an insecticide. There are two dangers in using an insecticide if we do not know the toxicity of the insecticide. One is the fatal danger, the obvious danger, that the insect will not be killed ; the other is a more serious danger, that a human being who uses it may be killed. Therefore, the question of poisonous content in an insecticide or pesticide has got to be determined to its proper level. But as has been pointed out yesterday by my hon. friend, for a proper, effective toxicity test, a sum of 4½ million dollars is required according to the American standards. In our poor country, even if it is converted into ordinary rupees, we cannot afford to have even Rs. 4½ million for a proper toxicity test. Therefore, the question of ascertaining the poisonous content at least has got to be dealt with. If you do not ascertain the toxicity content, it will be harmful to our agriculture as well as to the people who handle these things. Therefore, we have to determine it. If we do not determine it, no higher authority can do it.

Yesterday, the hon. Deputy Minister was waxing eloquent on the fact that 45 Members in both the Houses jointly have considered this question. If 45 Members can decide this issue, why bring it to the House and take it to the other House ? Naturally, all these aspects of the problem which escape the mind of the Joint Committee are to be highlighted here and be corrected. I admit it is a laborious process, if the hon. Minister has to take it once again to the Rajya Sabha if there is to be an amendment and then to implement it. But it is a very important matter on which some strain has got to be taken by the Government. Otherwise, the attempt will be futile ; it will not help the agriculturists either to destroy the insecticide or the pesticide. On the other hand, it might rebound on the peasants and the labourers who use it. Therefore, the

question of defining what is toxicity may be taken up, and to this end, any of our amendments to this effect may be accepted.

**SHRI NITIRAJ SINGH CHAUDHARY :** Sir, this Bill is modelled on and is based upon the Agricultural Poisons Substances Act and the Pesticides Acts.

The Thacker Committee also considered this matter for 2 years. None of them used the word 'toxicity'. Everyone used the word 'active ingredient'. Active ingredients can be determined easily, but not toxicity. Therefore, I request the hon. Deputy Minister to accept our amendments to delete the word 'toxicity' and substitute the words 'active ingredient'. I also request him to accept the definition of 'active ingredient' as suggested by anyone of us, because that will solve the entire problem. Otherwise, it will lead to so many difficulties. Everybody will say, we have no means to determine toxicity and we have no laboratories in India to determine it. Even for tea testing, we have to depend on foreign countries. They will have to go to foreign countries and spend Rs. 30 to 40 lakhs each time to determine 'toxicity'. So, I request the minister to accept the amendments.

**SHRI SRINIBAS MISRA :** Under clause 3 (k) (iv) misbranding is an offence. What is misbranding? According to the present provision in the Bill, if the brand or letters are not displayed in the same conspicuous manner as other descriptions it will be called misbranding. Who is to determine what will be the requisite for making some representation or letter conspicuous? If one trader displays some other things for advertisement in a conspicuous manner in big letters, this sub-clause requires that the other things required by the rules must be displayed in the same conspicuous manner. I may think of representing my advertisement in small letters. What will be the same conspicuous manner? Instead of leaving it in a vacuum for somebody else to decide, I am suggesting that the rule-making authority will make rules prescribing that the letters should be of this size, the picture will be of this size and so on and that has to be obeyed by the trader or manufacturer. It should not be left to the discretion of some inspector to say, this is not as

conspicuous as that. I hope the minister will accept these amendments because they are reasonable and they will help to avoid confusion in future.

**THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY) :** I have dealt with this matter at length yesterday. As I said, the registration committee will take care of toxicity and other things that are necessary. Therefore I regret to say that I cannot accept the amendments.

**MR. DEPUTY-SPEAKER :** I will now put all these amendments to the House.

*Amendments Nos. 3, 11 to 13 and 31 were put and negatived.*

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

"That clause 3 stand part of the Bill".

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clause 4 was added to the Bill.*

**Clause 5—(Registration Committees)**

**SHRI NITIRAJ SINGH CHAUDHARY :** I beg to move :

Page 6,—

*after line 27, insert—*

*"Explanation.—The formulae mentioned in this sub-section shall be deemed to be true and a sufficient compliance of clause (i) of this section, if, without disclosing full and detailed recipe of the ingredients, it indicates correctly all the active ingredients contained therein together with an approximate statement of the composition of the insecticide". (14)*

**SHRI SRINIBAS MISRA :** I beg to move :

Page 6, line 22,—

*for "formulae" substitute "ingredients".*  
(32)

SHRI NITIRAJ SINGH CHAUDHARY : I have suggested by my amendment the addition of an Explanation, which occurs in the Indian Drugs Act and in similar enactments. Without this explanation, there is a likelihood of the words being misrepresented. Therefore, I would request the minister to accept my amendment.

SHRI SRINIBAS MISRA : In the Select Committee on Patents Bill and also in the report of the Retired Supreme Court Judge who enquired into it, it has been said that it is not good for the inventors in this country that their formula should be known at the time of registration.

Simply the ingredients should be given. This Bill requires that the formula of the manufacturer should be placed before the inspector for registration. I think here again it should be only the ingredients and not the formula. Therefore, by the amendment I have sought to substitute the word "ingredients" for "formula".

SHRI B. S. MURTHY : I am sorry I do not accept the amendment.

MR. DEPUTY-SPEAKER : I shall put amendments Nos. 14 and 32 to the vote of the House.

*Amendments Nos. 14 & 32 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 5 stand part of the Bill".

*The motion was adopted.*

*Clause 5 was added to the Bill,*

*Clauses 6 to 9 were added to the Bill.*

Clause 10—(*Appeal against non-registration or Cancellation*)

MR. DEPUTY-SPEAKER : There are some amendments to clause 10.

SHRI NITIRAJ SINGH CHAUDHARY : Sir, I beg to move :

Page 8, line 21,—

*after "to" insert—*

*"the Board subject to review by".*  
(15)

Page 8, line 23,—

*for "Central Government" substitute—  
"Board" (16)*

By these amendments I have only suggested subject to the control of the Government.

SHRI B. S. MURTHY : I am not accepting it.

SHRI UMANATH (Pudukkottai) : Sir, he is treating all our amendments like insects.

SHRI B. S. MURTHY : I have given the explanation yesterday.

MR. DEPUTY-SPEAKER : I shall put amendments Nos. 15 and 16 to vote.

*Amendments Nos. 15 and 16 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 10 stand part of the Bill".

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clauses 11 to 17 were added to the Bill.*

Clause 18—(*Prohibition of sale, etc., of certain insecticides*)

MR. DEPUTY-SPEAKER : There are some amendments to clause 18.

SHRI SRINIBAS MISRA : Sir, I beg to move :

Page 11, line 17,—

*after "transport" insert—*

*"for distribution or sale" (33)*

Page 11,—

*after line 19, insert—*

*"(aa) any misbranded insecticide";*  
(34)

15.38 hrs.

[*Shri Thirumala Rao in the Chair*]

Sir, the Deputy Minister piloting this Bill, as the word goes, perhaps intends killing all the insects including such insects

as human beings and vertebrate animals because in this 'animal' has been defined "including man".

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : That is scientifically accurate.

SHRI SRINIBAS MISRA : But if the hon. Minister knows, by saying "animal includes man" they presume that man is not included in animals, as if in science man is not included in animals and now this is being included.

SHRI UMANATH : According to this definition the Minister will be called an animal.

SHRI K. C. PANT : All of us ; unless you are not men.

SHRI SRINIBAS MISRA : We are all animals but some of us are honourable animals some of us are not.

SHRI K. C. PANT : That I accept.

SHRI SRINIBAS MISRA : Here you will see that in clause 18 it is said :

"No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale, distribute, transport or cause to be used by any worker"...

Will simple 'transport' make it an offence ? Then the Railway Minister, the railway guards and others will all be hauled up for this offence. Therefore, it must be transport for distribution or sale. If the hon. Minister still stands by some prestige and he does not want to change this word let him have it, but what he means is transport for distribution or sale and what he means must be expressed through words. I would therefore request him to accept my amendment seeking to add the words "for distribution or sale".

Again, after (a) I suggest that another sub-clause (aa) be added to say "any misbranded insecticide". It is very strange that at the time of drafting this Bill this was omitted. We are also to take part of the blame for this because this has passed through a Select Committee.

What offence is being sought to be prevented by this Act ? Nothing, except the

use of misbranded articles, as the experts have said. Yet, the use of misbranded articles is not prevented here. If the use of misbranded articles is not prevented under clause 18, then what is being done here ? So, I suggest the addition of the words "(aa) any misbranded insecticide ;" Otherwise, the very purpose of the Act is not here.

SHRI B. S. MURTHY : My hon. friend found fault with the definition given about "man". Man is also an animal. The only difference is that man is a speaking animal and a superior animal.

SHRI SRINIBAS MISRA : Parrot is also a talking animal.

SHRI B. S. MURTHY : Therefore, he considers himself as a lord of all he surveys. Now, there is no difficulty about the definition. Again, he found fault for not including something here. But that has been taken care of in other sections. Therefore, I am unable to accept either of the amendment.

MR. CHAIRMAN : I will now put the amendments No. 33 and 34 to the vote of the House.

*Amendments Nos. 33 and 34 were put and negatived.*

MR. CHAIRMAN : The question is :

"That clause 18 stand part of the Bill."

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clauses 19 and 20 were added to Bill.*

*Clause 21 —(Powers of Insecticide Inspectors).*

SHRI SRINIBAS MISRA : I beg to move :

Page 13, line 5,—

after "insecticide" insert—

"or foodstuff contaminated by insecticides" (35)

Page 13, line 10,—

for "the insecticide" substitute—

"such insecticide or foodstuff" (36)

[Shri Shrinibas Misra]

Page 13, line 11,—

after "insecticide" insert—  
"or foodstuff" (37)

The hon. Minister has reduced me to an insect and he wants to kill all the amendments by the strength of his ayes, whether they have ayes or not; I think they have only 4 or 5 ayes.

Clause 18 gives certain powers to the Insecticide Inspectors. Now, what have these people done? When Dr. Pradhan was examined he made a categorical statement that this Act will serve no purpose. He is an expert on this line and we have to take the evidence of experts as they are, because we are not experts in the line. He said that this does not serve any purpose because the main purpose of this Act should have been the pesticides and not insecticides. Anyway, they are fond of insecticides. So, it has become the Insecticides Act. It means they want to preserve human lives, or lives of animals, against the hazards of the use of insecticides. How is it being affected? Our lives are affected by use of dangerous insecticides on vegetables and foodstuffs.

Dr. Pradhan has stated that this Bill does not make any provision for controlling the use of such foodstuffs on which these insecticides are used. Insecticides when used above the permissible limits concentrate on foodstuffs, fruits and leafy vegetables and that harms human beings. This Bill does not make any provisions for that.

What I have tried to do—of course, it is my humble attempt—is that by addition of certain things that also will be covered. We can make provision for preserving or making human lives or lives of useful animals against these hazards. By my first amendment, namely, addition of the words "or foodstuff contaminated by insecticides" after the word "insecticide" at line 5, the inspector will stop distribution, sale and use etc. of insecticides or foodstuffs contaminated by insecticides. The other two amendments are to bring it in line with that. I think, the hon. Deputy Minister will come forward to say that they have taken care of this in other provisions. If he points out any such thing, any line or

word as "foodstuffs contaminated by insecticides" which are called to be misbranded or poisonous under this Bill, I will withdraw all my amendments.

SHRI B. S. MURTHY : The purpose of this clause is to give power to inspectors to enter the premises and ascertain whether, as per the regulations, things are kept clean or not. Therefore I do not think the amendments proposed by our hon. friend can be accepted by us.

MR. CHAIRMAN : Now, I shall put amendments Nos. 35, 36 and 37 to the vote of the House.

*Amendments Nos. 35 to 37 were put and negatived.*

MR. CHAIRMAN : The question is :  
"That clause 21 stand part of the Bill."

*The motion was adopted.*

*Clause 21 was added to the Bill.*

*Clauses 22 to 35 were added to the Bill.*

*Clause 36—(Power of Central Government to make rules)*

SHRI DEORAO PATIL (Yeotmal) : I move :

Page 21, line 24,—  
after "worker" insert—  
"and cultivators" (26)

SHRI SRINIBAS MISRA : I move :

Page 21, line 24,—  
after "workers" insert—  
"and farmers" (38)  
Page 21, line 31,—  
for "method of" substitute—  
"method, manner, time and frequency of" (39)

श्री देवराव पाटील : सभापति महोदय, येरा जो संशोधन हे वह वर्करस को ट्रेनिंग देने के बारे में है और दूसरे, इस बिल की धारा कुछ लोगों के लिए लागू नहीं की गई है उसके बारे में है। इस बिल का उद्देश्य बिल्कुल सफ़

है कि ह्यूमन बीडिंग और खेती की सुरक्षा, दोनों के लिए ही है। आज कृषि में दिनोदिन कीटनाशक दवाइयों का प्रयोग बढ़ता जा रहा है। पहले लोग इन दवाइयों को नहीं जानते थे लेकिन अब लाखों एकड़ कृषि क्षेत्र में इन दवाइयों को प्रयोग हो रहा है। इसीलिए इसके स्टोरेज पर, मॅन्युफॅक्चरिंग पर, ट्रांसपोर्टिंग पर, ट्रेड्स और इसके यूज पर जो कुछ कानूनी धारा है वह लागू नहीं होगी। इसके लिए एग्जेम्पशन का क्लॉज है। लेकिन इसमें एक डाउट है। इसमें जो वर्डिंग है :

"Nothing in this Act shall apply to the use of any insecticide for any person for his own household purposes or kitchen garden or in respect of any land under his cultivation."

यूज की डेफनीशन नहीं दी गई है, पर्सनली या थ्रू हिज सर्वॅन्ट। ऐसी डेफनीशन नहीं है इससे ऐसा पता लगता है कि अगर खुद काश्तकार या घर का मालिक खुद इसका यूज करे तो उसके लिए यहाँ एग्जेम्पशन है लेकिन अगर थ्रू सर्वॅन्ट करे तो उसके लिए एग्जेम्पशन नहीं दिया गया है। मेरी समझ से अगर ऐसा किया जायेगा तो यह बहुत खतरनाक बात होगी। इसीलिए मैंने यह सर्वॅन्ट को एग्जेम्पशन करने का संशोधन पेश किया है। वर्कर की डेफनीशन यहाँ पर दी हुई है :

"'Worker' means a person employed under a contract of service or apprenticeship."

इसलिये मेरा कहना है कि सिर्फ वर्कर वर्ड यहाँ पर अगर रहा तो कहीं ऐसा न हो कि कृषि के सम्बन्ध में किसानों को दिक्कत हो जाये। क्योंकि अगर यह कानून बन जायेगा तो फिर उसके मुताबिक किसान अपने काम के लिए सर्वॅन्ट द्वारा यूज नहीं कर सकेगा। क्योंकि सब किसान खुद तो यूज करते नहीं हैं, किसी के पास डेली वेजेज पर नौकर रहते हैं और किसी के पास माहवारी नौकर रहते हैं, उन्हीं के मार्फत यूज होता है। इसलिए यह दिक्कत

किसान के सामने आयेगी, यह मेरा कहना है।

दूसरी बात यह है कि रूल्स बनाने के सम्बन्ध में जो क्लॉज है उसमें वर्कर्स को ट्रेनिंग देने के बारे में तो प्रोवीजन है लेकिन किसान के लिए कुछ नहीं है। मान लीजिये किसी इन्सेक्टीसाइड को किसान यूज करना चाहता है लेकिन किसान को उसका ज्ञान न होने की वजह से कृषि को क्षति पहुँच सकती है। क्योंकि कई जगह पर नौकरों द्वारा ठीक ढंग से यूज न करने से भी बुरा परिणाम हुआ है। इसलिए मैंने वर्कर्स के आगे कल्टिवेटर रखने का संशोधन रखा है।

"The instruction and training to be provided regarding the use of things supplied to the workers and cultivators."

मेरा अमेन्डमेंट और जो मिश्रा जी का अमेन्डमेंट है, दोनों का उद्देश्य एक ही है। मैं आशा करता हूँ कि सरकार इसके ऊपर विचार करेगी।

SHRI SRINIBAS MISRA : Sir, it appears that the hon. Deputy Minister or the Government thinks that this country is peopled only with workers. The real inhabitant of this country, that is, the farmer or the cultivator, has not been taken into account. It appears that the Bill has no propose because the purpose is that the Government is given powers to make rules for instruction that will be imparted to workers. You want to impart instruction to workers. What about the chief agent? You want to instruct the agent, but what about the Chief?

No instructions will be given to the farmers or cultivator, but workers will be instructed as if all the farmer in our country who are using insecticides or who are expected to use insecticides must have labourers, because 'worker' is defined as a person who works under some contract. When the definition is such, myself being the owner of a farm, I am not a worker...

MR. CHAIRMAN : Can't you be your own workers?

SHRI SRINIBAS MISRA : I cannot enter into a contract with myself. The word 'worker' is defined on page 4 :

" 'worker' means a person employed under a contract of service or apprenticeship."

Under this definition, I cannot be a worker under myself. Any worker will be given instructions. But why not farmers ? This is a beneficial service that the Government wants to do by making rules for the instruction of workers. What objection can the Minister have to extending it to the farmers ? This lacuna should be removed. He should not stand on false prestige.

Now, coming to the method of application, under (y) of (2) it has been said :

"the equipment for and method of, application of, an insecticide. ..."

Here, only the method of application is included. I want to add, 'method, manner, time and frequency' because, if in my anxiety to get more crop, I use insecticides ten times over, there will be more concentration. So, the frequency must be regulated by rules. The manner of application must also be regulated by rules—what will be the percentage of mixture with other medicines or water or kerosene or with whatever it is mixed. So, 'method, manner, time and frequency' must be added. These must have been provided. Will the Minister say why these cannot be accepted ?

SHRI B. S. MURTHY : We expect the cultivator to know. This is about training to workers. The ryot is already aware of the hazards of the material that he is using. Suppose all of a sudden he engages a worker and he asks him to handle these hazardous things. Then what will happen to him ? He will not be knowing. Therefore, it is said that the workers must be trained. 'Worker' is used here only for the purpose of getting training as to how he should handle these materials.

Therefore, I cannot accept the amendments.

SHRI SRINIBAS MISRA : The hon. Minister does not seem to be aware of the speeches of Shri Jagjiwan Ram that our farmers do not know the use of insecticides.

MR. CHAIRMAN : I cannot go into all these things.

Shall I put all the amendments together to the vote of the House ?

SHRI DEORAO PATIL : What about his reply ?

MR. CHAIRMAN : He has already replied.

SHRI DEORAO PATIL : An assurance must be given.

MR. CHAIRMAN : The important portion of his reply is that he is not accepting the amendments.

SHRI UMANATH : He is perhaps the last man with some hopes on the Minister.

MR. CHAIRMAN : Now I shall put amendments, 26, 38 and 39 to Clause 36 to the vote of the House.

*Amendments Nos. 26, 38 and 39 were put and negatived.*

MR. CHAIRMAN : The question is :  
"That Clause 36 stand part of the Bill."

*The motion was adopted.*

*Clause 36 was added to the Bill.*

*Clause 37 was added to the Bill.*

16 00 hrs.

*Clause 38—(Exemption)*

SHRI DEORAO PATIL : Sir, I beg to move :

"Page 22, line 37,

*add at the end—*

*'and by any servant engaged by him on his land for cultivation.'*" (27)

"Page 22, line 37,

*add at the end—*

*'or by any person engaged by him.'*" (28)

"Page 22—

*after line 37, insert—*

*'(aa) the use of any insecticide by a servant engaged in land cultivation'*" (29)



"Page 22, line 35—

after 'person' insert—  
'or by his worker'." (30)

SHRI SRINIBAS MISRA : I beg to move :

Page 22, line 37—

after 'cultivation' insert—

'in so far as the product of such garden or such cultivation is not exposed or intended for sale or distribution to the public'. (40)

Here, the hon. Minister, of course, is not to blame, somebody who drafted it has passed it to the Deputy Minister— Clause (a) which reads as :

"Nothing in this Act shall apply to—

(a) the use of any insecticide by any person for his own household purposes or for kitchen garden or in respect of any land under his cultivation."

is understandable. He can kill himself but this Minister will allow persons to kill others. This will not apply to the use of any insecticide by any person for his own household purposes or for kitchen garden or in respect of any land under his cultivation. When I am cultivating something, I can kill myself. I can understand that you kill yourself, but you cannot kill others.

MR. CHAIRMAN : If you want to kill yourself, even then the law does not permit it.

SHRI SRINIBAS MISRA : Perhaps, the Minister thinks he may permit it. Any way, if I have some land under my possession, I am raising some vegetables on it and if I expose those vegetables for sale in the market, am I not doing injury to the public ? Cannot the Government think of restraining me from injuring others ? What is the meaning of this Act ? If this patent thing against which voice was raised in this House and by experts and doctors outside in the country, if this is not prevented, what is prevented here ? 'The use of any insecticide by any person for his own household purposes or for kitchen garden or in respect of any land under his cultivation', to this I want to add :

"in so far as the product of such garden or such cultivation is not exposed or intended for sale or distribution to the public."

I am not alone in voicing this opinion. I am supported by such an expert as Dr. Pradhan, who, while being examined before the Joint Select Committee, said :

"For example it is very tempting to spray on vegetables various insecticides to keep them safe and fresh and sell them because there is no law in the country to punish any one who does so. I have analysed various items but the most important item for example is the vegetable because it is very tempting to use insecticides on the vegetable in the field and bring them fresh because they are not going to be tested."

Because the law does not provide that it should be tested or untested because the land is under my personal cultivation, I should take it to the market. What does it mean by personal cultivation ? If the law is intended only to prevent persons who are giving the land to the workers from using the insecticide, mostly the land owners give the land to the farmers who cultivate them. So, is it to be presumed that the Government wants that the whole market here will be flooded with poisonous vegetables and the law will take care of it. So, I think the Minister will again come forward saying that it is not acceptable. At least something he should accept.

SHRI B. S. MURTHY : Sir, I would very much like to accept some of his amendments, but, unfortunately.

SHRI DEORAO PATIL : I do not want to speak on my amendments. ...

SHRI B. S. MURTHY : Sir, I am reminded of a story in our parts that a person after listening to the whole story of Ramayana, asked, 'What is the relationship between Rama and Sita ?' Here this clause is very definite that for the use of any insecticide by any person for his own household purposes or for kitchen garden or in respect of any land under his cultivation, this will not apply. The clause has been particularly inserted in order to avoid trouble from an inspector. Suppose there is some insecticide in

[Shri B. S. Murthy]

the house. The inspector might come and say that he wants to inspect that. Therefore in order to give the relief to the small cultivators this is done. A man may purchase some insecticides for his garden. The inspector follows him and says that he wants to inspect that. The hon. Member who has been very sympathetic to the cultivator should also sympathise with this clause.

**SHRI SRINIBAS MISRA :** I am a cultivator myself.

**MR. CHAIRMAN :** Same is the case with the Minister. I will now put amendments Nos. 27, 28, 29, 30 and 40 to the vote of the House. He has asked me to put them to vote without a speech.

*Amendments Nos. 27 to 30 and 40 were put and negatived*

**MR. CHAIRMAN :** The question is :  
"That clause 38 stand part of the Bill".

*The motion was adopted.  
Clause 38 was added to the Bill.*

**MR. CHAIRMAN :** There are no amendments to the Schedule. The question is :

"That the Schedule stand part of the Bill".

*The motion was adopted.  
The Schedule was added to the Bill.*

**Clause 1—(Short Title, extent and Commencement)**

**MR. CHAIRMAN :** We are going back to Clause 1. There is a Government Amendment No. 2.

**SHRI B. S. MURTHY :** I beg to move:  
Page 1, line 3,—  
for "1967" substitute "1968" (42)

**MR. CHAIRMAN :** I am reading what is here. There is Amendment No. 42 in the name of the Minister. Will you please move that ?

**SHRI B. S. MURTHY :** I have already moved, it (No. 42).

**MR. CHAIRMAN :** I will put amendment No. 42 to the vote of the House.

The question is :

Page 1, line 3,—

for "1967" substitute "1968" (42)  
*The motion was adopted.*

**MR. CHAIRMAN :** The question is :  
"That Clause 1, as amended, stand part of the Bill".

*The motion was adopted.  
Clause 1, as amended, was added to the Bill.  
Enacting Formula*

**MR. CHAIRMAN :** There is the Enacting Formula. There is Amendment No. 4.

**SHRI B. S. MURTHY :** I move :  
Page 1, line 1,—

for "Eighteenth" substitute—  
"Nineteenth" (41)

**MR. CHAIRMAN :** Do you want to make a speech ? It has been moved.

**SHRI SRINIBAS MISRA :** On a point of order. Has he taken your permission ? The record does not show. The Bill is not being passed without amendments. It is being passed with amendments. Has he sought your permission to move the same day that the Bill be passed ? That is the rule.

**MR. CHAIRMAN :** You may raise it when the time comes. There is Amendment No. 41 to the Enacting Formula. I will put this to the vote of the House.

The question is :  
Page 1, line 1.—

for "Eighteenth" substitute  
"Nineteenth" (41)  
*The motion was adopted.*

**MR. CHAIRMAN :** The question is :  
"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.  
The Enacting Formula, as amended, was added to the Bill.  
The Title was added to the Bill.*

MR. CHAIRMAN : Now, the hon. Minister.

SHRI B. S. MURTHY : I beg to move :

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

SHRI SRINIBAS MISRA : The position is this. He has to seek the permission of the Chair to move that the Bill be passed on the same day. He can move it the next day, but to move today that the Bill be passed, he has to seek the permission of the Chair.

SHRI B. S. MURTHY : I have been called upon by the Chair to move it, and so, I have moved it.

16.11 hrs.

[Mr Deputy-Speaker in the Chair]

MR. DEPUTY-SPEAKER : What is the hon. Member's point ?

SHRI SRINIBAS MISRA : All the clauses have been passed, some with amendments. The rule says that if the clauses are adopted with amendments, the motion that the Bill as amended be passed cannot be moved the same day unless the Speaker permits. So, he should ask for permission. But he has not asked for such permission ; he has only moved the motion.

SHRI VIDYA CHARAN SHUKLA : May I say that this is a very unusual kind of point of order ? The Chair calls upon the Minister concerned and then he moves it.

SHRI SRINIBAS MISRA : He has to seek the permission of the Chair. It is only after permission has been granted that he can move.

SHRI VIDYA CHARAN SHUKLA : When the Chair calls upon the Minister to move the motion, it means that he has permitted him.

SHRI SRINIBAS MISRA : There is no question of assuming it. He must formally ask for permission. It must be on record that permission has been asked

for and has been granted and then only he can move it.

SHRI VIDYA CHARAN SHUKLA : There is nothing like that.

SHRI SRINIBAS MISRA : Let him seek permission.

MR. DEPUTY-SPEAKER : The hon. Member must also look to the practice that we follow. I have seen the rules. If there is an amendment made of a serious nature which really goes beyond the general framework of the Bill, then that permission clause has some meaning. As far as I have seen, the amendments which have been made are formal one. So, I do not think that permission need be sought.

SHRI SRINIBAS MISRA : But that is the rule. Anyway, if the Chair wants that the rules should not be enforced, that is another matter...But rule 93 is always there.

MR. DEPUTY-SPEAKER : The practice that we have been following here must also be kept in mind.

The question is :

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

*The motion was adopted.*

— — —

16 12 hrs.

CENTRAL LAWS (EXTENSION TO JAMMU AND KASHMIR BILL—Contd.

*Schedule—Contd.*

MR. DEPUTY-SPEAKER : Now, we shall take up the clause-by-clause consideration of the Central Laws (Extension to Jammu and Kashmir) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Yesterday, when I was moving the official amendment, Shri Srinibas Misra raised certain points of order. According to him, the three Bills or three Acts which were sought to be extended to the territory of Jammu and