

some time over it, and so I am inclined to say that this matter will stand over till day after tomorrow. But day after tomorrow is a non-official day, and there is enough other Government work for tomorrow. So this may be taken up on Monday.

An Hon. Member: Monday is a holiday.

Mr. Deputy-Speaker: In that case, this matter will come up for consideration again on Tuesday, instead of tomorrow.

FOOD ADULTERATION BILL—contd.

Mr. Deputy-Speaker: As regards the Food Adulteration Bill, I think we have had sufficient discussion, and I think the Bill may be referred to the Select Committee without any further speeches. I understand that all that hon. Members are suggesting on this Bill (*Interruptions*).

Order, order. Hon. Members ought not to show their backs to the Chair. Hon. Members will be attentive to what is proceeding in the House. There are some inevitable rules of decorum in the House; they will have to be followed. One is not to show their backs to the Chair except when they recede. That is by the way.

What I would suggest is this. The principle of the Bill seems to be accepted. Hon. Members are only anxious to make it a little more rigorous and more effective.

Shri N. Sreekantam Nair (Quilon cum Mavelikkara): Only the Congress Benches have spoken.

Mr. Deputy-Speaker: Other Members also.

Shrimati Sucheta Kripalani (New Delhi): No, no.

Mr. Deputy-Speaker: I will call lady Members first.

Kumari Annie Mascarene: I had sent in an amendment to this Bill to send the Bill to elicit public opinion. The hon. Minister while moving the motion said: "I am sure that there will not be a single Member in this House who will disagree with this Bill." She is quite correct. I do not think there will be a single person in this House who will say 'no' to the Food Adulteration Bill. But I had sent in the amendment because I thought that the scope of the Bill was very limited. This Bill has come to

this House, or rather we Indians have taken up this Bill rather too late in the day. If you look into the history of such Bills, you will find that the rest of the world has taken up this question even from the 13th century. The difference between their Bills and ours is this, that this Bill refers only to food in a particular fashion while the rest of the world took this Bill to include drugs as well. A Food and Drugs Bill is really a comprehensive Bill which will include all the adulterated articles consumed by man. My hon. friend, Shri Bhargava, while speaking said: 'Not only food but medicine is also in it'. That is why I had sent in an amendment to include drugs in this Bill—not to oppose this Bill.

Ever since this Government had taken to control of food, owing to the scarcity of food and drinks in this State, there was ample scope for the adulteration of food, that is, the admixture of false adulterated counterfeit articles of food highly injurious to public health against all the ethics of business and degenerating to national character. That we lag behind in this Bill is clear when we have a cursory glance at similar Bills all over the world. Records of Government taking notice of this adulteration of food can be seen as early as the history of Rome and Greece which prevented the adulteration of wine. When wine-making, slaughtering and bread-making became a regular business, it was natural for Government to regulate it, and in England you see the regulation beginning from 1316, from spice regulation, and ending in 1928 in the statutory offence of adulteration of food and drinks. Selling unwholesome food was a common law offence in England in the beginning; later on it became a statutory offence. In 1928. In France, adulteration of food was forbidden, as early as 1292 and it ended in 1802 when there was jurisdiction over food and drugs. In Germany, it started as early as the 13th century and in 1607 Frederic II of Russia appointed drug inspectors. In America it started as early as 1874 when the first general food law was passed at Illinois and it ended in 1938 with the Regulation of Food and Drugs Act. So we see, that between 1874 and 1921 Sweden, Austria, Switzerland, Denmark, Italy, Japan and Russia passed laws on food and drugs. It is easy to see that this legislation is not to be confined to food alone. The definition of food does not confine itself to the food that we take in for nourishment but the food that we take in to maintain our health and cure our diseases too. That is why, the two came

[Kumari Annie Mascarene]

to be legislated as one Act, the Act on Food and Drugs.

Rajkumari Amrit Kaur: May I just say something, Sir, to clear a misapprehension perhaps in the hon. Member's mind. A Central Drugs Act is already on the Statute Book and I propose to bring in certain amendments to that in due course. So that there is no point in asking for a Food and Drugs Act. The Drugs Act already exists.

Kumari Annie Mascarene: My suggestion is that a comprehensive law on both the subjects will be more applicable to present-day conditions because it is very difficult to define food and drugs. Of course, it is left to the hon. Minister and the Government to consider my suggestion.

Mr. Deputy-Speaker: Even if they are separate, if it is food it will not be drug and if it is not drug, it will be food.

Kumari Annie Mascarene: I said I leave it to the Government. In India adulteration of food has been going on at a dangerous speed. In 1948 I remember when I was in this City itself, there were many cases of death resulting from chalk powder being added on to *atta*. I suppose it was the British Government that was running the administration. But I wish to point out that that very gentleman who was in charge of Food during those days is in the very good books of the Government today.

Similarly, the other day I remember to have given a bottle containing the so-called essence to the hon. Minister. I wonder what she has done with it—whether she has used it or not. Anyway that fact unhappily is still hanging in doubt and so much propaganda is done about that matter. I remember to have brought a letter—unfortunately, it is not with me now—from a company, the Travancore Sugar Company Limited.

Mr. Deputy-Speaker: Under this Bill, it will not be open to the hon. Member to bring bottles here. She has to send them to the Analyst.

Kumari Annie Mascarene: I shall not fall short of your expectations.

I hope the hon. Minister will have patience for some time more. While a complaint was made to the Chief Minister of the Travancore-Cochin State that a company that was producing the same thing from Quilon and that it was highly injurious to health has been complained against by

the Madras Government, he pointed out that the company is being given duty-free liquor by the Government itself. I am prepared to produce the letter before the hon. Minister tomorrow. The man who runs the company is high up in Government there also.

I should like to draw your attention to another fact. People in houses of glass should never throw stones. In Trivandrum, just before I came here, we were given a mixed variety of rice, white quality mixed with a yellow quality. The yellow quality when boiled gives out the smell of lavatory and this mixed rice is distributed to us in Trivandrum. For the information of the hon. Minister, I have brought a specimen of her own sin.

Mr. Deputy-Speaker: The hon. Member need not be unnecessarily induced by other hon. Members.

Kumari Annie Mascarene: I have confidence in myself.

Mr. Deputy-Speaker: Let her have all the rice and send it to the Analyst under the Bill.

Kumari Annie Mascarene: I want to point out that if this Bill is to be passed with retrospective effect, the mover of the Bill and his colleagues will fall under the mischief of the law. Perhaps, the Constitution will prevent it. I tell you, all are equal in the eye of the law. If we are to have democracy and if we are to have equality, which we proclaim from the top of our houses, I think the law must be rigorously enforced. It is useless legislating.....

Mr. Deputy-Speaker: Hon. Members are waiting to know what concrete suggestions the hon. Member has got. If per chance her local Government is not in a position to enforce it, does the hon. Member want to clothe the Central Government with the powers to prosecute these persons?

Kumari Annie Mascarene: There is a clause at the end of the Bill that when this Bill is passed all other laws become invalid. Therefore, it is for the Central Government to apply it to themselves first and then to apply it to others.

Legislation is not complete unless the executive carries it out. I was just listening to the details about *vanaspathi* from the lips of my hon. friend close-by and I was surprised how, in the face of law, in the face of the Committee reports, in the face of public opinion and in the face of injury to the nation, that article is yet allowed to be sold and distributed in this country.

I hope that this Government will take note of another fact which I wish to bring before them. There is a clause in the Bill with respect to inspectors and analysts. I am happy that as far as that portion is concerned, the law is comprehensive except in one point. The American law on the subject, section 90 of the Food and Drug Act, demands that any inspector who is corrupt or receives any bribe should be punished.

"Any person, firm or corporation or any agent or employee of any person, firm or corporation, who shall give, pay or offer directly or indirectly, to any person authorized by Government to accept, any money or other things of value with intent to influence such authority in the discharge of his duty shall be deemed to be guilty of felony and upon conviction thereof shall be punished by summary dismissal and a fine of not less than five thousand dollars or with one year's imprisonment."

This section not only prevents that crime but allows the law to be enforced rigorously by inspectors. I wish the hon. Minister will take note of this section of the American law and will include it in this Bill. It is necessary that deterrent punishment should be given for offences of this kind. In Travancore-Cochin State, we have the law preventing the adulteration of milk, but, yet, what do we find? The offence is repeated. The fundamental principle of punishment is that it should be deterrent. I wish to suggest that the punishment given in this Bill is not sufficiently rigorous. The adulteration of food and drugs means so much injury to humanity that it should be regarded as felony or even man-slaughter. In England, if any body dies of unwholesome food, it is punished as man-slaughter. I think the same should be adopted in our country too.

I am presenting this specimen of adulterated food of this Government to the hon. Minister to be shown to her colleague. Some time back, I produced some broken rice which was distributed to me at home by way of ration, and the hon. Minister said, he made a soup of it and drank and came back to life strong enough to come to this Parliament and hide the failures of his Government with ready wit and humour. I hope the same will not happen. I want the hon. Minister to boil this rice and enjoy that noxious smell which is being enjoyed by all of us at home.

Mr. Deputy-Speaker: Order, order. This is not a playground. The hon.

Member will kindly resume her seat. It is not a playsquare that this can be exhibited here. Once a bottle was brought here, and there is no meaning in exhibiting all these things here. It is most irrelevant. No doubt, it is exactly to prevent all these things that the Government is bringing this Bill. How is the hon. Member contributing towards the debate in coming and saying that the hon. Minister may eat the rice and not come to the House at all?

Kumari Annie Mascarene: Who is responsible?

Mr. Deputy-Speaker: Whoever is responsible, let him be prosecuted and punished, but all that the hon. Member is saying is not relevant and on top of it, another hon. Member taking charge of the exhibit reduces the decorum in the House. I think a little more respect ought to be shown to the House.

Kumari Annie Mascarene: This Bill has been brought forward to end adulteration and I am pointing out cases of adulteration.

Mr. Deputy-Speaker: Who ever denies that there is adulteration of food? Everybody agrees that there is adulteration of food. But on that score, all the adulterated articles ought not to be brought here and exhibited.

Kumari Annie Mascarene: But this is distributed by Government.

Mr. Deputy-Speaker: Whosoever may have distributed it, should we bring vanaspati, medicine bottles and all kinds of things here?

Shri V. P. Nayar (Chirayinkil): There is no provision here for punishing the Government. There is only provision to punish companies and individuals.

Mr. Deputy-Speaker: If that is so, then let the hon. Member make that point if he gets an opportunity.

I think the hon. Member Kumari Mascarene has concluded her speech.

Kumari Annie Mascarene: No, Sir.

May I point out that there is no intention to defame anybody or find fault with anybody, but once a person gets on to the Treasury Benches he or she does not become anything other than a human being and he or she is as much subject to the common law of the land as anybody else. This is my intention in exhibiting these articles. Merely saying these things do not impress the House as much as supporting them with these articles. Adulteration has been going on for a long time and

[Kumari Annie Mascarene]

It will go on for a long time to come, but the fact that this is done by Government does not frighten me and I am not going to hide the facts. I am sent here by lakhs and lakhs of people to say that they are suffering by eating rice like this.

An Hon. Member: On a point of information. Has the hon. Member any evidence to prove that it is adulterated by Government?

Kumari Annie Mascarene: I think the fault of the agent is the fault of the employer and therefore there is a vicarious liability.

Shri G. P. Sinha: (Palamau cum Hazaribagh cum Ranchi): Was it imported from China?

Mr. Deputy-Speaker: Whoever indulges in adulteration shall be punished and the arm of the law must be long enough to reach all offenders. All these are instances she is pointing out. Let her proceed.

Kumari Annie Mascarene: I am glad Sir, you have given me the credit for speaking about the law being applicable to all, irrespective of personalities. With these words, I support the Bill, expecting the hon. Minister to make necessary changes to widen its scope.

Mr. Deputy-Speaker: As early as 1934, the President of the Legislative Assembly had ruled as follows:

"The Chair would like to announce that it strongly deprecates the practice of producing exhibits on the floor of the House. The Chair does not propose to allow this practice in future. The Chair did not want to prevent the hon. Member from doing so before giving due notice."

In this case, I was also taken by surprise. This practice ought not to be indulged in in future, whichever the quarter may be.

An Hon. Member: I suggest the Chair confiscates the property.

Mr. Deputy-Speaker: Order, order.

Shrimati Renu Chakravarty (Bastihat): As far as the principles of this Bill go, naturally everybody supports them, especially at a time when every day during question hour we are informed that the incidence of T.B. is going up, that infant and child mortality is increasing, and even in places like the U.P. there are 2.6 million cases of blindness due to mal-

nutrition. At the same time, there are certain things which ought to be taken into consideration and I think it would have been good if the hon. Minister had prefaced her opening speech by some remarks as to why similar legislation promulgated in various States have not achieved the results expected from them at the time when they were promulgated. As far as our experience goes, there are two tendencies even in the States where such laws exist. One is that the innocents are made to suffer, and the other is that the very big and powerful people get off without any punishment. From that point of view, I agree with Pandit Bhargava that certain provisions should have been made in the Bill to tighten up things so as to avoid these two tendencies.

Now to go into the further details—while we support the principles of the Bill, we think it is a pious wish that is expressed here. There are several other factors which are not envisaged here that have to be taken into consideration. First and foremost, we have to consider the existing economic condition of the people. We find that a big proportion of the people who fall under this measure in Bengal are the small vendors who sell their wares, *bhajis* or tea round about the mills and the office quarters or the fruit sellers in the streets of Calcutta, particularly in Clive Street, one of the biggest centres of offices. These are the people that fall under this measure most of all. Then there is a big section of people that gains its livelihood by making *parotas* and *rotis* in conditions which are most unhygienic. What are we going to do about this?

Mr. Deputy-Speaker: But what are they adulterating?

Shrimati Renu Chakravarty: There are certain clauses in the Bill which deal with contamination, insanitary conditions and also unhygienic conditions and thus these people also fall under the purview of this Bill. Their educational status is also low. They do not know what is hygienic and what is unhygienic.

Then there is the other question that if we want to give the best food to people, we should make that food available to them at a reasonable price. We talk of *vanaspati* and ghee, but everybody knows that ghee is better than *vanaspati* but the majority of the people are unable to buy ghee and they take *vanaspati*. Then again, this adulteration occurs even in State undertakings. Here is a clause laying down special provisions for imposing rigor-

ous control over the production, distribution and sale of milk and milk products. With reference to these, we know that they are a dead letter in most States. Even in a case like the State enterprise in Calcutta, people are saying that the article supplied is unwholesome. The question therefore really is whether we are able to exercise this control effectively.

If we are going to protect these small people, then the industrial concerns will have to open canteens where they must guarantee that proper and good food is supplied to the workers. Therefore, while the principles of the Bill are good, we have yet to see how far the provisions would be practicable.

The second point to which I would like to draw the attention of Government is this. We want to be quite sure that the small vendor or the small person is not unnecessarily penalised. On the streets of Calcutta, we have seen the police suddenly sweeping down on the small street vendors, taking away all their wares and completely confiscating them. We do not know what happens next, whether it is paid for, or not. Here clause 10 says that any article which appears to a food inspector to be adulterated can be seized and carried away. Sub-clause (4) of the next clause (11) says:

"If the sample of the article is reported by the public analyst to be not adulterated, the article shall be returned at the cost of the Government to the owner or person from whose possession it was seized."

But when the whole stock is seized and ultimately on analysis it is found that it is not adulterated, there is no provision to the effect that Government will compensate the person. Also, I think there should be a provision to the effect that an inspector who does this too many times should be subjected to some punishment as a deterrent against using his powers in a way that will affect the small vendors.

There is a provision that if a party is not satisfied with the analysis of the public analyst, a sample may be sent to the Central Food Laboratory, on payment of a fee. So far as any rate as the small vendors are concerned, I am afraid this provision will remain a dead letter.

Then, there is the question of big companies, which was referred to by my hon. friend Pandit Thakur Das Bhargava. The first part of clause 17 says that a company may be proceeded against, but if it is proved that the offence was committed without the knowledge of the manager, or any

other person proceeded against, if he proves that the offence was committed without his knowledge, he can go Scot-free. Sub-clause (4) of clause 19 says that "where an employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of this Act and that the said other person committed the offence without his knowledge, the said other person shall be convicted and the employer shall be acquitted." In this case it may so happen that a small placard may be put up that no contraband should be used and that may be cited as a proof that he has used due diligence. All these things have to be taken into consideration.

Then there is another very serious point to which I would like to draw the attention of Government. Clause 11(6) (d) says:

"If it appears to the magistrate on taking such evidence as he may deem necessary that the article of food produced before him under sub-section (5) is adulterated, he may order it—

(d) to be returned back to the owner for being sold under its appropriate name, after taking a adequate guarantee from the owner."

Here I would like to mention a case which came up recently in Calcutta in connection with tea adulteration. A very big European Firm—Brooke Bonds—was involved in it. Finally the court's decision was that the stalks of tea could be used and that is now being sold under a particular name. These are factors which we should take into consideration.

A question I would like to ask in this connection is: why is it even in States where these Food Adulteration Acts are in existence, the rice, atta etc., which are issued by Government are rotten? There have been several instances where the attention of Government has been drawn to this. While Government is taking upon itself the power to prosecute persons who adulterate food, what is to happen if Government itself becomes the accused? We would like to have an answer to that.

Mr. Deputy-Speaker: The hon. Member must be a student of politics and must be aware of the answer. Hon. Members can throw out the Government.

Shrimati Renu Chakravarty: That we shall do step by step.

One of the main reasons why the State legislation has remained a dead

[Shrimati Renu Chakravartty.]

letter is that the whole system is being worked by a machinery which in itself is incapable of putting into effect the principles which we have enunciated in the Bill and the whole system is so cumbersome that it becomes impracticable of administration. In that I am absolutely at one with Pandit Thakur Das Bhargava, in so far as his remarks about the ordinary villager are concerned. Are we going to make the help of a public analyst available to him? Will he be able to comply with all the legal procedures enumerated here? How are we going to give them an opportunity of utilising this measure? Then again there is the question of fees. All these have to be thoroughly examined. Even then I am apprehensive whether within the scope and framework of the system as it exists today we will be able to work this measure. It is not a question of raising moral standards; it is a question of raising economic standards, the educational standards, the entire social structure. It is only in such a society that we will be able to prevent effectively adulteration of food-stuffs.

Shri U. S. Malliah (South Kanara—North): I beg to move:

“That the question be now put.”

Shri H. N. Mukerjee (Calcutta North-East): Mrs. Sucheta Kripalani, who is the leader of a party in Opposition is anxious to speak. There are other Members as well who are anxious to take part. May I suggest that we should not proceed so precipitately in the discussion of very important legislation like this?

Mr. Deputy-Speaker: This is a measure, about the wholesomeness of which all people are agreed. A number of suggestions have been made. The Select Committee will certainly try to improve it. When the Bill comes from the Select Committee hon. Members will have another opportunity to speak. This is a measure in which there is no difference of opinion.

Shri H. N. Mukerjee: The matter would be expedited if the House has an opportunity of adequate discussion before the Select Committee goes into the measure. After all the whole House cannot go into the Select Committee and this is a piece of legislation which affects the vital interests of the people. The whole procedure would be expedited if the House has an opportunity of fully discussing it.

Shrimati Maydeo (Poona South): You should give an opportunity to women Members from this side as well.

Mr. Deputy-Speaker: The hon. Member is evidently forgetting that the hon. Minister piloting this Bill is a woman.

Shrimati Maydeo: But let us support her a little.

Mr. Deputy-Speaker: I will add the names of Shrimati Sucheta Kripalani, Shrimati Indira A. Maydeo, Shri Hirendra Nath Mukerjee and Shri S. S. More to the Select Committee, if the hon. Minister has no objection.

Shri S. S. More: Of course, you do not mean anything, but the inference will be drawn from the other side that we are getting upon our legs to get into the Select Committee.

5 P.M.

Mr. Deputy-Speaker: Hon. Members need not understand at all that way. As a matter of fact, this is a matter where all hon. Members are interested. Whatever others might think—I am sure they are not thinking that way—when I made that suggestion I had not the least such idea.

Shri H. N. Mukerjee: May I submit to you, Sir, that we expect the courtesy from the Government to say at least something in answer to our request. I wish Government does not proceed with this motion for closure. There is not a word from the Government side.

Mr. Deputy-Speaker: She will say I believe it has been moved at the suggestion of the hon. Minister. I made the suggestion to the House that the other hon. Members who wish to contribute to the debate may as well sit in the Select Committee so that they may have an opportunity of expressing their views.

Shrimati Sucheta Kripalani: Sir, if we are allowed to give our views now, it will save time. After all, this debate started after Lunch and one hour was taken up by the Industrial Finance Corporation (Amendment) Bill. This is a Bill in which everybody is interested and it is therefore necessary that people should have an opportunity of expressing their views now. I would therefore request you to consider this and give some more time to us.

Rajkumari Amrit Kaur: Sir, I have no objection whatsoever to giving the House further time. Let us have the discussion tomorrow morning, that is after Question Hour up to one o'clock till the House adjourns for Lunch.

Mr. Deputy-Speaker: Very well.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 27th November, 1952.