

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF JOINT COMMITTEE

श्री शाहगीत (पूना मध्य) : अध्यक्ष महोदय, दंड प्रक्रिया संहिता में और ज्यादा संशोधन करने के लिए विधेयक सम्बन्धी संयुक्त प्रवर्ग समिति का प्रतिवेदन लोकसभा के सामने रखने के लिए नियत समय शुकवार, २ सितम्बर, १९५४, तक बढ़ा दिया जाय।

Mr. Speaker: The question is:

"That the time appointed for the presentation of the report of the Joint Committee on the Bill further to amend the Code of Criminal Procedure, 1898, be extended into Friday, the 3rd September, 1954."

The motion was adopted.

FOOD ADULTERATION BILL—
concl'd.

Clause 19.—(Defences which may or may not be allowed in prosecutions.)

Mr. Speaker: The House will now proceed with the further consideration of the Bill to make provision for the prevention of adulteration of food, as reported by the Select Committee.

Order, order. Hon. Members should not take the liberty of disturbing the House by carrying on conversations and loud laughter. It does not add to the dignity of the House. The deliberations have to be carried on in a dignified manner. Hon. Members who want to have talks and enjoy may better resort to the lobby rather than do it in the House.

Shri Syed Ahmed (Hoshangabad): May I draw your attention, Sir, to the talk that is being carried on by the Home Minister and Shri Karmarkar? Even when you are admonishing the Members, they are talking.

Mr. Speaker: I am admonishing all Members. Ministers are also included as they also are Members. The hon. Member need not take the cap to fit

himself. Whatever it may be, one thing is certain that talks on this side or that side do disturb me, particularly during the Question Hour. I have more than once appealed that the sound arrangements are such that even small whispers on this side or that or even there, do interfere and I hear even private talks which I do not wish to hear. Hon. Members will keep to this rule of not having any talks even in whispers. They may better go out or sit at a distance and do it.

Shri S. S. More (Sholapur): It is not compromising talk.

Mr. Speaker: Clause 19 was under consideration. Now, discussion of clause 19, will go on.

[PANDIT THAKUR DAS BHARGAVA in the Chair.]

Shri Tek Chand (Ambala-Simla): Clause 19 of the Bill deserves very special notice, because it is a significant departure from the very fundamental rules on which criminal jurisprudence is based. Even the merest tyro knows that what the criminal law proposes to punish is the guilty mind, the guilty intention and not the ignorant person or the man who is not aware that what he is doing is wrong. It is the *mens rea* that must exist before there is criminality imputed to the accused person.

The first provision of clause 19 is:—

"It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him...."

That is to say, articles of food, as we are well aware, are sold either in tins cartons, packets or bottles and a petty shopkeeper, may be in a small village, may be in a small town, may be on an obscure road side, is expected to know the nature, the content, the substance and quality of the package or bottled article which he is going to sell and he cannot stave off the evil