

## NOES

Banerjee, Shri S. M.  
Bhangava, Pandit Thakur Das  
Bharucha, Shri Naushir  
Braj Raj Singh, Shri  
Chakravartty, Shrimati Renu  
Chandramani Kalo, Shri  
Dasaratha Deb, Shri  
Daulta, Shri P. S.  
Galkwad, Shri B. K.  
Ghose, Shri Subiman  
Godsora, Shri S. C.

Halder, Shri  
Jadhav, Shri  
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Kodiyam, Shri  
Kunhan, Shri  
Majhi, Shri R. C.  
Menay, Shri  
Masani, Shri M. R.  
Mehdi, Shri S. A.  
Mullick, Shri B. C.  
Nath Pai, Shri

Nayar, Shri V. P.  
Panigrahi, Shri  
Parulekar, Shri  
Patil, Shri Balasabeb  
Ram Garib, Shri  
Ramam, Shri  
Reddy, Shri Nagi  
Sonule, Shri H. N.  
Sugandhi, Shri  
Tangamani, Shri  
Warior, Shri  
Yadav, Shri

*The motion was adopted.*

**Some Hon. Members: Shame!**

15.07 hrs.

**MOTION RE: FOOD POISONING  
CASES IN KERALA AND MADRAS  
STATES**

Shri M. R. Masani (Ranchi—East):  
Mr. Deputy Speaker, I crave your indulgence to rise on a point of order under rule 186 of the Rules of Procedure of this House. I would like to bring to your notice that according to the statement laid on the Table by the hon. Minister of Health on the 11th August, the opening day of this session, there are cases pending against certain individuals in regard to the incidents which have been covered by the report which is the subject-matter of this motion.

The Minister of Health reported that the Kerala Government have registered cases against Messrs D. N. Nakhate of Chika Limited; V. V. Dabke, Shipping Agent; A. A. Jaffar, Captain, S. S. *Jai Hind*; G. Gopinath Kaimal, Chief Officer, S. S. *Jai Hind*; Sandhil, Second Officer, S. S. *Jai Hind*; Ibrahim Rajee Pathan, Cargo Supervisor, Bombay; Rattansey Panchan, Steamer Agent; Albert Fernandez, Cargo Supervisor, Cochin and P. C. Varkey, Agent, Messrs Jaffar, Gopinath Kaimal and Sandhil have also been prosecuted under section 225 of the Indian Shipping Act.

I am sure we all agree that we want wrong-doers to be brought to book. But it is one of the principles of our Constitution and system of law

that a man shall be presumed to be innocent until he is found guilty. I would like to have your ruling, under the rules of procedure, whether this motion can be debated without endangering a fair trial for 12 of our citizens who will be put up on trial for various charges. The charges levelled against them are serious—charges under section 304A and 284, punishable with imprisonment, for causing death through negligence.

At the very least, something that can be done might be, if the debate is not to be frustrated altogether, that there are 15 general recommendations made in this report before this House and these can certainly be discussed now without any prejudice to the trial of the persons concerned. But it would be most improper and would prejudice a fair trial if personal references were made or the guilt or culpability of people were referred.

Mr. Deputy-Speaker: I entirely agree with the hon. Member that when these prosecutions are pending and when the matter is under enquiry, if we refer to those cases and try to apportion guilt on certain persons, that would prejudice the enquiry. We are not entitled to do that. But, as he himself suggested, we can discuss in this debate whether

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the negligence at all took place, what measures we can adopt to safeguard against such negligence and to guard against the recurrence of such things in future. Without apportioning blame on any particular person or individual, if the hon. Members take care not to mention those names or try to fix it on any particular person, then, of course, I am of the opinion that this thing can be debated here. I will request all the hon. Members just to see that we do not, we ought not, we should not and we do not prejudice the enquiry that is taking place in those courts. I hope all the hon. Members would be cautious enough to do that.

Shri Warior (Trichur): Apart from references to individual persons there are references to groups of persons and companies in the report here. Can I make a mention or reference to that?

Mr. Deputy-Speaker: Company's name might be mentioned. A particular person is guilty of such and such negligence, statements of such a nature should not be made.

Shri M. R. Masani: If I may say so, that is a subtle distinction. There are various officers of various companies who are facing trial. If parts of the report, which are not based on the judicial evidence, are read or commented upon, I do not think that would be any fair.

Mr. Deputy-Speaker: If we mention that such and such company, which was the consignee, was responsible for this incident, there would be no harm. We can say that such and such company was entrusted with the carrying of goods from one place to another. That can be done. But names should not be mentioned.

Shri Paralekar (Thana): Can we not read passages from the report? It is a public document.

Mr. Deputy-Speaker: Even if it is a public document, after that report, if an enquiry is pending before the tribunal or the court is adjudicating it, we should not prejudice it.

Shri V. P. Nayar (Quilon): That is not the point. Shri Masani's objection seems to be on the ground that this motion relates to a matter which is *sub judice*. But this does not relate to that. In this motion we are only seeking to have a discussion on the subject. I entirely agree with you that we shall not here apportion the blame. That is not the object at all. When it is already a public document, no harm could be said to accrue to it out of a reference to it by reading some portions. Shri Masani, who is very studious in such matters, could very well have taken objection when it was laid on the Table of the House. Even then the reference made in the document could have been taken to mean something which is a reference to a matter under trial. Having left that opportunity, now when the motion has been balloted and accepted, I think he has no case, and we are certainly entitled to make a reference to it without comment.

Mr. Deputy-Speaker: Balloting the motion would not make any difference. If the motion has been balloted and it has been decided that there would be a discussion, that would not make any difference, so far as that adjudication or investigation is concerned. But I do agree that if only Members say that the report mentions or says such and such thing, there would be no harm. That will be the views of the persons who made that report. So far as the speakers here are concerned, they should not make their own comments about those individuals who are facing trial.

Shrinath Bann Chakravarty (Basil-rhat): A few days ago, when Shri Ajoka Mehta read out bits from the telegrams and cuttings, which were matters of *sub judice*, we did not

object. So, I do not quite see any reason why he should object to this.

**Mr. Deputy-Speaker:** There was no reason why she should not have objected to that at that time. In that case, the objection would have been upheld. Now we will proceed with the discussion.

**Shri Warrior:** I beg to move:

"That the Report of the Commission of Inquiry into the cases of food poisoning in Kerala and Madras States, laid on the Table of the House on the 11th August, 1958, be taken into consideration."

While moving this motion, I wish to make certain observations. The scope of enquiry was very limited, because the terms of reference were prepared immediately after the tragedy in one of the Lok Sahayak Sena Camps in Sasthankotta in Travancore. Had it not been for that incident, which shocked all of us here—and there were questions and answers about that and a statement was also made by the Defence Minister—had it not been for that occurrence, the whole story of this poisonous substance, folidol, would not have come to light. That tragedy has helped the State Government to know the position and to make the Central Government institute an enquiry. So the Shah Enquiry Commission was commissioned. The Commission made an elaborate enquiry in Madras and Kerala States and had given certain findings and certain recommendations which are, in my opinion, to be considered very urgently, because it involves the lives of so many hundreds of thousands of people of that area.

The terms of reference are:

"Whereas the Central Government has received reports of a large number of cases of food poisoning in various places in the States of Kerala and Madras during the period between the second week of April 1958, and the middle of May 1958, resulting in many deaths, in particular at Parur, Trichur, Tiruppuni-

thura, Sasthankotta and Trivandrum...."

These are the incidents covered by this Report. But within the Report itself, mention has been made that the substance, the poison which contaminated the food and caused the death of innumerable persons, has caused certain other ill-effects in some other places, which are not covered by this enquiry. This poisonous substance, which is called folidol, is being imported by certain firms in Bombay, particularly one firm, from the year 1954. That is what is mentioned in the Report. But my information is that this substance is being imported from the year 1952 onwards. So, from 1952 up to 1958 this import has been going on. In 1958, unluckily for this firm, an incident occurred. Even before the Sasthankotta incident, various other incidents occurred. But we thought they were diarrhoea or cholera, because that was the season for those epidemics. Naturally, we did not mind it. The only thing is that police took certain steps to prevent contaminated food being distributed. The State Government was satisfied with it and we thought the matter will end there.

Then, all of a sudden, the Sasthankotta incident occurred. One fine morning, the unknowing boys in the Lok Sahayak Sena Camp in Sasthankotta in Kerala State near Quilon complained that the food tasted sour. Food is always a matter of complaint for the cadets. The Major thought that it is the usual complaint. So he abruptly, without looking into the matter any further, wanted to test it, and he tasted the food. The test was successful and the Major, unluckily died. From that incident, we knew that some substance was mixed with food, and this has been going on in our country from 1952 onwards, or from 1954 as reported by the Commission. All of a sudden, we were told that the substance is called folidol.

Now what is this folidol?

Shri Nath Pai (Rajapur): Dr. Shenoy knows it.

Shri Warrior: Because, I want to be sure of my facts. In the Report itself there is a chapter on folidol.

In Chapter IV, page 56, the opening sentence itself is this:

"Folidol E-605 is an emulsion containing 46.7 per cent. parathion, chemically known as diethyl paranitrophenyl thiophosphate. The pioneer work in this and other organophosphorous compounds was done by Gerhart Schrader, a German scientist,...."

That is to be noted because I am coming to it specifically.

"...at the Elberfued Laboratories of I.G. Farber Industrie, about the year 1944."

The year is particularly to be noted. Not only that, Scharder has a metamorphosis now.

"Schrader was engaged at that time in the study of chemical warfare agents, and synthesised scores of compounds containing organo-bound phosphorous. After World War II Schrader turned his attention to using organo-phosphorous compounds as pesticides."

So, the Folidol story begins in 1944 and the first invention of Folidol is as a chemical warfare weapon. This is used to kill people, to contaminate drinking water and to contaminate foodstuffs and thereby people and cattle and all those things will be eliminated without actual firing.

There had been reports even in war time that fascist Germany was using chemical poisons in order to annihilate wholesale countries—people, cattle, vegetables and all other things in this places where they had occupied. The year 1944 is to be noted because 1944 is almost the last stages of the war. By that time only this particular substance, Folidol, was found out by that German scientist.

They were unable to use all this material that they had produced at that time. That is my information also. These were the disposal goods.

After the war in 1946 this same German scientist turned his attention to the profitable business of changing the label of this poisonous substance into insecticide or pesticide and put it to agricultural use. That is how the change has come.

I have other things also mentioned here, but I do not want to go into them. Dr. Natarajan, Analyst of Madras, who had been analysing this, has stated that Folidol is a substance which will enter into the system of men by mere contact or by inhaling. It may not be coming into contact with the skin even or getting into the body. Even inhaling it is poisonous. My understanding and what I am told by eminent scientists in Trivandrum is that this parathion, the poison contained in Folidol, is very venomous, not only venomous but it is a cumulative poison whereby the scientist means that it will remain in the body, in our system, once it gets into us by contact or by inhaling or by some other oral methods. When it goes into the body it remains there for any number of years without being dissolved or absorbed by the system and if at a moment the victim is weak and vulnerable this poison will act and cause even death. That is the particular characteristic of this parathion which is not only a very venomous poison but which is accumulative poison. It is a contact poison and it is never absorbed by the system of men. Such a poison is contained in it and it is very difficult to detect this.

Only very recently I am told that in certain laboratories in the U.K. the experiment had been going on in insecticides and pesticides and they had prescribed certain rules, to which I will come later. Only recently we have found out that it is such a poison

and this had been going on contaminating our countryside and plantations and such other places for the last so many years.

In the Report on page 56 there is mention of Dr. Natarajan's findings. I do not go into all those details but I wish to say that in 1952 this Folidol began to come by air to India. It came by air and not by ships. It was through the airways that the first consignments had been brought and that is also mentioned in the Report. For instance, I will quote.... (After a pause) I will come to that point later. Anyhow, I shall mention that the importers are Chika Private Ltd. of Bombay. It is mentioned in the Report itself that this Chika Private Ltd. is having a principal in Germany which is called Bayers of Germany. They are the sole importers, i.e., Chika is the sole importer here and Bayers, I am told, is another subsidiary or a mere change of name of I.G. Farber Industrie, which I had mentioned before as the originators of Folidol in 1944 as a chemical warfare material.

After the War when these disposal goods were there, they did not find any market for this in any place in Europe. That is a very important aspect of the question. I am reliably told by scientists who have lately come from U.K. that Folidol is not used on the Continent or in the U.K.

**Shri Jinachandran (Tellichery):** Is it not used in Kerala at present and is it not recommended by the Agriculture Department to agriculturists for use?

**Shri Warrior:** I will come to it. From Germany I am starting now.

**An Hon. Member:** He is coming by airways.

**Shri Warrior:** No, it is coming by radio.

The point is....

**Mr. Deputy-Speaker:** He should take note of the time also. Now he is on the high seas and it might take him some time.

**Shri V. P. Nayar:** But the tide is in his favour.

**Shri Warrior:** I started only 15 minutes or so ago.

**Mr. Deputy-Speaker:** I am not stopping him. Because he said that he is starting from Germany.....

**Shri Warrior:** But I can come very easily.

**An Hon. Member:** He is coming by sea.

**An Hon. Member:** He is not coming by sea. He is coming by air.

**Shri Asoka Mehta (Mazaffarpur):** He has a sputnik behind him.

**Shri Warrior:** The Report says that this substance is also going to some other countries as Brazil and other undeveloped countries, particularly agricultural countries. They are exporting it from Germany as insecticide. They know that this contains poison because on page 16 there is a reference to that. Somebody acted as a clearing agent for Chika Private Ltd. That somebody might be under some prosecution. I do not know that.

"Dabke had acted as a clearing agent for Chika Private Ltd. when folidol was received by air from Germany. In the Air Freight Bills folidol was described as poisonous liquid, and there was an express direction that it should be stowed away from foodstuff."

Now, what happened here? Here they shipped the 55 crates of Folidol to Cochin, but did they comply with all the regulations of packing? They did not do that. Chika, the agents, had special instructions. They knew particularly well what this poison was. Still, they are now pleading that they did not find suitable material

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or sufficient quantity of aluminium for packing these things intact so that there will not be any leakage when it is shipped to other places from Bombay. I think they did not put specifically what it is. Of course, the word "Poison" was marked there. Actually this thing was described in the statement. A statement has to be given elaborately and that is described in that statement. It was put as "harmless chemical for agricultural purposes." On the bottle they put it poison. That is ordinarily done because there are so many types of poison and nobody will care to take serious note of it.

Finally, these 55 crates reach Cochin and there it is found by the importers that 15 of them were broken or leaking. In the whole hatch of the ship where foodstuffs had been kept the crates were leaking and folidol was flowing freely. It was taken out from there to the godown of the shipping company's agents. I do not mention their names because the mention of names is obviously bad. It was taken to the godown where tea chests expected to be exported to America were there. The police officials in Kerala had to tell them either to remove the flowing folidol or remove the tea chests or else they will be taken to task. I am told that even prosecutions had to be launched or cases registered so that the thing will be taken seriously. They were not amenable to reasonable arguments for removing them. The contamination of food occurred in the hatch of the ship. Even though all these people who had shipped this and who had taken delivery knew what it is—almost all of them knew that the substance contains poison—they freely distributed all these foodstuffs and the tragedy had recently occurred in Madras and also in the Kerala State.

Time is up. I do not want to go into more details about all these inci-

dents, because, all of them are narrated here and so many prosecutions have been there, as an hon. Member said. I do not infringe the law here. I do not want to place the responsibility for all this on anybody else, on these private persons. First of all, this is a war material, disposal material, of war stuff. In that sense, the Defence Ministry ought to have known it. This comes from abroad. The Commerce Ministry is there. This is poisonous substance. The Health Ministry is there. This is freely used in the plantations where thousands of labourers are unprotected according to the Regulations of the W.H.O. which has suggested protective regulations. They have made so many suggestions. These are all infringed. All are breached and the workers are freely using it, not knowing what it is. After all, the Agriculture department is using it and from the statement we find that 25 medico-legal cases had come to the notice of the Chemical Analyser of the Madras State Government. He had submitted reports about all these and the Government are not taking cognisance of the serious situation, created by this substance. Further, the Customs officers are there. They also must take cognisance of this substance because statements are given to them before shipping. The shipping agents are there, the shippers are there. There is an elaborate machinery before shipping is done. Before a cargo is taken into the hatch of a ship there is an elaborate process. So many persons are handling the stuff and handling the documents that they can know if they want before they ship a cargo, especially poisonous cargo because all the Acts are there. Our Shipping Act is not all comprehensive. The Central Government has made applicable certain recommendations contained in the Report of the U.K. Working Party. On all these things, I would have referred to the report, but I do not find the time.

After all these things, what has been done? It is said that out of 108

persons who died at that time, as reported to be due to foli-dol contamination, the Commission is sure, 104 have died out of the poison of parathion. The people who have died are poor persons. They usually take in this imported rava, imported atta, etc. Some of them have eaten biscuits. Children of 3 years and 2 years have died. The compensation given to the bereaved families amounts, in each case, I am told, to Rs. 300. The Kerala Government has suffered immensely because so much of food-stuff they had to cordon off and not allow them to be distributed to the merchants. Government had to stock all that and they could not release them to the open market. Compensation should be paid when the merchants have not taken delivery of this at all. The Kerala Government had instituted an enquiry on the 7th of May and when Shri Karmarkar, our Health Minister was replying in this House, a report had been submitted by the Chemical Analyser in Trivandrum that parathion is detected in foli-dol and action must be taken. It is on that report that the Kerala Government took action and much of this tragedy minimised.

There is the question of giving adequate compensation to the families. I am saying this without referring to any person. All these Ministries are involved. All these Ministries ought to have known from 1952 onwards that this poisonous substance is circulating here. It was an indirect warfare. It is chemical warfare done by the ex-fascists of Germany who had been shipping it here to unknown persons. Hundreds of thousands of labourers had been using it. Doctors have been baffled to know what its effect is, because it is very difficult to detect the effect of small doses of foli-dol, I am told. Only very recently we have got certain instruments which could detect even the smallest doses. The smallest doses are not detected and persons affected by that quantity of foli-dol or parathion will not show any symptoms of disease.

The poison will, remain there marking time and afterwards, it will react. Thousands of our workers in the plantations and thousands of labourers in the fields, paddy fields especially and in the orchards are using it. The people who are freely distributing it do not know what the contents are, how poisonous and venomous they are and how dangerous it is for the life of the people. No protection is given to the labourers especially in the plantations and in the agricultural fields.

I request the Ministries, especially the Health Ministry to look into the matter and have a sort of enquiry made into the whole affair from 1952 onwards, how many persons as affected in the plantations and in the fields, because the Agriculture Department can show and trace out who have taken the material, and where they have been used. All these things can be ascertained and this enquiry must be instituted by the Central Government itself, because, primarily the Central Government is responsible. I place that responsibility on them. Not only the Health Ministry; the Health Ministry is not the only Ministry responsible. Because drugs comes under this Health Ministry and this thing comes under drugs, it is the Health Ministry's responsibility. The Commerce Ministry is also responsible because this is an imported material. The other Ministries are also there. For instance, the Agriculture Ministry, the Labour Ministry. All these have to come together and put their heads together and see first that foli-dol is banned and adequate compensation is given to the people and a thorough enquiry into the importation of this very poisonous and venomous thing is made.

**Mr. Deputy-Speaker:** Motion moved:

"That the Report of the Commission of Inquiry into the cases of food poisoning in Kerala and Madras States, laid on the Table of the House on the 11th August,

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1958, be taken into consideration."

**Shri Achar (Mangalore):** Mr. Deputy-Speaker, before I say a word as to what may be done, I would like to draw the attention of the House to some salient facts which rather surprise an individual. This Folidol which is a very virulent poison—the report also mentions it—is being imported from about 1952, and is a product got from Germany. Though it has been coming into this country from about 1952 we did not hear that it had created any havoc earlier than the incident at the Defence Ministry camp. Earlier than that we had not heard that people had died on account of it or that any serious incident had taken place.

**Shri Maniyangadan (Kottayam):** There were reports in the papers.

**Shri Achar:** I had not heard much about it. Whatever it be, it had not taken any serious turn anywhere. It was for the first time we heard about it last March or so. What is the reason?

When I went through the report, I felt that earlier, great care had been taken about its mode of packing and bringing it here, or shipping it from one place to another. The report also mentions the fact that they were using aluminium containers. It has also been vouchsafed by some evidence adduced which is referred to in the report. It is only recently that wooden containers were used. That seems to be one main cause why this container was damaged and the poison got into foodstuffs like sugar, wheat flour and other things that were in the same steamer. So, the first point I would like to mention is that this important matter has to be attended to. The German company was sending it in well-packed aluminium containers. They were rarely damaged, probably at no time. So, there was no difficulty. This tragedy occurred on account of

this fact, this negligence I would say, with regard to the proper packing of this poison. Probably if I refer to it more and to Chikka (Private) Limited, my hon. friend Shri Masani may object to it, because the question may arise on whom the responsibility rests. So, I will leave it there. But this is a most salient fact and must be very well looked into by the Government to see that such things are not hereafter allowed.

The next important point that struck me was how it happened to be taken from Bombay to Cochin in a steamer which had no partition at all for the carrying of poisonous materials. I am told if there is any poison or any dangerous material the practice is to have it in different compartments. They technically call it "tween compartment" or something like that. The name of this steamer I find is *Jai Hind*.

**An Hon. Member:** A very good name.

**Shri Achar:** Anyhow, it has not brought any *Jai Hind* for us.

**Shri V. P. Nayar:** It has brought *Jai havoc*.

**Shri Braj Raj Singh (Firozabad):** *Jai death*.

**Shri Achar:** It was shipped from Bombay to Cochin, and the most wonderful portion of it is that, though every one of those crates had a label saying it was poison, this material was shipped from Bombay to Cochin as a "harmless chemical". Of course, there again, if I go into the question as to who is responsible for this, it will again be a matter *sub judice*, but the fact remains that it was noted as a "harmless chemical" and was sent from Bombay to Cochin. This is rather surprising. When we go into the report, it looks as if everybody avoids the responsibility. The main person in charge of the steamer, the captain



or other officers, everybody says it is not his business. One thing is certain. Without going into the question of responsibility, nobody seems to have looked into this matter before allowing this material to be put into the steamer.

We are going to have this Merchant Shipping Bill shortly, and under the British shipping companies there are certain rules, and they are also referred to in this report. There are very strict injunctions as to how these poisonous materials should be allowed to be put into the steamer. So, it is rather strange that this shipping company should allow this material to be put on the steamer as a harmless chemical when every one of the crates bore the label of poison. It is as much the duty of the shipping company as the persons who bring it into the country to see what the nature of the material is.

Of course, two reasons are given. Firstly, the rate for poisonous materials is very much higher than ordinary substances or other goods. So, to avoid that probably the importers resorted to this method and said it was a harmless chemical. Or, it may be sometimes these ships do not take them in because they may not have a separate place for that. Whatever the reason may be, the shippers managed to put this material as harmless chemical, and the shipping company managed to take it in and brought this material, this "harmless chemical" to Cochin.

The next surprising fact that we find is that though these packages were damaged and it was realised that some portion might have leaked out, nobody attends to it, and as to the consequence the report has elaborately gone into that matter. The report has gone into the question and connected this importing and particular incident in several places. More than 100 persons have died and more than 400 became ill. The fact is there.

The report also refers to the fact that this is a very highly poisonous material.

One thing struck me as important, and for those who have not read the report I may mention that. It happened that a small portion of Folidol was kept by a housewife in a loose packet in an open window. It was left there and on the dining table a small plate was left without a cover. By breeze or something like that a little of this liquid happened to enter the plate which was left uncovered. Subsequently the husband comes, he is served food on that plate and within a few hours the individual expires.

Another incident has also been reported. A little sugar worth one anna or so into which this Folidol had to some extent entered was utilised, the tea prepared out of that sugar was taken, and the individual expired.

I am mentioning these facts only to show that this is a very, very virulent kind of poison which kills the human being so easily. So, the first reaction in me was whether it was worthwhile to import such a material at all, whether Government should not take action in the matter. But when I had a talk with certain persons who are utilising this in their agricultural operations, they said that sufficient care was taken and it was one of the best insecticides. So from the point of agricultural production, specially cash crops, this seems to be a very good insecticide, and they are not inclined, naturally, to bar it until we can get another substitute. So we cannot altogether ban the import of this until we can get another substitute for the purpose. But so far as I could see, the attention that has to be paid is mainly in respect of the mode of packing it and seeing that the shipping companies are also made responsible to examine it thoroughly and then alone allow it to come into the steamer. Equal responsibility should also be placed on those persons who are importing it. Extreme care

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has to be taken with such a type of virulent poison.

The Report is a very thorough and judicial pronouncement. Very carefully the matters are weighed. They have also made recommendations as to what should be done. So I shall not go into that. But I would only say that the greatest responsibility lies on the importers and distributors, and Government should see that sufficient control is kept over them.

Dr. K. B. Menon (Badagara): Mr. Deputy-Speaker, Sir, I participated when the subject came up for discussion at the fag end of the last session. I had then only scrappy information picked up during my flying visit to Kerala. Since then, I have better acquainted myself with the subject. We have also before us three valuable documents: the Report of the Committee appointed by the Kerala Government, the proceedings of the Kerala Assembly where the subject was discussed threadbare and now the Shah Committee Report published by the Union Government. We supplement all these with our personal information on the subject.

So much has been said about folidol, the poison. My feeling is that when we spotlight folidol as a poison and ask for it to be kept away from our country, we are sidetracking and side-shunting the issues that are before us as a result of the deaths that were caused by the folidol itself. Folidol is certainly one of the most poisonous insecticides. But some of the worst poisons are the most useful things in the world and to ban it from import into India would not be fair. I would therefore suggest to the Ministry of Health and other Ministries that they should not think of banning the poison, but of placing restrictions on the import and the use that is made of the poison.

Let me get back to the three documents that I referred to which are

before us. The Shah Committee places before us very valuable data on what happened in Kerala. If we study the figures given by it, the whole incident started on 13th April. On the 13th April itself, there were 10 deaths in Ernakulam. The police sub-inspector who investigated did not annex or take charge of the vomit of the persons who were dead. The police officer did not conduct a post-mortem; probably he could not do it because the family objected to it. But he certainly should have taken charge of the vomit and should have sent it for chemical examination which he did not.

As I said, on the 13th, when it started, 10 deaths took place in Ernakulam. From the 13th to the 24th April, there were 24 deaths in the district of Trichur alone. It is obvious from the Report that in some of these cases the health officers did prepare reports, but nothing was done. That the health officers and the police officers who investigated these deaths in all these places, Trichur, Tripunnitira, Parur and Trivandrum, kept their papers on the files, is rather too fantastic for me to accept. They must have reported to the Government. I take it for granted that some of them at least reported the fact to the Government. But the Government did not move in the matter. It took the tragic deaths of 65 persons and sickness of 200 persons at the LSS camp at Sasthan-cotta to hammer that much of sense into the Government for the Government to move in the matter. I think the 65 mass deaths at the LSS camp alerted the Government, not only because of the deaths but because of the fact that it was a military camp and the Centre moved in the matter. I think with the Defence Minister's statement things began to move. It was only after 84 deaths took place and after nearly 400 persons had fallen sick that any move was made by the Government of Kerala in order to investigate the deaths caused by folidol. If the Gov-

ernment of Kerala had moved as soon as there were 10 deaths at Ernakulam on the 13th April, the rest of 98 deaths out of 108 would have been prevented—if the Government of Kerala had been awake and prompt in their action. But nothing was done. 29 deaths happened before the 25th. It was on the 29th April that the incident at the LSS camp in Shastamcotta happened.

Therefore my submission is that the Government of Kerala did not move in the matter, the officials were careless and they did not take action at the proper time. The terms of the Committee appointed by the Kerala Government were very limited; the Government did not want the Committee to inquire into the responsibility of the officials. In spite of that, the Committee reported that the officers were not prompt, that they did not take proper action at the proper time.

One interesting fact of the discussion in the Kerala Assembly is worth mentioning. That was during the discussion when one of the members, Iddikula, by name, asked the Treasury Benches whether it was not a fact that a private circular was sent by the Communist Party to their units asking them to be careful about folidol.

If the party could send a private circular.....

Shri V. P. Nayar: What was the answer?

Dr. K. B. Menon: There was no reply. The Treasury Benches suggested that one communist member died. Then came the sharp and shrewed question from the Opposition whether that Member had not died before the circular went out and there was no answer. (Interruptions) Therefore, I take it for granted that the Treasury Benches had no answer to give. But, that is by the way.

Whatever that be, the fact remains that no action was taken by the Kerala Government. If prompt action had been taken by the Kerala Government, 98 deaths out of the 108 that happened and the sickness of 1031—the total given deducting about 100 or so or practically deducting nothing and I do not have the figures of these things—all these could have been avoided.

From a little personal investigation that I conducted when I was in Kerala after the last Session, I understood that the merchants of Calicut had purchased from the merchants of Ernakulam some bags of sugar at a lower price—lower by Rs. 10—and it is the transport of this sugar and its distribution in the various parts of Kerala, particularly Malabar—I am referring to it because it is far away—in Calicut and Cannanore that was responsible for this spreading of this poison to the other parts of Kerala. No action still has been taken and my information is that the contaminated sugar is still there in some shops in Calicut and Cannanore. My feeling is that the merchant is interested primarily in his profit, that he is not going to throw away the sugar that he has on hand and that when everything has quietened down, this sugar will again find its way into the rural areas in Kerala and that more deaths are likely to happen if the Government does not rise equal to the occasion and try to get hold of the sugar that is in the godowns of some of the merchants.

It is the duty of the Government to see and check up every lb. of sugar that has left Ernakulam and see that every bit of it is confiscated. In the case of oil or even atta, it does not affect much but I understand that in the case of sugar it forms a compound and that the only way of getting rid of it is to throw it away. Nothing else can save the sugar. Therefore, my submission is that Government should see that all this sugar is confiscated and that no risk is taken in this matter and that the

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health of the citizens is not placed in danger.

**Shri Maniyangadan:** I fully agree with the mover of the motion, Shri Warrior that the incidents of Sasthan-kotta L.S.S. Camp turned out to be blessing in disguise for the people of Kerala. That unfortunate incident took place on the 29th April, 1958. Before that, in 7 places in different parts of Kerala, food poisoning cases took place and all of them were reported in the papers. Dr. K. B. Menon referred to the incident on the 13th April. Thereafter, on the 19th, 22nd in two places, one in Ernakulam and one in Trichur, and on the 23rd, 24th and 25th, on all those days, food poisoning cases were reported in the papers. And, on the 29th there was this sad incident at the L.S.S. Camp.

On the next day the matter came up before this House and the mover of the present motion then threw out a suggestion that the atta obtained by the Kerala people from the Government of India seems to be poisonous and that necessary steps should be taken. I refer to this because regarding those 7 incidents which occurred prior to the L.S.S. Camp incident no action was taken and if proper action had been taken in time, so many lives could have been saved. But for this L.S.S. Camp incident, I am afraid, thousand of people in Kerala and the neighbouring States would have died.

The hon. Health Minister of Kerala was asked in the Kerala Assembly about this series of incidents. I may submit that he was rather indifferent to these things. He was asked whether any enquiry was made into the incident of the 13th April. He said: 'It is not easy to make enquiries'. Then, again, he was asked whether Government had any information regarding these deaths on account of poisoning. He would say that there were paper reports but the paper reports could not be depended on. That was the attitude taken by the Gov-

ernment of Kerala, and, as a consequence of this, all these unfortunate incidents took place. I do not want to cast the blame for these poisonings on the Government of Kerala. But now, coming here and saying that some other people were responsible.....

**Mr. Deputy-Speaker:** The hon. Member could very well refer to the answers that had been given there by the Health Minister in the Kerala Assembly but he should not cast any further reflection against the State Government.

**Shri Maniyangadan:** I am not casting any reflections. I only say that Shri Warrior, the mover of the motion was saying that the Kerala Government took all steps that were possible and in spite of that, 'on account of the defect in the rules and on account of the failure of the Health Minister of the Central Government and also the Commerce Ministry of the Central Government, these incidents took place. I do not want to cast the blame on anybody, neither on the Kerala Government nor on the Central Government.

**Shri Tangamani (Madurai):** How did it happen?

**Shri Warrior:** I wish to make one submission to correct my hon. friend. I did not say that these incidents were directly the responsibility of the Central Ministry. I was speaking in a general way about the importation and distribution of these things. But this is making a wrong analysis of what I said. The hon. Member is giving an annotation of it in his own way.

**Shri Maniyangadan:** I accept my friend's correction. He may not have said or I may have misunderstood him or I might have been presenting it in a way which was not what I intended. Whatever it is, I accept his correction....correction.

**Mr. Deputy-Speaker:** This is correction and not corruption.

**Shri Maniyanganadan:** The report mentions these incidents datewise and it could be seen if action were taken in proper time these could have been prevented or subsequent things could have been prevented. Action was not taken; that is all what I want to submit.

Again, it is not proper to prohibit this folidol from being brought down. There are some suggestions in this report to prevent harm being done by this material. These methods should be adopted.

In the report, it is said that two officers of the Government gave different versions. The Director of Agriculture and the Plan Protection Adviser have said that this insecticide is very useful for agricultural purposes. Shri P. D. Nayar, Director of Agriculture in Kerala says that licensed sale of folidol should be introduced. The other officer, Shri C. J. Solvarajan also says that the use of folidol was highly beneficial to agriculturists, especially to control pests in paddy and that folidol was sprayed only when an officer of the State was present and not otherwise. He says that the containers of folidol were sold to agriculturists and the agriculturists were given the assistance of a State employee in spraying folidol. But the other officer, Shri P. D. Nayar contradicts this statement. He says that there is no such officer appointed and there is nothing of that kind happening. There is this confusion. I myself do not know whether there is any rule there which says that folidol should be sprayed only in the presence of an officer. These are the contradicting versions of the two officers of the Government there. If proper care is taken at the time of spraying this material, the harm suggested by my friend Shri Warrior could be avoided. In these matters, it is not the Central Government that can in any way control. In the matter of import of these things,

the Central Government has to do certain things. After it is being imported, when it is in the field and when it is sprayed subsequently, if the harm is to be prevented, it has to be done by the State Government. So, to completely cast the responsibility on one Government will not be proper. I only want to suggest that both the Central and the State Governments should cooperate in this matter and should not speak that one Government or the other alone is responsible.

I would refer to the incident which took place on the 13th, which my friend Dr. K. B. Menon referred to. No inquest, it has been said, could be held because the police inspector was asked not to do so by a large number of people. It is a sad commentary on the policy of the Government with regard to the police activities in the State. When ten people die and the sub-inspector of police goes to the place, some people gather there and say that no inquest should be held and the police officer walks away without doing anything. If such a state of affairs exists, there is no safety for the people from such incidents. Unfortunately, due to the negligence or carelessness on the part of the persons responsible for bringing folidol into the State, some food materials were contaminated by the poison and as a consequence ten people died in a particular place on a day. Nothing could be done by the officers. Then what is the officer for? If he had taken proper steps at that time, then the subsequent things would have been prevented and the source from which the poison could come could have been found out and there would have been an end of the deaths that took place subsequently. The Agriculture department of the State must take proper steps to see that spraying of this material is done properly without any harm. In the matter of imports and also while handing over it to the agriculturists, there should be proper checks. It is reported to be a very good material as an insecticide and the agriculturists welcome it. That is

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being used in the State and in the different parts of the country for the last so many years. All these things happened only this year. There may be defects in the rules and the report contains suggestions regarding amendments to those rules. The Merchant Shipping Bill is also before the House and so it is the proper time to introduce amendments; the Select Committee stage is also over. The other rules also may be taken up. There are certain prosecutions pending. Of course, whoever is responsible for the carelessness which resulted in these incidents will ultimately be punished and there is no meaning in bringing in party politics; there being the Government of one party in the State and that of another Party in the Centre, one should not say that all that happened was due to the Central Government and that the Central Government alone is responsible or that the Central Government should take steps and that the State Government has done everything all right. There is no meaning in saying all these things. It is a thing of which everybody should take serious notice and proper action must be taken to prevent future happenings.

**Shri V. P. Nayar:** Mr. Deputy-Speaker, Sir, I am really sorry that the two hon. Members who preceded me have taken this opportunity of participating in this debate to lay the blame on the Government of Kerala. As I heard them and I listened to their speeches with rapt attention, I could not escape the feeling that they had not chosen to read the report at all, and they were trying to use the opportunity—as one of them sometimes does in this House—to cast an aspersion or twist the facts in such a way as to cast an aspersion on the Government of that State for reasons which we all know. Sir, I was reminded of his party, and also the party of my hon. friend, Shri Maniyangadan, who could convert an incident in which a girl fell from a running bus and died as having been assassinat-

ed and parade with the dead body. I could, therefore, appreciate....

**Mr. Deputy-Speaker:** Some individual might have done that; but why impute motives to the party as a whole and then create these controversies. I pulled up Shri Maniyangadan, and he accepted the correction.

**Shri V. P. Nayar:** Sir, you can remove a poison from a body, but the poison from a speech is very difficult to be removed.

**Mr. Deputy-Speaker:** That is why I am asking him not to bring any poison in his speech.

**Shri V. P. Nayar:** I would try to neutralise that.

**Dr. K. B. Menon:** Sir, I may point out....

**Shri V. P. Nayar:** Sir, I am not yielding to Dr. Menon now. If he had chosen to read the report he would have found that the report very clearly says, that although this substance was distributed at several places only the Kerala Government took timely action. I shall only read one or two sentences, because the charge here was that, despite certain deaths, despite the fact that certain investigations were already there, the Government of that State sat smug. He also went on to refer to a particular question in the Assembly and said that it was not answered. What is the fact? This report is drafted by three persons who have studied the question with all patience, examined over 150 witnesses and toured extensively. Dr. Menon sitting here passes a judgment on this and says that the Kerala Government is responsible. What does the report say? On page 68 it is said:

"It appears that except by the authorities of the State of Kerala and the merchant community of Mattancheri, who can be regarded as the person or persons con-

cerned, no steps were taken to prevent further distribution of contaminated food or foodstuffs. When it came to be known that there had been many fatal cases of food poisoning, the State of Kerala took prompt steps to investigate the source of contamination;"

Dr. Menon did not concede that, although the Commission is charitable enough. Then it is said:

"... and when it was found by Sub-Inspector Mathews that the common source of poisoning was some chemical which was lying in the godown of A. V. Thomas & Co. Ltd...."

The Managing Director of that company is no less a person than a previous Member of Parliament representing the party of my hon. friend Shri Maniyangadan. Yet the blame is laid on the Government of Kerala.

With all this, Sir, what is folidol? Who knew about folidol? Was it introduced for the benefit of the peasants, the agriculturists in Kerala when the present Government is in power? It was introduced in 1954 when my hon. friend's party was in power.

**Shri Maniyangadan:** May I invite the hon. Member's attention to page 697

**Shri V. P. Nayar:** I know that, but I am afraid I have no time. Sir, 50 mg. of folidol is a fatal dose for a man. It is far more virulent than potassium cyanide which was supposed to be the most potent poison. It was smuggled inside our country on the ground that it was an insecticide, pesticide or fungicide when my hon. friend's party was there. They did not do anything. Now when this has happened due to an accident, the whole blame is cast upon the Government which is in power at the time when this has happened, although the report is categorical in its conclusions.

There is a very illuminating document also attached with this report by no less a person than Major General Sarup Narain. It would be worthwhile for my hon. friends to read this document by the most eminent pathologist in our country. The presence of folidol cannot be detected by chemical analysis in most of our laboratories, the reason being that its discovery was made only recently and a very high technique is involved in it that most of our professors of chemistry do not have sufficient knowledge. What shall a Government do? Dr. Menon would expect a man of the type of a Sub-Inspector of police, who has only the qualification as an ordinary graduate, to find out from the symptoms the presence of folidol, when Major General Sarup Narain himself says, the Enquiry Commission also says that the symptoms of death caused on account of folidol are almost like those of cholera. As you know, Sir, cholera is infectious, the infection is passed through contaminated food and there is also vomiting. Dr. Menon would accuse the Government for the inspector not having taken the vomit. I am sure that it is not because of the lack of knowledge of law or of the procedure in this connection, but where a blame could conveniently be laid without being contradicted that opportunity has to be used.

Sir, this is a very serious incident. I would have very much liked the humanitarian considerations of Dr. Menon to have urged my hon. friend, Shri Karmarkar, to pay more for the persons who died. Dr. Menon and Shri Maniyangadan have nothing to say about it. They do not want a pie more to be paid to these unfortunate victims. They only want the Central Government to shift the blame on Kerala Government.

Even in the United Kingdom, Sir, where almost hundred times facilities exist for the analysis of poisons, the rules relating to protection in the transport of this commodity were introduced only in 1953. At least we

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borrow extensively from U.K. legislations and U.K. rules. Our charge is that in the United Kingdom the carriage of this is subject to very severe control, and if the Government of India had chosen to adopt that this would not have happened.

Sir, two years ago we debated the incidence of jaundice—infected hepatitis. What did that indicate? Right under our nose, for 14 days reports showed that the content of chloride in Delhi water had increased beyond the safe margin. Yet, with all the skill and tools at the disposal of our analysis it could not be found out. I do not accuse them; the reason being that the moment you suspect increase in chloride content, you do not immediately conclude the presence of infected hepatitis.

Sir, some sort of general background is necessary to speak on such matters, unless it is only intended for vilification. There is absolutely no ground to lay the blame on the Kerala Government, except that that Government, more than other Governments in the neighbouring States where also this folidol was sent and deaths occurred, took prompt steps. No other Government, as you can see from this report, took any prompt action.

It is a very serious matter, I sympathise; because the maximum number of deaths has happened in my place—Sasthankottah. No sympathy came from Dr. Menon or Shri Maniyangadan for those victims.

Mr. Deputy-Speaker: Why should he repeat that. How does he know? That should not be the conclusion.

Shri V. P. Nayar: I am only saying that not a word was said about the shipping company, not a word was said about the lack of import restrictions, not a word was said about any enquiry, before it was allowed to be imported, about the virulence of this

poison which is more virulent than any other known poison. No reference was made to these things in their speeches. Sir, these are few things that you discover from this report. Human ingenuity must have its end.

I would only appeal to the hon. Minister that at least he must take proper steps to ensure that not merely folidol but other injurious substances which are poisonous are taken proper care of. There are so many substances which are poisonous if a big dose is taken orally. Mere labelling of a poison will not by itself ensure its being not administered. It is not the case of a chemist's shop where the chemist knows whether sodium sulphate or potassium bromide is poisonous or not. Here the thing is being transported. For all substances which are capable of such mass destruction in the eventuality of an accident, the Central Government must be primarily responsible for the safety of the people. I do not at all blame the Health Minister, because he cannot be expected to taste the samples of these things from all places at great personal risk. But I would urge upon the Central Government to set up a machinery, so that hereafter such dangerous poisons capable of mass annihilation should not be imported into this country and an opportunity given to the critics of a particular Government to ventilate their grievances for political purposes in the House under the guise of speaking in favour of this resolution.

Dr. K. B. Menon: May I just say a word of personal explanation?

Mr. Deputy-Speaker: I do not think it is needed.

Dr. K. B. Menon: I challenge the hon. Member who preceded me to prove that my party or the Congress had anything to do with the publication of the news to which he referred. I also would like to say that he has put into my mouth very many things which I did not say. To make a



positive thing out of a negative thing is something which a person who is so profoundly erudite as Shri V. P. Nayar should not do.

**Shri V. P. Nayar:** Noted with thanks.

**The Minister of Health (Shri Karmarkar):** I have closely followed the various observations made by hon. Members who have participated in this debate. There are two points which I should refer to at the outset. My esteemed friend Dr. Warior allowed himself to say.....

**Shri V. P. Nayar:** He is not a doctor. His brother is a doctor, by the way.

**Shri Karmarkar:** There is one doctor on record here. So, I must have made a mistake. Anyway, he does not look like being a patient either. My esteemed friend Shri Warior allowed himself to observe and to imply that precaution should have been taken about the import of folidol. If I understood him aright, he seemed to suggest that folidol need not have been imported into the country at all. That appeared to have been his suggestion. The use of folidol has been there for the last so many years.

The report itself refers to this point, regarding the hazards of using folidol at page 61 of the report, the Commission refer to various uses, and then make these observations:

"It has to be borne in mind that folidol is one of the group of organo-phosphorous compounds and is one of the most lethal ones. There is not sufficient material in the text-books or in the evidence of the witnesses examined before us to show what the chronic effect of folidol poison is, or whether folidol contamination involves any long-term hazards. Even in countries where extensive investigations have been made, there appear to be a considerable gap in the knowledge relating to the behaviour of folidol on human beings and on the beneficent

insects which propagate pollination. It would, therefore, be necessary to make a full investigation of the hazards involved in the use of folidol from all points of view before a final opinion can be expressed regarding its continued use and that investigation must also take into account the question whether there are other organo-phosphorous compounds or other compounds which might be equally beneficial in agriculture and may involve lesser hazards to human beings. We propose to make recommendations, therefore....to prevent the recurrence of similar occurrences."

It is obvious that this folidol has been a useful agent as an insecticide. I do not think Shri Warior contests that point that it is being found useful.

**Shri Warior:** May I make one submission? I do not contest that it is an insecticide. But even then, if all insects are killed by folidol and folidol is sure to kill all the insects—that itself is against agriculture and other things, as has been reported here. That also must be taken into consideration.

**Shri V. P. Nayar:** There will be no biological control.

**Shri Karmarkar:** In any case, I do not propose to enter into the rather very interesting subject of biological control or even the equally fascinating scientific subject as to the utility of folidol. I do not think it is a matter for difference of opinion, even so far as Shri Warior is concerned, that this insecticide is being used usefully by the planters and the like, and it has been found to be useful.

The one fact that has been brought out by these unfortunate incidents—in fact, a tragic penalty of many lives had had to be paid to invite our attention to it—is this. And the reports of both the committees also make it quite clear. I am not here entering into the question of responsibility, and

[Shri Karmarkar]

I must congratulate hon. Members for having abided by your advice not to enter into the question of legal responsibility. But the fact has been brought out regarding the advisability or absolute necessity of taking greater precautions about the handling of this substance, much more than about the utility of this substance. However, I am quite sure that the commission's observations which I have just now read out will be taken into consideration by the Ministry of Agriculture here and also by the Agriculture Departments in the different States.

There is another point. I do not know whether my hon. friend Shri V. P. Nayar in the flood of his zeal to counter what Dr. K. B. Menon said, forgot it, but he allowed himself to say that Government had perhaps skipped over this matter and not issued the necessary instructions. There is, in fact, a reference to this in pages 22 to 24 of this report. The United Kingdom Government Departmental Committee that was appointed to go into the matter of 'The Carriage of Dangerous Goods and Explosives in Ships' have laid down certain rules. At page 117 of their report, they had made the following entries:

"Section 4A—Poisonous substances....",

and there, they mentioned parathion also, which is a 47 per cent constituent, I understand, of folidol. They made a description of all that, and they laid down the maximum quantity of substance in inner container or net weight contents, the details of protective or outer packing, maximum gross weight of package allowed and so on, and they also made a recommendation about labels or stencils, and so on.

The Commission observe at page 24 of their report:

"It is evident from the rules, and the letter of the Government of India to the Shipping Companies, that the shipping companies were

expressly informed about the publication of the Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, 1954, and about the duty of the shipping companies and its officers to comply with the same and also to adopt as far as possible, the United Kingdom Government Departmental Committee Report on the Carriage of Dangerous Goods and Explosives in Ships, 1951."

So, it is not as if the Government of India were quiet about that point or skipped over that point. They did take all these precautions. In spite of all these precautions, what happened has happened. As to why it has happened, the Commission have given their opinion about it. Now, I shall not go into the question regarding the Kerala Government's responsibility, though hon. Members have gone into that matter. I do not think it serves any useful purpose to go into that matter, nor do I believe, with very great respect, that it would be relevant for the purpose of considering the report of this commission.

I had occasion, I think, on the opening day of this Session, to lay on the Table of this House a statement regarding the various measures that have been taken with regard to the recommendations of this commission. On that day, we had indicated the measures that we had taken.

There was one observation made regarding the disposal of foodstuffs seized by the Kerala Government. In this matter, it is the Kerala Government that is competent to deal with the seized foodstuffs. Therefore, we have passed on the opinion of our experts to them. We have forwarded the first batch of experts' opinions which made us agree with the commission's finding regarding the disposal of the foodstuffs namely that the foodstuffs may be released after the most rigid careful chemical tests and examinations necessary.

Now, we drew the the attention of the Kerala Government to the special recommendations, and later on, on the 14th August, 1958, a note dated 7th August, 1958 received from Shri N. K. Iyengar, Director, Central Forensic Science Laboratory, Calcutta, and his views, were forwarded by us. He stated that it was not safe to release for consumption any part of the food-stuffs attached under the orders of the Kerala Government, as even the adoption of the procedure recommended by the Commission for drawing representative samples of food—I may tell Shri V. P. Nayar who is trying to disappear from the House,—

An Hon. Member: No.

Shri Karmarkar: I am sorry. He is doing something useful. So, even that procedure will not ensure that any portion of the contents of the bag will not contain solidol in significant amounts. Then, we forwarded Shri Iyengar's report also to the State Government, because ultimately, the final action rests with the Government of Kerala. It is important from the point of view of the hazards to human health not to release the foodstuffs which might be deleterious.

The views of Shri Iyengar were communicated to the Kerala Government. Then the Kerala Government, I understand, are holding meetings and my latest information is that this matter is to be decided at a meeting that is proposed to be held today, if I am not mistaken, at Ernakulam or some other place.

That is about the special recommendation of the Commission. Regarding the general 15 recommendations I had occasion to indicate earlier that the Ministry of Home Affairs have notified that some substances, principally insecticides, noted in that particular notification, as poisonous. Then the State Governments have also been advised to declare those insecticides as poisons under the Poisons Act, 1919 as well as under the State Acts. This declaration of the insecticides as poisons will

enable immediate and effective measures to be taken for their storage, packing, sale and labelling. In addition, these insecticide; will also come under the category of "dangerous goods" for the purposes of transport by sea or by rail, and will be subject to all the restriction; which are at present applicable under the rules made under the Indian Merchant Shipping Act and the Indian Railways Act.

I had also occasion to note, in the earlier statement, the action taken on this matter. The details of concurrent action being taken, for instance, are: the State Government; have been requested to regulate the storage, packing, labelling and sale of such insecticides by making suitable rules under the Poisons Act. Pending standardisation of specifications for containers for those insecticides and their formulation; it has been decided that the containers for such insecticides should be the same in quality and kind as those in which such insecticides are being imported. Then, steps are being taken to enforce strictly the safety measures in the factories manufacturing, formulating or packing those insecticide; etc.

After we took action in accordance with the statement that I had the occasion to make earlier, the Government of India constituted two committees of the concerned Ministries. More than one Ministry is concerned with this. For example, a technical committee consisting of representatives from 11 Ministries has been constituted. These Ministries are: Commerce and Industry, Food and Agriculture, Labour and Employment, Transport and Communications, Railways (Railway Board), Law, Health, Scientific Research, Finance (C.B.R.), Home Affairs and W.H. & S. I must express appreciation of the quick work that the committee has been able to do. As a result of their deliberations at the first meeting, they could arrive at the conclusions which I had occasion to detail in my earlier statement that I made in this House.

[Shri Karmarkar]

Following the first meeting of the Inter-Ministerial Technical Committee which was held on the 29th of July, 1958, to consider the recommendations made by the Kerala and Madras Food Poisoning Cases Enquiry Commission and subsequent to the statement that I made in this hon. House on the subject, the second meeting of the Inter-Ministerial Technical Committee was held on the 29th August, 1958. A review was taken of all the measures already taken. As a result of the review, the following points were brought to the notice of the Committee: One, the Ministry of Labour are taking action to enforce safety measures for workmen who are engaged in formulating insecticides. Second, the Ministry of Railways are now in a position to control the transport of insecticides by rail and they are in consultation with the Chief Inspector of Explosives for prescribing the type of containers, packings, markings, etc. for insecticides before they are accepted for despatch by rail.

**Shri V. F. Nayar:** Does the Chief Inspector of Explosives deal with containers of poisons which are non-explosive?

**Shri Karmarkar:** He also deals with the others. In any case, my hon. friend may rest contented that he is a perfectly relevant officer.

Insecticides which have been declared "poison" under the Poisons Act, 1919, are subject to the regulations applicable to poisons under the Indian Merchant Shipping Act. The question of controlling the storage and handling of the poisons at the ports by amending the bye-laws of the Port Trust is under examination by the Ministry of Transport and Communication.

The Inter-Ministerial Technical Committee has appointed two sub-committees. The first committee will examine and recommend firstly the

specifications for containers for the insecticides—because it is the main defect in the containers that has been responsible for this tragedy—secondly, particulars of labelling, marking and storage conditions for insecticides and thirdly, precautions to be employed by units processing the insecticides and instructions for storage and use of insecticides.

The other committee has been asked to draw up the broad outlines of a comprehensive legislation for controlling the manufacture, storage, transport, distribution and use of insecticides which are toxic to man. This sub-committee will also recommend the functions that should be assigned to the Pest Control Laboratories and also the set-up of such laboratories.

I am not going into greater details. The question of laying down limits for residual poisons in articles of food which are sprayed with insecticides and methods of tests to be laid down for detecting the presence of insecticides in such quantities is being by an ad hoc sub-committee of the Central Committee on Food Standards.

I would also like to tell the House that the Ministry of Transport and Communications are examining the possibility of making provisions under the Motor Vehicles Act for controlling the transport by road of insecticide. This Act is administered by State Governments, and "Model Rules" for controlling the transport by road of insecticides under the Motor Vehicles Act will be drawn up by the Department of Transport and circulated to State Governments for guidance.

I should also like to inform the House that the Indian Merchant Shipping Act is being amended by the Ministry of Transport and Communication so as to provide for stringent penalty in the event of false declaration of goods by parties for the purpose of transport. The question of making suitable changes in the

Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, 1954, in the manner recommended by the Kerala and Madras Food Poisoning Cases Enquiry Committee is also under examination.

As I indicated earlier, the Government have generally accepted in principle the recommendations of the Commission. I am very grateful to Mr. Warrior for giving me this opportunity of explaining to the House in fairly good detail what steps are being taken by way of implementation of the Commission's recommendations.

**Shri Achar:** Are we now importing this material in wooden cases? The main point in the report was formerly it was being carried in aluminium containers. Are they now coming in wooden containers? What is the arrangement now?

**Shri Karmarkar:** How it is done now I could not say, but I presumed that they are coming in aluminium containers as before. I will find out the latest position how they have come, if they have come and I shall give the information to the hon. Members.

**Shri V. P. Nayar:** The hon. Minister does not seem to be quite sure about the containers. However much one may be careful in importing it through wooden cases, it is certain that wooden cases will give a greater chance for leakage, because it cannot be perfectly sealed. So, it is a very important matter which should be enquired into immediately.

**Shri Karmarkar:** Yes, Sir; I only did not want to give an off-hand reply to my hon. friend unless I knew the position exactly. I shall make an immediate enquiry. But I am quite sure that it is now being imported under perfect conditions of packing, etc.

**Shri Warrior:** The hon. Minister has declared that he has given in detail the measures taken to detect the presence of folidol, etc. contaminating the foodstuffs. I do not want to

reply to the allegations made by two hon. Members from Kerala, because sufficient has been said by my hon. friend, Shri Nayar; I do not want to add to it. As to the recommendations made by the two Committees—the Kerala Food Poison Enquiry Committee and the Shah Commission,—I would request the Health Minister particularly to understand the significance of the problems involved. As a matter of fact, my information is that folidol was not detected at first. Neither could they detect Parathion. Folidol was coming in, and nobody knew that. As a matter of fact, there were contradictory statements; by the Director of Agriculture, Kerala, the Plant Protection Officer and so on. But Dr. Natarajan has reported to the Commission that he had made a statement about 25 medical cases. What action has the Government taken at that time? It was not food alone that was contaminated. There were cases reported from other places about other commodities. Tea had been contaminated by Parathion—ordinary tea without sugar. Because, once people knew that sugar was contaminated, they began to take tea without sugar. Still, some people were affected. That shows that tea is contaminated, because folidol is used in the plantations.

Messrs. A. V. Thomas & Company are the distributors for the plantations. They are planters also. They have very extensive plantations in Kerala, where this is used. There is no doubt that it is a very good insecticide. For that matter, any good poison would be a good insecticide, because it will annihilate all the insects. But then there is question of the human beings. The knowledge of the correct usage of the dose of these insecticides is not there even with the chemistry professors of Universities. The University professor who detected Parathion in Kerala was able to do it after getting the instruments which he had ordered from U.K. long time ago. That was lying in the port of Cochin. Only this incident made him

[Shri Warier]

get that instrument in time, because he told the authorities that if he could get the instrument he would be able to detect it, as he had experience of this subject later in UK. I do not want to mention the name of that gentleman. He told me this personally. It was after that that they detected parathion.

Of course, as Dr. Natarajan put it, from any textbook you can quote what is Parathion. That is very easy. Once it is known that it is Parathion, it is very easy to say, in the textbooks it is very well described. But to locate it, to detect it, we have not got the laboratory equipments. That is what our analysts say.

So, I would appeal to the Health Minister that before everything is done, the first necessary condition is that we should have the residuary insecticides tested here itself. We cannot have full confidence in the importers. The importers label it for their own business purposes. Even about folidol, as the hon. Minister was kind enough to quote, there is divided opinion. One agronomist says that it will annihilate all the insect. At the same time, there are certain insects necessary for agricultural purposes. Those insect: will also be annihilated, and the net result will be that agriculture will also be annihilated. So, there is divided opinion on this matter.

We should not rely upon the importers, especially, the German importers, because we had reports from international bodies that they had resorted to chemical warfare. These are disposals of those materials, that is what I understand. You can check it up. I cannot give any authentic report about it. You can check it and it must be checked up. We find that so many diseases are coming up. This has been going on from 1952 up to the present day. Merely because no major incidents have occurred, it does not mean that

incidents have not occurred. In our country people are quite ignorant. People working in the plantations might not have reported. They might have taken it for diarrhoea or cholera, as so many epidemics are prevalent in this land. They might have taken it for gastro-enteritis or some other enteritis; nobody knows. Nobody detected what it is. I am not imputing motives. Cholera is very common in Kerala in the month of June. In Kerala in 1943 45,000 people had died of cholera. So, this mass death did not mean anything (Interruption).

I will just conclude and then he will meet it.

New things are coming into our land and we are ignorant about it. Even those who are in the highest places are ignorant about it, what to talk of the conditions of ordinary plantation labourer who are using that without protection. What about the ordinary agriculturists who are using that without protection to their bodies? This coming into contact will not only remain there but will mark time until the patient is weak enough and at the most vulnerable point the poison will react. This is the precise characteristic of this poison. This is not an ordinary poison. It is not only a contact poison. Dr. Natarajan says that it is a contact poison. That is correct, but it is also a cumulative poison. That he has not detected. I do not want to comment upon his comments, but I know how he can comment. He can comment only so much because there is no instrument to my knowledge in the whole of India to detect parathion in small doses. He himself admits that under the existing laboratory conditions in India this cannot be detected. That is the difficulty. So, I will urge upon the Central Health Ministry immediately to set them up as far as possible. There are certain instruments in the UK and so they detected it. They came

to certain conclusions and my understanding is that they have banned completely folidol in all the European countries and in the UK. Even the Report says that it goes to some places like South America and Latin America. Well, Latin America is equally in a bad condition, where lives are very cheap and they want only profit making. The company importing it knows pretty well that it is a highly poisonous stuff and that it comes from I.G. Farber, who are notorious for chemical warfare in the last war. They know it. They know that they had been getting it by air. They knew that the UK Government had gone into this affair and passed some regulations. Chika knows. He is not a very innocent fellow.

**Shri Nath Pal:** Is that a fellow?

**Shri Warrior:** That is a matter of legal expression.

"There is no aluminium". How cheekily they say that and they mark it as a harmless chemical to evade freight?

**An hon. Member:** There is no harm if death is instantaneous.

**Shri Warrior:** All this happened because we did not know it. Generally, people do not know it. Generally efficient chemists even do not know it. This is a very recent thing. In 1944 during the height of the War they invented it. So, I suggest that immediately and urgently we must have some laboratory conditions established here to detect all these inventions and all these things coming from abroad, specially from the Continent.

The second thing is the compensation. Rs. 300/- for a life and not knowing that they have died as martyrs for Chika and Bayer and I.G. Farber and all those fellows!

**Shri Karmakar:** Sir, I might briefly refer to the point that Shri Warrior made. One good result that

this debate will have is that this technical committee that is functioning will have the additional advantage of these observations made in this House. There is no doubt about the point that Shri Warrior made that there should be pest laboratory assistance and equipment here to test all types of poisons and other chemicals coming in this country. If I might invite his attention, it is not only this parathion that has been defined as poison by virtue of this notification of the Home Ministry, but they have taken insecticides, for instance, they have mentioned tetraethyl pyrophosphate, rodenticides, like alpha naphthyl thiourea and all that. I need not read out the whole list. There are fungicides, fumigant; and then they have said any preparations containing any of the aforesaid poisons. In fact, they have brought under the purview of this notification in all eleven things. So, it is not as if that folidol alone is a poison that needs to be taken care of, but the other pesticides, fungicides and fumigants also.

17 hrs.

So, I am quite sure that the best possible precaution will be sought to be taken regarding the use of these poisons, especially as my hon. friend said, at the other end, by the man who uses it, the sprayer or actual labourer who uses it. It is precisely from that point of view that this comprehensive legislation is being thought of. I have not much to say whether the country which invented this is Germany, because, I do not think, in the matter of invention of poisons etc. any particular country need be named. There are busy scientists every where and every advanced country has invented many poisonous substances. I do not know why my hon. friend so many times mentioned Germany. We have neither partiality nor anything opposite of partiality about it. If he has any feelings in the matter, in any case, they are not relevant for us.

**Shri Warrior:** I was saying from the report.

Shri Karmarkar: I have got many other papers here.

Mr. Speaker: It is a matter of importing poison. What does it matter whether.....

Shri Karmarkar: .... whether it is Germany or north or south or east or west.

Shri Warier: This poison is imported from Germany.

Shri V. P. Nayar: His point was that it was prepared originally for chemical warfare and mass annihilation and later on it was converted into something as an insecticide. Every poison can be used as an insecticide.

Shri Karmarkar: The atom bomb was used as a means of mass destruction. We are now trying to use atomic energy for constructive purposes. If a poisonous substance is found useful, on the advantages and disadvantages being balanced, if you find scientifically there is advantage in utilising the poison as insecticide, there is no difference of opinion on the

fact that all possible precautions should be taken at all stages, right from the manufacture to the stage of handling. That is all I have to say.

Shri Warier: What about the question of compensation to bereaved families of the victims?

Shri Karmarkar: The question of compensation does not arise out of the discussion, which was about the report of the Kerala Inquiry Commission. I think the Kerala Government may also devote some attention to the question of compensation.

Shri Warier: Why not the Central Government help?

Shri Karmarkar: It may be left to the Kerala Government. It is in very safe hands.

17-02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 10 September, 1958.