

deceased personnel, so that the payment of the special family pensionary awards due under the rules may be made with the least possible delay.

FOOD POISONING IN KERALA STATE

Mr. Speaker: We now proceed to the discussion on a matter of urgent public importance, namely, food poisoning in Kerala State, given notice of by two hon. Members—Shri Narayanankutty Menon and Dr. Ram Subhag Singh.

Shri Narayanankutty Menon (Mukandapuram): Mr. Speaker, my intention in moving this discussion is primarily to allay the panic that is prevailing throughout the Kerala State because of the unfortunate deaths that happened due to the food poisoning at various places in the State. Secondly—

Mr. Speaker: The hon. Member will kindly resume his seat for a minute, I would like to know how many hon. Ministers will like to participate in this discussion, and for how long.

Shri Krishna Menon: I would like to speak.

The Minister of Health (Shri Karmarkar): I would also like to speak.

Mr. Speaker: Would the Minister of Transport and Communications like to say something on this?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): If needed.

Mr. Speaker: So, they may take 15 minutes each.

Shri Karmarkar: Not so much. So far as I am concerned, between 5 and 7 minutes will do.

Mr. Speaker: So, half an hour for the hon. Members and half an hour, roughly, for the Ministers. I see that Dr. Ram Subhag Singh also wants to

take part. Two Members from Kerala will also speak.

Dr. K. B. Menon (Badagara): would like to speak.

Mr. Speaker: Yes; so two Members from Kerala and Dr. Ram Subhag Singh from outside Kerala.

Shri Narasimhan (Krishnagiri): One Member from Madras also may be allowed to speak, because there have been such cases there also.

Mr. Speaker: Food poisoning in Madras also?

Shri Narasimhan: Yes.

Shri Naushir Bharucha (East Khadesh): Very short time is given for this. More time should be given.

Mr. Speaker: But there are two two-hour discussions. I do not know if the hon. Members will try to curtail that. The hon. Member, Shri Narayanankutty Menon, will resume his speech.

Shri Narayanankutty Menon: Secondly, my intention is to make the Central Government take immediate steps to isolate this poisoned food material which has obviously been distributed not only in the port of Cochin but in the port of Tuticorin and also possibly in Madras.

Just towards the first week of April, news came that at a place called Parur, about 11 people who had taken some foodstuff from some hotels died. It was presumed that it was an isolated local affair. These deaths began to spread to neighbouring localities and the whole affair came to a climax, when on 29th April, there was a large-scale tragedy in the LSS camp near Quilon.

Sir, even now, after that tragedy at Quilon, deaths are occurring in almost every part of the State, and even yesterday morning there were certain cases admitted in the Calicut hospital. Apart from the State of Kerala, near Tuticorin also there were certain cases and in the Madras city also there was

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the death of a child. In Chingleput district there was another death. There was a report of 25 persons being food-poisoned at Junagadh in the State of Bombay and admitted to the hospital. So, obviously, this is not limited to the State of Kerala State alone. It has spread far and wide.

Now, with the available meagre information which we receive through the press and also following certain materials, I can possibly state before this House today that the poison started from the port of Bombay. The District Superintendent of Police in Kerala who enquired into the tragedy of 2nd April was able to find out from the Cochin port that a deadly insecticide called Filadol was confined in the hull of the ship *Jai Hind* on its way from Bombay to Cochin. The Filadol got leaked into the same hull where sugar and wheat were stocked and even though this leakage was noticed in the port of Cochin, the food-stuffs were allowed to be delivered to the consignees in the port, and this spread the poison in the State of Kerala.

Jai Hind did not stop there. It took the load of poison to the port of Tuticorin and delivered the food material mixed with the poison there. The result is what we are seeing today at Chingleput and the city of Madras. When Filadol was consigned in *Jai Hind*, was it a harmless chemical which could be loaded along with food material in the ship? Was it allowable under the rules that such material like Filadol could be mixed up with food material in the ships? That is the primary question that we will have to understand today.

This Filadol is a deadly insecticide, a deadly poison. The Health Minister of Kerala State told me the other day that in his experience of 35 years of practice, he has never seen such a poison working in a more deadly way

than potassium cyanide itself. When this poisonous food was consumed, people there were dying just like flies, without any external symptoms of any other deadly poison being seen in the patients. That was the type of death that was happening in these food-poisoning cases. This Filadol E-605 is manufactured by a well-known West German firm called Bayers. When Bayers exported this particular insecticide from Europe to a very important and very well-known and longstanding importing firm in Bombay, they sent along with this Filadol.

Mr. Speaker: I would suggest that the hon. Members might say what is to be done now. The deaths have spread far and wide. Nobody is interested in spreading this infection to further areas. What are the concrete suggestions of hon. Members?

Shri Narayanankutty Menon: On three points, I shall give my suggestions. Along with Filadol, when Bayers exported it, it sent a memorandum explaining the deadly character of this particular poison. The well-known importing firm in Bombay got this. Being obviously a chemical, they would have read that pamphlet in which precautions were given how to handle this particular chemical. I shall read out from the pamphlet Bayers' warning which says:

"In undiluted form Filadol E-605 is specially poisonous and it is therefore absolutely essential to observe precautions. Undiluted Filadol E-605 should be handled with the same care as nicotine. In cases of poisoning, vomiting occurs mostly together with diarrhoea which is followed by cold sweat, giddiness, myosis, and the patient becomes unconscious immediately and suffers from laboured breathing caused by oedema of the lungs which can be recognised by the presence of mucus"

Obviously, after getting this warning, the importing firm in Bombay consigned this fladol to their consignees at Cochin, to be delivered to certain plantations in the Kerala State. There are certain rules in the Code itself that this being a poison, it should not be loaded along with food materials, but obviously the importing firm in Bombay wanted to get this imported on the same day itself. Therefore, a false declaration was made on the consignment that it contains harmless chemicals, even though on the top of the consignment it was marked "poison" in red ink. When this was consigned along with sugar, wheat and wheat flour, there was a leakage on the way and out of the 55 cases loaded along with food, 15 got broken and about 12 of fladol, undiluted fladol has fallen on the bags of sugar and wheat flour. When it reached the port of Cochin, it was quite obvious that the black liquid of fladol had spread over the consignment on the broken crates of sugar and wheat and maida. The port authorities at Cochin, obviously having seen this being spread, allowed these to be delivered to the consignees on the same day, and without any information being given to anybody concerned that this poisonous food is being delivered to the various wholesale merchants in the State. Half of it was taken to the port of Tuticorin and the rest was delivered in Cochin itself.

This happened on the 1st of April 1958. But this food material which has been distributed there began its action only on the 7th when at Parur 7 people died and others were afflicted. But the exact cause of this could not be traced, because these people were having their tea along with biscuits and bread and, therefore, nothing could be done at that time. There were isolated cases of food poisoning in other parts of the State also. Ultimately, when in the Lok Sahayak Sena camp this tragedy occurred, action was taken and there was some enquiry made and an Enquiry Committee was appointed. That Enquiry Committee is now going into the

details and it has been found that fladol was present. Simultaneously with the appointment of the Enquiry Committee, the Kerala State appointed one District Superintendent of Police to conduct another enquiry, if it is possible, to find out the exact cause, and it was only on the 2nd of May, after one month and two days the District Superintendent of Police visited the port of Cochin and had questioned the labour there. Then he was able to understand that one month before a consignment, which is marked "poison", carrying food material consigned from Bombay had docked at the port of Cochin. I will only stress the point, because I do not want to fix any responsibility when the Enquiry Committee has been appointed. But we want to know whether the importers of this particular insecticide are responsible for giving a false declaration that this deadly poison was a harmless chemical and, if so, if it is found that that particular company is responsible, certainly the House must be assured that exemplary punishment will be meted out to those people who are responsible for this murder of 150 people in Kerala State and three or four in Madras State.

Next, I come to the port authorities in Bombay. When food materials are exported, when actual loading into the ships take place and a declaration is made, it is the primary responsibility of the port authority to see what is contained in the crates; even though a declaration is made because of exigencies of trade by these commercial houses so that their consignment may move quickly, it is for them to inspect what actually it contains. When the marking of fladol was there, when the marking of "poison" was there, when the declaration was made that it is a harmless chemical, it was up to them to verify what is the actual content.

The third is that even if it is a harmless material, the very fact that it was marked "poison" on the crate was

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enough for the Bombay port authorities to prevent this thing from being loaded along with food materials like sugar, wheat and wheat flour for consumption. There is some snag, there is some irresponsibility, there is some negligence on the part of the Bombay port authorities when they allowed this poison to be loaded along with food, knowing what was loaded was fladol and that it will have to be unloaded afterwards. Even when the food materials came to the port of Cochin, it was the primary responsibility of the Cochin port authorities to see, when they saw fladol marked "poison" black in colour spread over the sugar bags and sugar being clotted, that food material is separated. But they refused to do this and the food material mixed with poison was distributed to the wholesale agents, because of the negligence, because of the want of care of the port authorities at the port of Cochin.

Sir, it is understandable that by simply seeing the poison, simply seeing the black material mixed with sugar, the port authorities might have thought that something has happened. I am prepared to excuse them for that. But when this food poisoning case happened round about the port of Cochin, when news were pouring that by simple consumption of sugar, wheat and maida people are dying like flies, the Port Administrative Officer refused to give any information about that consignment that was unloaded in the port of Cochin. I should like to know from the hon. Minister of Transport and Communications whether at any time the Cochin Port Administrative Officer informed the Government or any authority concerned that on the 1st of April this poisonous case mixed with sugar or maida have been delivered in that condition. My information is that never till the District Superintendent of Police on the 2nd of May 1958 went and enquired at some other source was this information of the poison mixing with food disclosed by

that particular official. Therefore, for that negligence also, that negligence which caused the death of 150 lives, the port authorities in Cochin will have to answer.

Since an Inquiry Committee has been appointed, I wish to stress that the terms of the Inquiry Committee should be elaborate, because, as the Minister has stated, it has got ramifications at many places. Many authorities are responsible. Food has gone to many places. The first thing is that the importing firm did commit a mistake. Secondly, those who are in charge of this particular ship s.s. *Jai Hind* did not take care and precaution to see that this material marked "poison" was not separately kept. Then the authorities at the port of Cochin did not try to separate them and immediately gave delivery. All these things have to be located. Therefore, the enquiry should be so comprehensive. The terms of reference should be: under whose responsibility was this poison loaded, under whose responsibility was this given and who were responsible for all this. These should be the terms of reference. So, I suggest, that as far as the terms of reference are concerned, they should be comprehensive so that the enquiry committee will be able to give a positive answer to all these questions and fix the responsibility.

The second factor is the necessity of isolating food. Kerala State alone cannot do it. Today what has happened is that the entire stocks of sugar, maida, wheat and everything else have been frozen in the Kerala State. All the tea shops have been closed, except in cases where they could give other sweet things. The sale of sugar is completely at a standstill. But it is not enough to have it in Kerala State alone, because what has been done in Chinglepet and Tuticorin? I do not find from the papers that effective steps have been taken to isolated poisoned things. Therefore, immediately steps will have to be taken to see that whatever consignments have been delivered from

1.4. Jai Hind, both in the port of Cochin and also in the port of Tuticorin, will have to be isolated immediately. I hope that the Health Ministry will take immediate steps to see that this is done now.

Finally, the responsibility has to be fixed. And when the responsibility is fixed, it is quite obvious that if a person has died because of his own action, nobody can be held responsible. But if it is ultimately found that because of somebody's fault this death has occurred, I have got every right to demand from the Government that every family who have suffered by means of this food poisoning will have to be compensated fully. In many cases, I know—I have got telegrams and letters with me—that the only member of the family who earns bread for the family has been the victim of this food poisoning. Due to whose fault? It is not because of the fault of that particular gentleman. It is because of the fault of somebody in Bombay, somebody in Cochin, for which the responsibility rests with the Government of India. Therefore, full compensation will have to be paid to these victims and their families.

It has become a common feature in cases of priority, as far as the stevedoring and loading of things are concerned, even though priority has been given to food, the companies, through their own methods, give priority according to their interests. Therefore, there should be a full-scale enquiry, so far as these matters are concerned, and this House should get a categorical assurance that all those who are connected with this murder of 150 people will get exemplary punishment so that this sort of careless handling of people shall not happen in our country again.

Dr. Ram Subhag Singh (Sasaram): Mr. Speaker, it is tragic that this incident has happened not only in Kerala but in other parts of the country also and I sympathise with the families of all those who have died. I will not take much time of the House, as you have stated that only

suggestions should be given. I feel that during these days of mass communication, the Kerala Government or the Government of India could have easily communicated to all the cities, towns and villages to which this food was sent, asking them not to use this poisoned material. That was not done by the Government of Kerala. The Government of India also could have communicated to those authorities, but they also to some extent failed in sending that news either to Trichur or to Chingleput, Junagarh or Calcutta where many people were hospitalised and some of them died also. That news should have been announced over the radio or they could have easily communicated it to them by telegram. That was not done. I think this is a failure primarily on the part of the authorities who were there in Trivandrum. They could have easily checked as to how the people, who were first affected, died, as they were hospitalised. They could easily have sent doctors also to examine them. But that was not done and I think they are also to be held responsible for that.

As my hon. friend, Shri Menon, said that the port authorities should have exercised proper care. They also failed in exercising proper care because this material was marked poison. The declaration that was given was that it was harmless chemical. I think such things should not happen in future and the State Governments and the Central Government both should exercise proper care.

Dr. K. B. Menon (Badagara): Mr. Speaker, Sir, I shall take your advice and confine my remarks to what is to be done rather than refer to the mistakes of omission and commission on the part of the Government. I am not interested, therefore, in discussing it before the enquiry. After the enquiry is over and when the report is published, I suppose we will have an opportunity to discuss the matter.

I was in Kerala a week after there were a few deaths in Trichur in a school hostel, where half-a-dozen of

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the inmates were affected and one lady—I do not know whether she belonged to the staff or not—expired as a result of taking food. I am more personally affected by it because my own brother was a victim to it. I have also met him and a few others, when I was in Kerala.

The affair had not become so sensational while I was there, but I feel that the steps taken by the Kerala Government to prevent the spread of the infected food were not effective. When I was there, the area affected was only the T.C. State, i.e., Travancore-Cochin. Now, it appears to have spread to Malabar. There were infected cases—apart from actual deaths—all over the T. C. State, though tests may have been confined to Trichur, Ernakulam and parts of Travancore.

I know that the Chief Minister issued instructions to seal the goods in the stores, but that order obviously does not seem to have been effective, for food appears to have reached Malabar far away from Trichur and Trivandrum. If the sealing of the food and confiscation of what was sold subsequently was effective, I am quite sure that this could not have happened. More deaths would not have occurred. Even four or five days back I read in the papers of persons dying in Ernakulam itself by taking tea. The person concerned took a cup of tea, vomitted blood and expired. Two or three other cases also were reported of the same nature. All these prove that if measures taken by the local Government to seal and confiscate food have not been effective, I invite the attention of the Centre to see that more stricter measures are taken and more agencies are employed and not only the stock is sealed and confiscated but even that food that is sold to tea shops and other places is also confiscated. If remuneration and compensation is to be paid, being small dealers they may not give back their property or they may not throw it away, because of the little amount involved, I think the Government

should offer sufficient inducement to these people and take over those food materials. The measures taken have not been effective and my submission is that even at this stage stricter measures may be taken, greater control exercised and the affected area may be restricted.

As it is, it has spread as far as Calicut. Further spreading of it to north Malabar may be prevented. That is all the suggestion that I have to make. What steps are to be taken is for the local Government to see. When I was there no shops were closed, no effective measures were taken and people were not even much exercised over the whole affair. That means that there was some kind of a relaxation or letting alone in the early stages, which I think was responsible for the further spread of this disease all over Kerala. I read also about the order issued by the Madras Government to prevent coming in of that food into Madras State. Of course, I am sure the Central Government will take effective measures to prevent further spreading of the affected food.

Shri Narasimhan (Krishnagiri): Sir, this tragedy has shocked all of us and we are thankful to Government that they are taking effective steps and are starting an enquiry. But meanwhile one thing is important and that is that a particular steamer is supposed to have been implicated. That steamer seems to have touched several ports. So, it is highly necessary, apart from the enquiry, to trace the ports where this particular steamer touched. It is necessary to warn all the port areas concerned to be careful about this. So far we know it has touched Tuticorin and Tuticorin has spread the same. Indeed, it is necessary to find out whether this particular steamer has touched other ports.

Apart from that there is another danger, which is that the cargo unloaded might have reached particular shops and the poisonous stuff might

not have been used so far. They might be keeping it somewhere. It might be lying in some particular community kitchen and suddenly after a month or so when they use it a further tragedy could occur, if these things are there. It is not as if the moment the cargo is unloaded, the kitchens nearabout use it. There may be delayed action tragedies also in this matter. Therefore more steps are necessary and concerned places have to be warned. In general community kitchens have to be careful in these matters. I hope therefore that the particular ports where this particular ship has touched will be found out and they will be particularly warned.

In addition, shipping interests have also to be told about it. Mere threats and warning will not do. Their active co-operation should be enlisted in this matter. This matter should be brought to the notice of the concerned interests as well and those who are responsible for cargo despatches should be told about these things. I am quite sure the entire shipping industry will co-operate and they will also take particular care.

The Minister of Health (Shri Karmarkar): Mr. Speaker, Sir, in view of the announcement of a commission on behalf of the Government of India to go into all aspects of the question connected with these unfortunate deaths on account of food poisoning, it seems to be unnecessary to go into the details except to touch broadly on some of the points made. something has been said about Madras. As soon as we received the news as also notice of the Short Notice Question and this One-hour discussion, we got into touch with the Madras Government regarding the events there. Yesterday, we received a telegram from them saying that 31 persons were admitted in the Chingleput hospital on the 1st of May. It is understood that one of them died and the rest were discharged. The telegram says: "food poisoning due to unhygienically cooked Bengal gram, *sambhar* and rice". That was the cause of food

poisoning—"at a wedding party"—unconnected with the wheat products that were related to the Kerala events.

Mr. Speaker: It may be sugar.

Shri Karmarkar: Unless they put in lots of sugar in *sambhar*.

Mr. Speaker: No, no. The hon. Minister read the second thing wedding, festival or marriage.

Shri Karmarkar: I am only reading what the Madras telegram states. They have said in this telegram . . .

Mr. Speaker: The hon. Minister will kindly bear with me. It is not *sambhar*. There is a wedding party. In a wedding certainly sugar is used for some puddings, *laddu*, *jilabi*, etc. Death might have been due to them. I do not know. All that I am saying is, there was emphasis on *sambhar*; I wanted to say, *laddu* also.

Shri Karmarkar: I am bound to read what the Madras Government has stated; not more.

Mr. Speaker: The hon. Minister will try to gather as much information as possible instead of explaining it away.

Shri Karmarkar: We have struggled our best. The whole of yesterday we were trying to get into touch over the telephone with Kerala but the wires were not in order. We have got the telegram.

Then, they say, it is unconnected with wheat products. They proceed:

"No other reports of food poisoning received Madras State. Wheat products discharged by steamer *Jai Hind* at Tuticorin being freezed for analysis as precautionary measure. All Health officers alerted. Chingleput specimens bacteriologically examined King Institute Result negative. Chemical analysis pending. No signs of poison noticed in specimens of *poories*, *maida sugar*..".

Mr. Speaker: It does not appear that sugar has been brought to their notice.

Shri Karmarkar: Sugar is mentioned.

"maida sugar sweets and tapioca received from Kerala."

This refers to specimens received from Kerala. This is all the information we have received officially from the Madras Government. Of course, all these facts will go before the Commission also.

Shri Rungnung Suisa (Outer Manipur-Reserved-Sch. Tribes): The information given by the hon. Minister is not complete because he has not informed us whether that sugar comes from the affected area or not. If it is so, why was it not asked of the Madras Government whether it was brought from the affected area.

Shri Karmarkar: It will be investigated.

Shri Rungnung Suisa: The information received from the local Government cannot satisfy us.

Mr. Speaker: The hon. Minister has said that all that would be investigated.

Shri Karmarkar: The whole thing will be investigated.

Regarding the facts mentioned by my hon. friend Dr. K. B. Menon, he has made some statements. All that we know about the matter is that from the 14th April 1958 to 29th April, 1958, as I stated in my reply, there were these casualties. It appears that the earlier events did not attract so much the attention of the State Government. Normally, the information machinery between us and the States is that they send us periodical reports just as they send with regard to epidemics and things like that. If there is anything unusual, they communicate it to us. In fact, nothing was

communicated to us till the deaths in the camp occurred. It is obvious that the State Government also perhaps did not feel that such a great importance could be attached to these deaths. I should not take the liberty of commenting either way on these events because the Commission will go into the whole matter.

I should also say by way of clarification of what was contained in my answer to the Short notice question that earlier, it appears, that the Kerala Government felt that the presence of oxalic acid and zinc phosphide in foodstuffs was the cause of this death. In the telegram that I read, fladol has been mentioned. All these are questions which will go before the Commission which will be in a better position to go into them.

Mr. Speaker: Nobody says that the Health Minister in the Centre is responsible.

Shri Karmarkar: I am not defending myself.

Mr. Speaker: Apart from that, it is only the Minister of Transport that will have to answer about the other matters. So far as the Minister of Health is concerned, the House will certainly be anxious to hear how the Central Government also takes interest, because it concerns more than one State, to prevent the spread of the poison. Members are certainly anxious to hear that instead of a justification like this.

Shri Karmarkar: No justification; I am not trying to put forward any justification.

Mr. Speaker: That is the impression that the hon. Minister has created.

Shri Karmarkar: I am sorry if I have created that impression. In fact, I do not think that any defence is necessary. This is a serious matter.

Mr. Speaker: The hon. Minister must say what exactly he is going to do.

Shri Karmarkar: We have been enquiring about the matter. Now a Commission has been appointed. This is not a kind of poison which will spread like a contagion or epidemic. A statement has been made that it is supposed to be due to a ship carrying a particular poison. All the States are aware of that.

Mr. Speaker: The hon. Minister can send round a suggestion that wherever there are Coffee hotels, all the sugar now with them will be surrendered and unless the Government issues some sugar, no further sugar will be used.

Shri Karmarkar: We shall suggest that. We have no powers under the law. We shall send only suggestions. Principally this is a State subject and the States are endowed with all power. I need hardly assure the House that we shall do all in our power to impress upon the States the necessity of taking all strong measures in accordance with your suggestion—it is a right one—to see to it that this food poison does not spread anywhere. That is what we shall do.

Dr. K. B. Menon: In the list of things mentioned on the floor of the House it was only atta and sugar. I think just now tapioca was mentioned. My information is that tapioca also has been responsible for this infection: tapioca which is greenish in colour. My information is that if tapioca is not pulled out at the proper time and if it gets a greenish colour, it has almost the effect of cyanide. This is information which the Government might check.

Shri Karmarkar: What I read from the telegram was that certain specimens of poories, maida, sugar sweets and tapioca received from Kerala were analysed in the laboratory at Madras. This telegram says that no signs of poison were noticed in the samples.

Shri Narasimhan: Chemical analysis is pending.

Shri Karmarkar: Certainly these matters are pending. I have given the House the information that I have

received from the Madras Government.

Shri Kuttikrishnan Nair (Kozhikode): Sir, I may be allowed to say a few words. On this matter, it is only with a heavy heart that we can talk here. A court of enquiry and other committees have been appointed and I am sure they will do their best to find out who is at fault and what has to be done to prevent the recurrence of such events. We are mainly concerned with the unfortunate persons who have suffered because of the mistake of some individuals. The compensation as was announced was Rs. 200. I would request the Minister to reconsider this. You might remember that the Defence Minister in his statement announced that in respect of the victims of the air crash, they will be given about Rs. 2000. I would request the hon. Minister to consider that amount or thereabout as the amount which will be more or less reasonable compensation for this unfortunate incident. We can rest assured that no money can compensate the great loss that has been sustained by the families. All the same, I would request the Minister to reconsider this. I do not expect an answer on the floor of the House just now. They may consider that aspect. At least Rs. 2000 or Rs. 2500 may be paid to the families of the victims in this matter. I may also suggest that there are other deaths not connected with the Sasthamkotta camp. In the case of those persons also, the Centre and the State may consider the claims of the unfortunate persons who have suffered because of the death of these individuals. They may also be paid a certain amount as compensation which would enable them to keep their families above want. I thank you for having given me this opportunity to speak.

Mr. Speaker: The hon. Member is also from Kerala.

Shri Rungsung Suisa: The information that we got from the hon. Minister cannot satisfy us. The commission is going to find out, but he has not

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given us the steps Government has taken to prevent this food poisoning. Just reading this message from the State and saying that the commission has been appointed cannot satisfy the House.

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Certain observations have been made in regard to the conduct of the port authorities at Bombay and Cochin relating to this particular matter, and it is my purpose while intervening in this discussion, to state the position in this behalf.

To begin with, I may say that this ship *Jai Hind* is a small ship with a gross registered tonnage of 1,374 tons. It left Bombay on its voyage No. 168 on 27th March, 1958 and reached Cochin on 1st April, 1958. The consignment which it was carrying was entirely on private account, and I have tried to ascertain what is the responsibility under the Indian merchant shipping law of the port authorities or of the shipping company itself in this behalf to check whether a particular commodity is good enough to be taken or transported or not, particularly when it is carrying food cargo.

I find that so far as the Indian Merchant Shipping Act of 1923 is concerned, there are no rules or regulations under it which enjoin upon the shippers or the port authorities to check the contents or analyse the contents of a particular consignment. The nearest provision that comes in this behalf is under the Indian Sea Customs Act, section 29, where a shipper is required to state and describe truly the nature and character of the cargo, and if it differs from the description so given, there is a punishment provided. It is confiscation of the particular cargo as also penalty not exceeding Rs. 1,000. That is the position so far as the rules and regulations are concerned.

In the normal course, the port officer or the administrative officer of the port is not required to visit each and every ship and check up the cargo

because it can easily be imagined that thousands and millions of tons of different types of cargo are taken in hundreds of ships, and it is physically impossible for any particular officer or individual to look into and investigate or inspect each and every item of the cargo is something which might be deleterious or poisonous.

In this particular case, the shipper had given a clear declaration in the shipping bill of lading that they were only harmless medicines. That is clearly mentioned there and we also found out from the papers ...

An Hon. Member: Harmless chemicals?

Shri Raj Bahadur: Harmless medicines, not chemicals. The same description is given in the customs shipping bill and also in the "Export General Manifest" which was also furnished by the particular consigner. When a shipper company with the staff that it has got and the officers it has got is giving a particular consignment or cargo, assures by a formal declaration that there is nothing poisonous about it, that they are only harmless medicines, and asks that they be picked up or transported, it cannot be suspected that there is poison, and therefore the cargo was taken. And that entire cargo was on private account. Even the foodstuffs etc., were on private account. So, normally, the port officers or the port staff at Bombay or Cochin had no business whatsoever to visit the ship or to see what was going on. They could not have anticipated the events. The events have been unfortunate and tragic. Nobody denies that, and we are all sorry for that. But how can we fix the blame on the port authorities either at Cochin or Bombay simply because a particular consignment was marked wrongly as harmless medicine, it turned out to be poison and that poison accidentally mixed with certain foodstuffs which caused this tragedy? They could not have anticipated it. We can be wise after the event. But of course I will have wait for the result of the enquiry

would not like to forestall the results of the enquiry—but to be fair and to be judicious so far as the responsibility of each individual in this matter is concerned, I do submit that normally any person with normal diligence or normal prudence would not have suspected that a particular consignment of medicines marked as harmless medicines could have brought about this result. Therefore, to say that the port authorities at Bombay or Cochin were negligent in the performance of their duties, or that there was some sort of lapse on their part, will be, I think, prejudging the issue and it will also be unfair in the circumstances of the case.

I think I cannot say anything more than that.

Mr. Speaker: Have any steps been taken against the consigner?

Shri Raj Bahadur: By the time the tragedy had happened the entire consignment had been taken over by the consignee.

Mr. Speaker: I am talking of the consigner, the man who gave wrong description of the article.

Shri Raj Bahadur: The consigner is a firm of chemists or somebody in Bombay. I do not think the port authorities ...

Dr. Ram Subhag Singh (Sasaram): The question is whether the port authorities have taken any action now or not.

Shri Raj Bahadur: I have already indicated the law. We can only take some action against them under the Indian Sea Customs Act, but that can be done when the goods are moving out. Now, investigations have been started against them by the police. The police are investigating the matter and they have also taken hold of certain papers from them. They have questioned them, but that is all under investigation, and I cannot say anything about that at this moment.

Another point was raised by the hon. Member opposite. He said the port authorities should have intim-

ated the port authorities at Tuticorin and other places about the particular consignment and about the tragedy which had happened etc. I say with all respect to him that by the time the tragedy happened the entire consignment or cargo which was poisonous had already entered the area of the Kerala State, and it was up to the Kerala Government to have intimated all concerned that the poison was from that consignment and to warn them about it. I do not think it was for the port authorities at Bombay or Cochin to have done that.

I think I cannot say anything more at this stage.

Shri Narayanankutty Menon: I did not say about the port authorities in Bombay, but at Cochin some port authority must have seen it before its discharge, whether this black liquid was spread over the food material, and it was for them to inform that such a thing had happened.

Shri Raj Bahadur: May I point out again that this is not an uncommon experience that the packages of certain consignments get broken, get loose, and the contents spill out. On all such occasions we do not expect the administrative officer of the port to visit the place and do something about it and to anticipate that something is going to happen.

The Minister of Defence (Shri Krishna Menon): In answer to a supplementary question, the Government informed the House that it had been decided to appoint a commission of enquiry and that Mr. Justice Shah of the Bombay High Court will be the Chairman of this commission. Its composition and terms of reference will be such as to effect an examination of the whole of this problem, for we do not know even now whether it is confined to the cargo of one ship, or several ships, or no ship at all, and I am sure you will agree with me if I say in the House that while there may be a preponderance of suspicion, *prima facie* evidence and all the rest of it, in view of the appointment of the

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commission of enquiry, these matters must be examined by them. Government undertakes to transmit to them the entire proceedings of this debate. I have no desire to traverse this issue very much more than is necessary, except to deal with some of the points raised in the debate and not with any idea of putting up a defence on behalf of Government. No question of defence arises. We are all sadly stricken by this tragedy and I would like to say here this was high-lighted several days after the first incidents were reported in the local newspapers in Kerala. I was there at the time and I had seen reports of food poisoning in different parts of Travancore before this unfortunate business was high-lighted by the operation of this poison in the training camp at Sasthamkottah.

12.00 hrs.

Meanwhile, with your permission, I will deal with this in two ways, one with regard to the camp itself, about which I have already made a statement.

Mr. Speaker: What took place in the camp—apart from the court of enquiry—will that matter also be entrusted to the judge?

Shri Krishna Menon: There are already, including the Commission appointed by the Government of India, two others operating—three altogether. And I have no doubt at all that Justice Shah would take the necessary steps to obtain all the information and all the cooperation required and there is no reason to think that there will be any lack of cooperation from the Kerala Government. They are apprised of this matter.

With regard to the court of enquiry in the camp itself, it is appointed under section 19(2)(d) of the Army Act and I think it is only appropriate that we should inform the House as to its terms of reference.

First of all the court has been asked to find out whether the supply of provision to this camp was in accordance with Army Instructions—I do not exactly remember the number of it, army letter so and so. Secondly, whether the system of checking of quality and the issue of rations was according to the law. They will have to investigate the causes of death in one company only—there were other companies in the camp of 522 people, nearly a small battalion strength,—the numbers admitted to the hospitals of various classes, why there were children in the camp and why there were other people hanging about the place, the circumstances leading to their presence, and the responsibility in regard to these matters. All this evidence is to be taken on oath.

So far as the Commission under the Chairmanship of Mr. Justice Shah is concerned, Government will take due steps to give him the powers that are required for taking evidence on oath, as happens in such cases. It has been mentioned in this House as though every report that appears about this is an established fact. Now Parliament is responsible not merely to the victims but also to those against whom allegations are made. I am not here to put any special pleading for them. The only way to get at the truth is to allow this Commission to go into the matter in a judicial manner and to take note of all the constructive suggestions which will be done.

I think it was Mr. Menon who said that the court of enquiry in the camp had established something. I would not normally enter ...

Shri Narayanankutty Menon: I did not say that.

Shri Krishna Menon: I heard somebody say that the court of enquiry had established that the food contained falidol. The court of enquiry has come to no such conclusion.

So far as the Defence Ministry is concerned, samples of food and anything that may appertain to it, have

been meticulously collected and are under the most rigorous examination of the Medical Research Institute in Poona. They cannot be hustled into giving any results without the minutest possible examination. Now all these results will be sent to the Commission. While I have not got the statement of the terms of reference, it is not merely in regard to these few deaths. It is in regard to the whole question of recent food poisoning cases. Now it is assumed with too much facility that it was with one ship that something happened. That may be true. There may have been other ships. There may have been other causes, as for example there is this case in Chingleput. So the Commission has the responsibility of looking into the recent food poisoning cases.

Quite naturally there is a reaction as to why we did not do something about this. Why did we not shut down all the food shops? There is the other side of the question also. Are the Government to take steps which will create general panic which will create conditions of food scarcity without the exercise of necessary caution? I have no doubt at all that so far as Government is concerned, if the Commission should find that there was responsibility resting on the shoulders of any one, whether it be official or non-official, it will discharge its responsibility to itself and serve the people and Parliament by taking the measures that are required. In the meanwhile, no doubt, the Kerala Government have taken some steps. If other steps are required they will take them.

Now, Sir, I think an explanation is due to Parliament with regard to the information regarding this affair. I have no authority to speak for the Kerala Government. In fact, they can speak for themselves. We may not always agree with them. But we had some difficulty in regard to information. The telephonic communication had broken down at that time. The Army has other methods of communication. But that is also subject ...

Shri Narayanankutty Memon: As far as the camp was concerned, there were no lack of facilities, nor was there any negligence on the part of Government in giving information.

Shri Krishna Menon: I have no objection to pleading guilty to negligence if it is established.

Mr. Speaker: The hon. Minister is replying not only to an individual hon. Member. He has to satisfy the whole country that everything has been done.

Shri Krishna Menon: It is natural to ask: Why did we not get all this? For example, there were errors in the press statement I made, genuine errors. The reason was that the normal communication which is bad enough from Kerala State to Delhi was completely out of commission. Then the Army has got other means of communication which, works on a system—except in case of emergency—which is totally satisfactory only under good weather conditions. Radio reception is not always good. Cyphers and most of the information come in an extremely scrambled character and require a lot of checking. There were difficulties about communication, but this is not an explanation on the part of Government.

Reference has been made to the responsibilities of port authorities. I am sure, Mr. Speaker, speaking on behalf of Government, you would not expect me to accept all these allegations. The Minister of Transport has referred to certain lacuna in the law. Well, if it is proved as a result of the Commission of Enquiry that the lacuna in the law is likely to prevent us from taking necessary steps or even responsibility for some of these, then, it is a matter for Government and Parliament to remedy it.

As regards the responsibility of the port authorities, which is a Central Government responsibility, nothing has been established and it is the first time allegations of this kind have been made. Here again I do not step in for defence. But it will be improper

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for us just to let this pass unnoticed in this way. But no doubt on account of the statement that has been made, full information will be called for from him and that also will be communicated to the Commission.

Members of Parliament have taken quite rightly and quite so much interest, and all of us have expressed so much concern in this matter. We shall make available to the Commission all the information that is relevant to this matter, because in that case we shall be able to get down to the truth of it.

There was one point that was raised by Shri Narasimhan which must alert all of us, that is the possible effect of the late action of this poison. This has been conveyed to different parts of the country and there is no guarantee that it is only in one ship or one train. If it is lying anywhere else or something else of that kind, what is to be done about it. On this matter also we shall seek the opinion of the Commission.

I would also like to add that in regard to *Jai Hind* and the parties concerned, the Minister of Transport has given without any inhibition all the information that was available to him. But he has not said that it is Government information. I think it is only fair to say that also requires some investigation. The ship is under examination. Supposing—hypothetically speaking—after examination it is proved that there is no trace of poison, the whole of the story goes away. I do not say it will be the case. I would like to say that in fairness to the House. He has read out all the reports that have come in and placed all the material available. But in regard to the responsibility of the consignors and consignees to which he has referred and the port authorities, these are points which we will convey to the Commission and I have no doubt that a full examination will be made more with a view to fixing the responsibilities on the one hand and more with a view to preventing harm in future.

Shri Narayanaankutty Menon: Now the Commission has been appointed. It has been found that there was some declaration made in the port of Bombay. So Government should investigate into the statement made, about the two Acts and also about the punishments to be there, whether criminal prosecutions could be launched, not for the whole poisoning cases, but in regard to the declaration made as far as this particular material is concerned.

Mr. Speaker: The hon. the Minister of Transport has said that the matter has been placed in the hands of the police so far as the consignor's declaration is concerned.

Shri Krishna Menon: Instructions have been given to all the authorities concerned to give co-operation in this matter. With regard to this consignor and consignee, it is still in the position of an *ex parte* statement. We have had no statement from the consignor. Naturally, so far as the shipper is concerned, it is his business to shift the responsibility to the consignor. The Commission has to hear the other side of the story. Surely, with the responsibility resting upon us, when we appoint a Commission, we must send all the suspicions and all the allegations to them and be prepared to give whatever evidence we can and wait for the judicial findings of the Commission and its recommendations.

Mr. Speaker: Police investigation can go on simultaneously.

Shri Krishna Menon: That is also going on. Preliminary investigation is going on. Because it has been found by experience—and that is the practice that obtains in all other countries—unless the Commission has all the material prepared for them by investigation, its labours are not likely to be so fruitful. The Home Minister, speaking yesterday in another place, has made it clear that all the departmental, administrative and other investigation will take place and to the extent that the Central Government's arm has to be extended for the purpose it will be so extended.

Dr. Ram Subhag Singh: All that we have got now is that there is no guarantee that any adequate step is going to be taken so that such incidents may not occur in the future; because the Transport Minister said that no such rule exists by virtue of which the transport authority may exercise control.

Mr. Speaker: The Defence Minister has answered it.

Dr. Ram Subhag Singh: I therefore suggest that the Government should find out some means to exercise some control while the ships are in transit or when such goods are going to be transported from one place to another place; and if there is some lacuna in the Rules or in the Act they should come to Parliament or they should formulate some new Rules.

Mr. Speaker: That is what the Defence Minister said.

Shri Krishna Menon: All such steps should be taken. But it is not possible to jump to a conclusion because of one hard case. Suppose we stop that hole, then we may have to stop some other thing as well. So it has to be examined after the report comes in.

There was one point about compensation that was raised. Apparently it is particularly directed to the deaths in the camp. I said at that time that we had paid no compensation in a legal sense. All that we have done was to give them Rs. 200 at that time as *ex gratia* for which we got financial sanction, and the Defence Ministry as such has no responsibility for rehabilitation or providing relief for the citizenry as such. In the case of Air Force personnel, we are enjoined by the Air Force Act, or by the Army Act or the Navy Act according to the personnel, as to what they should get and all that is laid down. There is no difficulty. In this particular case, it was really compassionate allowance produced as an *ad hoc* arrangement and no one said that it was either a compensation or that

was all that was going to be done. But when the report of the Military Court of Enquiry comes, that element will also appear, and as Minister of Defence I will put it before Government.

Shri Sonavane (Sholapur—Reserve—Sch. Castes) rose—

Mr. Speaker: I am not going to allow. The hon. Member at no stage wanted to intervene before I called the Minister. The whole thing is now over, it is a kind of winding up.

Shri Sonavane: When I got up, Dr. Ram Subhag Singh also got up and you allowed him.

Mr. Speaker: Why should he not go on getting up? I have allowed every hon. Member to speak, including that other hon. Member here. It is very strange. Hon. Members must come prepared, must know what their mind is and then give suggestions to the House, and not pick up here and there after the whole thing is over. Am I to ask the Minister to reply once again?

Shri Sonavane: I wanted to know certain information. Some information has not come forth and we are kept in the dark absolutely.

Mr. Speaker: He cannot anticipate and enter into the brain of the hon. Member. The hon. Member must have put it then.

Shri Sonavane: I can do so only after hearing the Minister, not beforehand.

Mr. Speaker: All hon. Members who have got any suggestions to make may send them to the Commission of Enquiry.

Now we will go to the next item of business.