

# HOUSE OF THE PEOPLE

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## THE FOOD ADULTERATION BILL, 1952

(Report of the Select Committee)



PARLIAMENT SECRETARIAT

NEW DELHI

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## CONTENTS

	PAGES
1. List of Members of the Select Committee . . . . .	i
2. Report of the Select Committee . . . . .	i—iv
3. Minute of Dissent . . . . .	v
4. Bill as amended by the Select Committee . . . . .	1—15

# THE FOOD ADULTERATION BILL, 1952

## MEMBERS OF THE SELECT COMMITTEE

Rajkumari Amrit Kaur.—*Chairman.*

Shri Santosh Kumar Dutta.

Shri Lokenath Mishra.

Dr. Ram Subhag Singh.

Shri Kailash Pati Sinha.

Shri Hira Singh Chinaria.

Shri Amarnath Vidyalkar.

Shri Bheekha Bhai.

Sardar Raj Bhanu Singh Tewari.

Shri K. G. Deshmukh.

Shri Vaijanath Mahodaya.

Shri T. Madiah Gowda.

Shri Halaharvi Sitarama Reddy.

Shri K. Periaswami Gounder.

Shri Maneklal Maganlal Gandhi.

Shri Rajaram Giridharlal Dubey.

Shri Hoti Lal Agarwal.

Shri Biswa Nath Roy.

Shrimati Uma Nehru

Shri Narayan Sadoba Kajrolkar.

Shri C. R. Narasimhan.

Shri R. V. Dhulekar.

Dr. Indubhai B. Amin.

Sardar Lal Singh.

Shri K. Kelappan.

Dr. Ch. V. Rama Rao.

Shri Tridib Kumar Chaudhari.

Shrimati Sucheta Kripalani.

Shrimati Indira A. Maydeo.

Shri Hirendranath Mukerjee.

Shri Shankar Shantaram More.

Dr. P. S. Deshmukh.

Shrimati M. Chandrasekhar.

## REPORT OF THE SELECT COMMITTEE

The Select Committee to which the Bill to make provision for the prevention of adulteration of food was referred, have considered the Bill and I now submit this their Report, with the Bill as amended by the Select Committee annexed hereto.

(ii)

2. Upon the changes proposed in the Bill which are not formal or consequential, the Select Committee note as follows:—

*Clause 1.*—The amendment of the short title is to bring out the object of the Act more clearly.

A commencement clause has now been inserted in order to enable the State Governments in particular, to bring section 7 of the Act into force in their States or parts thereof on suitable dates.

*Clause 2.*—Apart from clarificatory amendments in clauses (i)(a) and (b), in sub-clause (f), certain redundant words have been omitted and the words "or is insect-infested" added to cover all the articles of food like *atta* and flour which are often found to be weevil-infested;

In sub-clause (g), the words "or from an animal fed upon unwholesome food" have been omitted as it is often difficult to detect whether an animal was fed upon unwholesome food and also because the retention of these words would include fowls and pigs within its ambit.

*Clause 3.*—The Select Committee have reduced the number of experts in item (c) of sub-clause (2) and have at the same time widened the choice for selection. The Select Committee also feel that representatives of industry, commerce and the medical profession should also be on the Committee and the clause has been amended accordingly.

*Clauses 5 and 7.*—As a commencement provision has now been inserted in clause 1, the words omitted are no longer necessary. Incidentally, in clause 7, the Select Committee have inserted the word "store" in conformity with the language of clause 16(1).

*Clause 10.*—The Select Committee have amended this clause in order to provide—

(a) that in suitable cases, for example, where the articles are bulky in nature, they will be left in the custody of the vendor after seizure;

(b) that the power to break open the door of any premises is exercised reasonably;

(c) that food inspectors are also empowered to seize any material which may be used as an adulterant;

(d) that food inspectors have the powers of a Police Officer under section 57 of the Code of Criminal Procedure for the purposes of ascertaining the name and address of offenders and that food inspectors do not exercise their powers vexatiously.

*Clause 11.*—The Select Committee feel that in some cases, as for example in the case of integral packages, it may not always be possible to separate the sample of food into three parts. Hence the words "except in special cases provided by rules under this Act" have been inserted at the beginning of item (b) of sub-clause (1). The Select Committee have omitted sub-clause (4) as unnecessary.

In order to provide against any undue delay caused by any food inspector in the production of any seized article of food specially of a perishable nature, before the magistrate, the Select Committee feel that the owner of the article should also have the power to apply to the magistrate for production of the article of food. The Select Committee have accordingly added a second proviso to sub-clause (5).

(iii)

The Select Committee have added a new sub-clause (6) providing for cases where an article of food is found by the magistrate to be not adulterated.

*Clause 12.*—The Select Committee feel that sub-clause (2) is quite unnecessary but at the same time the Select Committee are of the view that the purchaser should inform the vendor at the time of purchase and not afterwards, of his intention to have an article of food purchased by him analysed. The Select Committee have, therefore, recast this whole clause.

*Clause 13.*—Sub-clause (2) has been recast from a drafting point of view. The proviso to sub-clause (5) has been revised because in the opinion of the Select Committee only the Director of the Central Food Laboratory should have the privilege of exemption from appearing in courts in connection with any certificates issued under this Act.

*Clause 16.*—In order to make the Act effective, the Select Committee are of the opinion that the penalty should be made more deterrent and provision should also be made for the publication of names of contumacious offenders. They also feel that—

(a) manufacturers of articles of food who have in their possession adulterants; or

(b) persons who tamper with any seized article; or

(c) persons who use reports or certificates of analysis for the purpose of advertisement; and

(d) persons who give false warranties to purchasers of articles of food;

should also be punished. The clause has, therefore, been recast accordingly.

*Clause 19.*—Sub-clause (4) has been omitted because it may offer a loophole to an employer who is the real offender, to escape.

*Clause 20.*—In view of the enhanced penalties now leviable, jurisdiction to try offences in the first instance should be given to presidency magistrates and magistrates of the 1st class.

*Clause 21.*—This is new and authorises a presidency magistrate or a magistrate of the 1st class to award any punishment in excess of his powers.

*Clause 23 (old clause 22).*—The Select Committee feel that the Central Government should have power to make rules for imposing rigorous control over the production and distribution or sale not only of milk, milk products, vanaspati and edible oils but also of any article of food which the Central Government may specify in this behalf. The Select Committee have, therefore, combined items (c) and (d) into one single item and have omitted specific references to milk, milk products, vanaspati and edible oils.

The rule-making power has been expanded.

*Clause 24 (old clause 23).*—Apart from minor amendments, the Select Committee have included local authorities in sub-clause 2(e) to which powers could be delegated.

(iv)

*Clause 25 (old clause 24).*—The amendment to the proviso to sub-clause (1) is consequential upon the amendment to clause 1. Sub-clause (2) has been inserted in order to provide for the continued operation of existing rules, regulations and bye-laws until new rules, regulations or bye-laws are framed.

3. The Bill was published in Part II, Section 2 of the *Gazette of India*, dated the 15th November, 1952.

AMRIT KAUR,  
*Chairman of the Select Committee.*

NEW DELHI;  
*The 14th February, 1953.*

(v)

MINUTE OF DISSENT

We feel it necessary to record our dissent from the provision, recommended by the majority in the Select Committee, of minimum punishment by the Courts in cases of conviction for food adulteration. We agree, of course, that food adulteration is a serious offence and every effort is justified if it proves a real deterrent. But we fear that in the present position of affairs in the country, there are likely to be more prosecutions against the smaller fry (who are often pawns in the game of cleverer and more resourceful people) than against big men behind transactions that are primarily responsible for the adulteration of our people's food. We are of opinion that the judiciary may well be left its discretion regarding minimum punishment. Otherwise we are afraid, there might be cases of acquittal where, on account of a rigid insistence on minimum punishment, the trying magistrates would feel that such punishment might not be warranted by the circumstances though a lesser punishment might well prove helpful in the campaign against food adulteration.

2. Therefore we suggest that the provisos under sub-clauses (b) and (c) in clause 16 be omitted.

3. Secondly, under clause 12, it is mandatory for the purchaser to inform the vendor of his intention to have the article analysed.

4. We feel it should be optional for the purchaser to inform the vendor though it may lessen the chances of direct prosecution. Therefore we suggest that "may" be substituted for "shall" in the proviso under clause 12.

HIRENDRA NATH MUKERJEE,  
CH. V. RAMA RAO.

NEW DELHI;  
*The 14th February, 1953.*