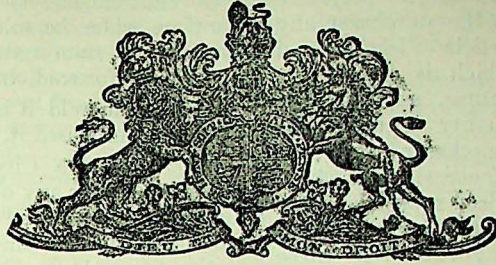


THE



# Bombay Government Gazette.

Published by Authority.

FRIDAY, 17<sup>TH</sup> JUNE 1898.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

*(To be translated into Maráthi, Gujaráti and Kánarese, and the translations to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sind Official Gazette." The dates of publications to be reported.)*

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 22 of the Rules for the conduct of business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

#### Bill No. III of 1898.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for preventing the adulteration of ghee and other articles of human food; It is enacted as follows:—

1. (1) This Act may be cited as the "Bombay Prevention of Adulteration Act, 1898."

Commencement and extent.

(2) It shall come into force in the City of Bombay at once.

(3) The Governor in Council may, by notification, extend all or any of its provisions, on or after a day not less than one month after the date of such notification, to any Municipal District in the Bombay Presidency.

He may also cancel or vary such notification consistently with the provisions of this Act.

2. (1) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings attached to them in the City of Bombay Municipal Act, 1888.

(2) This Act shall, so far as it affects the City of Bombay, be read with the City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with the Bombay District Municipal Acts, 1873 and 1884.



3. (1) Whoever sells to the prejudice of the purchaser any article of human food which is not of the nature, substance or quality of the article

Punishment for selling human food not of the proper nature, substance or quality.

demanding by such purchaser, shall be punished for the first offence with fine which may extend to one hundred rupees, and for a second or any subsequent offence with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) If in compliance with a demand for ghee any article is supplied which contains any substance not exclusively derived from milk, such article shall be deemed to have been sold to the prejudice of the purchaser within the meaning of sub-section (1), unless before the sale thereof the seller has brought to the knowledge of the purchaser the fact that it contains such substance.

(3) Subject to the provisions of sub-section (2) no offence shall be deemed to have been committed under this section in the following cases, that is to say:—

(a) where any matter or ingredient not injurious to health has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof,

(b) where in the process of production, preparation or conveyance of such article of food some extraneous substance has unavoidably become intermixed therewith.

(4) In any prosecution under this section it shall be no defence to allege that the vendor was ignorant of the nature, substance or quality of the article sold by him, or that the purchaser having bought only for analysis was not prejudiced by the sale:

Provided that the vendor shall not be deemed to have committed an offence under this section, if he proves to the satisfaction of the Court—

(a) that the article sold was purchased by him as the same in nature, substance and quality as that demanded by the purchaser, and with a written warranty to the effect that it was of such nature, substance and quality,

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid, and

(c) that he sold it in the same state in which he purchased it.

(5) If in the City of Bombay the Commissioner or any officer empowered by him in that behalf, and elsewhere the officer authorised by the Municipality to act under section 68 of the Bombay District Municipal Act, 1873, shall apply to purchase any article of food exposed to sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Section 3D,  
Bengal Act  
III of 1886.

4. (1) For the purposes of this Act, and in so far as it affects the City of Bombay, section 417 of the City of Bombay Municipal Act, 1888, shall be deemed to have the following words added thereto, viz. :—

“and the owner or person in whose possession the same is found, such person, not being merely carrier or bailee thereof, shall be punished with fine which may extend to one hundred rupees.”

Section 366,  
Bengal Act II  
of 1888, and  
251 (c) of the  
Bengal Municipalities Act  
III of 1884 as  
amended by  
Bengal Act  
III of 1886.

(2) For the purposes of this Act and in so far as it affects any Municipal District to which its provisions may be extended under clause (3) of section 1, section 68 of the Bombay District Municipal Act, 1873, shall be deemed to be amended as follows, viz. :—

The words “such person, not being merely carrier or bailee thereof, shall be punished with fine which may extend to one hundred rupees” shall be substituted for the words “shall be liable to the penalty provided by section 273 of the Indian Penal Code,” at the end of the said section 68.

5. (1) For the purposes of this Act and in so far as it affects the City of Bombay, section 415 of the City of Bombay Municipal Act, 1888, shall be deemed to have the following explanation added thereto, namely:—

Explanation to be read with section 415 of the City of Bombay Municipal Act, 1888.



“*Explanation.*—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any substance not exclusively derived from milk, shall be deemed for the purposes of this section and of section 417 to be an article which is not what it is represented to be.”

(2) For the purposes of this Act and in so far as it affects

Explanation to be read with section 68 of the Bombay District Municipal Act, 1873.

any Municipal District to which its provisions may be extended under clause

(3) of section 1, section 68 of the Bombay Municipal Act, 1873, as amended by

section 4 (2) of this Act, shall further be deemed to have the following explanation added thereto, *viz.* :—

“*Explanation.*—Any article exposed, stored or brought to any place as aforesaid for sale as ghee, which contains any substance not exclusively derived from milk, shall be deemed for the purposes of this section to be unfit for food or drink, provided that the owner of the same, or the person in possession thereof, as aforesaid, shall further be liable to the penalty provided by section 273, Indian Penal Code, if the said article be found to be unfit for food or drink within the meaning of the said provision.”

#### STATEMENT OF OBJECTS AND REASONS.

There is reason to fear that the adulteration of ghee by admixture of animal fat is developing into a trade. To the large body of consumers in this Presidency this would be more offensive than the introduction of ingredients merely injurious to health.

The special object with which the present Bill has been drafted is to protect the public from the sale of ghee so adulterated.

2. The Bill has been framed on the lines of the Bombay Municipal Servants Act, V of 1890, as it seems preferable to combine its special provisions in one distinct Act, instead of amending either the City of Bombay Municipal Act, 1888, or the District Municipal Acts, 1873 and 1884. Since the necessity for this legislation is more particularly felt at present in the City of Bombay, the Bill provides that it shall come into force at once in the City of Bombay. At the same time there is a clause for the extension by the Governor in Council of the special provisions of the measure to any Municipal District in the Bombay Presidency.

The necessary distinction between the City of Bombay and the District Municipal Acts is carried on throughout the Bill. The application, therefore, of the measure to District Municipalities can be made, when required, without difficulty.

3. Section 3 contains a new provision of law drafted on the lines of 38 and 39 Vict., c. 45, section 6, to prohibit the sale of articles of food which are not of the proper nature, substance or quality, providing for an enhanced penalty on a second or subsequent conviction for such offence.

Under sub-section (2) the penalty would attach in case of the sale, as ghee, of any substance not exclusively derived from milk unless the seller before sale informs the purchaser of the nature of such substance.

The proviso contained in sub-section (3) of this section is taken from 42 and 43 Vict., c. 30, section 2.

Sub-section (4) of the same section follows section 364 of Bengal Act II of 1888 in declaring that it shall be no defence in a prosecution under the section for the vendor to allege ignorance as to the nature, quality or substance of the article sold by him, or to contend that the purchaser having, bought only for analysis could not have been prejudiced.

A proviso, however, has been added to sub-section (4) declaring under what circumstances a vendor may protect himself against the penalties provided. The proviso is based on an amendment of the Punjab Municipal Act XX of 1891 by Act XVIII of 1896.



It has been thought necessary to add further provision contained in subsection (5) of the same section for a penalty of Rs. 50 in case of refusal to sell for reasonable price any article demanded for the purpose of analysis.

This provision is identical with a section inserted by section 3-D of Bengal Act III of 1886 in Bengal Acts IV of 1876 and III of 1884.

4. In section 4, by an addition deemed to be made, respectively, to section 417 of the Bombay City Municipal Act, 1888, and to section 68 of the Bombay District Municipal Act, 1873, it is proposed to empower the infliction of fine up to Rs. 100 on any person other than a mere carrier or caretaker in possession of such animals or articles of food as are liable to seizure under those sections.

5. In section 5, by an explanation deemed to be added, respectively, to section 415 of the Bombay City Municipal Act and section 68 of the District Municipal Act, 1873 (the latter section being read as amended by section 4 of this Bill), it is proposed to declare that any substance not exclusively derived from milk shall be deemed, if exposed, hawked about, deposited or brought to any place for sale as ghee, to be (so far as sections 415 and 417 of the Bombay City Municipal Act are concerned) an article which is not what it is represented to be, and as such liable to be dealt with under those sections.

Again, such substance, so exposed, hawked about, &c., as ghee, shall (so far as section 68 of the District Municipal Act is concerned) be deemed to be unfit for food or drink within the meaning of that section.

(Signed) A. S. MORTARTY.

15th June 1898.

*By order of His Excellency the Right Honourable the Governor,*

C. G. H. FAWCETT,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

Bombay Castle, 16th June 1898.