

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

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FOOD ADULTERATION : IRREPARABLE **DANGER TO PUBLIC LIFE**

AUTHORED BY: CHHARVI GROVER

Abstract:

The research article here has drafted a fine calligraphy on how Adulteration is impacting and causing irreparable danger to public health . In India, it is very wider crimes which not only includes one particular crime of adulteration it includes many forms of crime like corruption ,white collar crimes etc . Food Adulteration is very harsh reality even the food is been contaminated such for the huge profits . It's a frequently committed crime which is taking place for personal gains . The research article has significantly talked about adulteration provision ,its impact and how it is draining the society at large economically. The Study is done with the purpose to study the condition people are facing after consumption of such adulterated food and it's efficienting and threatening for human life . The research has focused mainly on the laws on adulteration and present situation along with a case study on various cases . The research article has also cited the precedents and legal statutes that talks about adulteration in food .

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Introduction:

“Good food should be a right not a privilege”

The theories of Human Rights makes it clear that, every human being born in the world are consist with certain natural rights irrespective of the fact that they belong to the different caste, colour, religion, sex, and place. Such natural rights are also known as basic human rights of every individual of which the government or the authorised entity holds the responsibility to protect such rights. Human Rights Standards nationally as well as internationally has been improving its paradigm with the changing world yet, studies have said that there are one point three billion people in the world living in extreme poverty, one out of four human beings are living in extreme poverty. These daunting figures certainly demolish the card-house of human rights which has been built by the promoters and protectors of human rights’ mechanism in the world till now. In India, the food Adulteration the crime which is draining the society specially causing huge impact on social backward class of people and which are considered to be the most vulnerable class of human being in India. The Ministry of food and health is a government body that looks after the protection good and health and conducts surveys from time to time to know the status of economic and social growth of such class of people but despite various majors and stringent provision the practice of adulteration is one of the frequently committed crimes.

In India, the Constitution of India is enshrined with various fundamental human rights and the provisions available in it guarantee the people of India to protect them from the violation of their fundamental rights. Right to food and health is included in right to life and personal liberty, the Constitution of India provides.

What is adulteration

It is the process of mixing the food with adulterant Adulteration is the act of making something impure or altering its original form by adding materials or elements that aren’t usually part of it, especially inferior ones.

It can also refer to a thing that has been altered in such a way, or the state that that thing is in after having been altered.

Adulteration is commonly used in the context of food preparation and manufacturing in reference to the contamination of food products with additives that make them impure in some way. There are laws against adulteration, especially when the ingredients added may be harmful to people's health.

Adulteration of edibles foodstuffs is frequent crime committed by businessman which is injurious to public health . The sale and production of spurious drugs and sub - standard medicines by manufacturers is yet another white collar crime which enables businessmen to earn huge illegal profits .The evils has become so widespread and persistent that it is difficult to get even air , water and light unpolluted .The constant rise in price and cost of living has made the consumers cost - conscious .The unscrupulous traders take undue advantage of the situation and provide adulterated articles of food , drinks or drugs etc at a cheaper rate and earn huge profits ,they even do not hesitate to add poisoning substances to food and drinks which are dangerous for human life and against humanity .A number of deaths are reported every year due to consumption of spurious liquor or food poisoning.

In India, there are numerous provisions enshrined into different statutes and laws that safeguard the rights and lives of people and both the state and central government is working head to toe to provide a better life and equal economic and social status to the people but lacking in food protection . The research article further is going to cover the study relating to common adulterants used in various edibles and relating laws.

Common Adulterants

Such common Adulterants used to contaminate the food are :-

- Injurious colours such as sucaryl , saccharin etc .in preparation of ice cream and kulfi
- Addition of blotting paper or soapstone in paneer
- Geru , ratanjot and powdered husk of rice or bran in powdered chillies and spices
- Coal - tar in batasha and other sweets
- Horse dung , powdered bran in dhania
- Adding certain chemicals for faster ripening of fruits.
- Mixing of decomposed fruits and vegetables with the good ones.
- Adding certain natural and chemical dyes to attract consumers.
- Mixing of clay, pebbles, stones, sand, and marble chips, to the grains, pulses and other crops.

- Cheaper and inferior substances are added wholly or partially with the good ones to increase the weight or nature of the product.

These are only a few examples of adulteration in food and drinks . Despite various laws and provision in Indian Penal Code , Adulteration Act, Drug Act and NDPS the menace of adulteration still subsists and laws have failed to eradicate this evil.

Laws related to Adulteration

Earlier there was no law governing against the liability of food adulteration but after Donoghue vs. Stevenson case which is also known as ginger bottle case, was a landmark judgment where the House of Lords held that the manufacturer owes duty of care against the consumer, he would be held negligent if there is violation of his duty. This case became the base for providing relief under food adulteration.

Prevention of Food Adulteration Act, 1954 This Act defines when food will be considered adulterated.

- When a vendor sells a food article to a purchaser which is not of the quality or substance and nature demanded.
- When it contains an unnatural substance that is hazardous to health consumption.
- If any unnatural substance is added partially or whole to the original product

Food Safety and Standard Act, 2006

Part IX of the Food Safety and Standard Act (FSSA) contains penalties for offences related to the adulteration of food, either directly or indirectly. Section 51 of the FSSA provides punishment for persons who import, manufacture, store, sell or distribute any substandard food item for human consumption. Accordingly, the punishment for such an offence is a fine of five lakh rupees.

Section 54 of the FSSA provides punishment for persons who import, manufacture, store, sell or distribute any food item containing extraneous substances for human consumption. The punishment for this is a fine of not more than one lakh rupees.

Further, section 57 of the FSSA provides that if any person manufactures, stores, sells, imports or distributes any adulterant that may be injurious to health will be liable to a fine of an amount of not

more than ten lakh rupees. And, if such adulterant is not injurious to health, then the person will be liable to a fine of an amount not more than two lakh rupees.

Furthermore, section 59 of the FSSA provides punishment for manufacturing, selling, storing, distributing or importing any food which is unsafe for human health but does not cause any injury with imprisonment for not more than six months and a fine of an amount not more than one lakh rupees. And, when such unsafe food causes non-grievous injury, the person will be punished with imprisonment for not more than one year and a fine of not more than three lakh rupees.

As per section 59 of the FSSA, if unsafe food results in grievous (serious) injury, the person manufacturing, selling, storing, distributing or importing will be punished with imprisonment of not more than six years and a fine of not more than five lakh rupees. And, if such unsafe food results in death, the person will be punishable with imprisonment of not less than seven years, and it may also extend to a lifetime and a fine of not less than ten lakh rupees.

Additionally, to ensure the availability of safe and decent food for human consumption, the Food Safety and Standard Authority of India (FSSAI) was formed in India to establish science-based standards for food items and to control their manufacture, storage, allotment, sale, and import.

Penal

When any manufacturer sales, distribute, imports or stores any food article which is adulterated, he will be liable under section 16 of the Prevention of Food Adulteration (PFA) Act, 1954 and will also be punished with imprisonment of 6 months and with a fine of rupees 1000 under section 272 of IPC for selling adulterated food which are dangerous for human being .

Case Study

' Pyarali K.Tejani v Mahadeo Ramchandra Dange AIR 1974 SC 228

In this case ,the accused was convicted for the selling of adulterated ' supari' with prohibited sweetner saccharin and cyclamate under Prevention of Food Adulteration Act 1954.

Ram Dayal and ors . Vs Emperor 1923

The accused was selling ghee with a mixture of pig fat. The Privy Council held that the mixing of pig fat with the ghee is noxious to the religious feelings of the Hindus and Mohammedans but it would not come under the expression “noxious as food”. Noxious includes “ unwholesomeness or injurious to health but not repugnant to one’s feeling”.

Nestle India Limited v. The Food Safety and Standards Authority of India (2015) (the Maggi Case)

In this, the petitioner- company was ordered to stop the manufacturing, distribution, etc of the 9 types of a variant of products of noodles manufactured by the company. The court expressed that the principle of natural justice was not followed. The company, a day prior to the impugned order, recalled all the products till the authorities were satisfied with the safety of the product. And it was also realised that the laboratories where the products were tested for high quantities of lead, were not accredited and recognised under the Act, and relying on their test result would not be justified.

Conclusion

Adulteration is very heinous crime draining the society at large and contamination of food and drinks is such a evil acts which is directly impacting the human health and safety ,they are dieing because of food poisoning and contamination is at such extend which is not only degrading health of human life but also degrading morals and humanity grounds of the people at large It is essentially to stop and aware about adulteration otherwise it will be completed threat to humans.

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