

COMMITTEE ON SUBORDINATE LEGISLATION
(ELEVENTH LOK SABHA)

FIFTH REPORT

**[Action taken Report on the Implementation of Recommendations Con-
tained in the Sixteenth Report (Tenth Lok Sabha) on Rules/Regulations
Framed under the Prevention of Food Adulteration Act, 1954]**

(Presented on 11.3.1997)



LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA

TO

THE FIFTH REPORT OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (ELEVENTH LOK SABHA)

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION
(1996-97)**

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3. **Shri P.D.T. Achary** — *Director*
4. **Shri Ram Autar Ram** — *Director*
5. **Shri B.D. Swan** — *Under Secretary*

INTRODUCTION

1. The Chairman, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Fifth Report, on "Implementation of recommendations contained in the Sixteenth Report (Tenth Lok Sabha) of the Committee on rules/regulations framed under the Prevention of Food Adulteration Act, 1954."

2. The matters covered by this Report were considered by the Committee at their sittings held on 23 January, 1996 and 5 March, 1997.

3. The Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare regarding implementation of recommendations contained in the Sixteenth Report on rules/regulations framed under the Prevention of Food Adulteration Act, 1954. The Committee wish to express their thanks to the representatives of the Ministry for furnishing the desired information.

4. The Committee considered and adopted this Report at their sitting held on 5 March, 1997. The Minutes of the sittings relevant to this Report are appended to it.

5. For facility of reference and convenience, recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in consolidated form in Appendix I to the Report.

NEW DELHI;
March, 1997

Phalgun, 1918 (S)

KRISHAN LAL SHARMA,
Chairman,
Committee on Subordinate Legislation.

REPORT

I

BACKGROUND

The Sixteenth Report (Tenth Lok Sabha) of the Committee on Subordinate Legislation on the rules/regulations framed under the Prevention of Food Adulteration Act, 1954 was presented to the House on 16 December, 1994. A copy of the Report was forwarded to the concerned Ministry of Health on 19.12.1994 to implement the recommendations of the Committee contained in paras 1.7 to 1.9, 2.3, 3.4, 3.5, 4.3 to 4.5, 5.3, 6.4, to 6.7, 7.3 to 7.5 and 8.2 of the Report. While forwarding the copy of the Report, specific attention of the Ministry was drawn to the earlier recommendations of the Committee contained in para 93 of their Sixteenth Report (Fifth Lok Sabha) and para 221 of their Twelfth Report (Seventh Lok Sabha) wherein the Committee had observed *inter-alia* that the Ministry/Department should, in fact, endeavour to implement their recommendations within a period of three months of presentation of the Report as the period of six months fixed by the Committee was the maximum period within which the recommendations must be implemented.

1.2 On July, 1995, the Ministry of Health and Family Welfare furnished their action taken report on the implementation of the recommendations of the Committee. After examining the action taken reply it was found that on some points the action replies were vague or incomplete on the stand taken by the Ministry *vis-a-vis* the recommendations of the Committee. The Ministry were, therefore, requested to furnish some further information/take further necessary action to implement the recommendations of the Committee contained in the Sixteenth Report.

1.3 As the implementation of recommendations were getting delayed, the Committee decided to take oral evidence of the representatives of the Ministry of Health and Family Welfare to ascertain the progress made so far by the Ministry to implement the recommendations. Accordingly, the representatives of the Ministry appeared before the Committee for oral evidence on 23 January, 1996 to apprise the Committee about the status of the implementation of recommendations contained in the Sixteenth Report.

1.4 During evidence, the Chairman drew the attention of the representatives of the Ministry of Health towards the delay in implementation of the recommendations made in the Sixteenth Report on Prevention of Food Adulteration Act, 1954. The representatives stated that

they have taken up the matter of, setting up a full-fledged Secretariat to assist the Central Committee for Food Standards (CCFS), with the Finance Ministry as recommended by the Committee. In addition to creation of full-fledged Secretariat, they are also trying to create zonal offices, laboratories etc.

1.5 As regards implementation of recommendations contained in para 2.3 regarding framing of State PFA rules in accordance with the guidelines framed by the Ministry with a view to ensure uniformity, Smt. Debi Mukherjee, Additional Director-General (PFA) stated that guidelines have been framed by them and circulated to the State Governments and the State Governments have been impressed upon to update their PFA Rules.

1.6 As regards recommendation of the Committee that the recommendations of CCFA should be binding on the Government, Smt. Shailaja Chandra, Addl. Secretary stated that there is a difficulty in implementing the same. The Government has considerations other than what the technical advisory bodies say as sometimes there are representations to the Ministry against certain advice for e.g. regarding use of fluoride in toothpaste for children below 7 years of age there was the dentist association representing against the Ministry.

1.7 Regarding delay in disposal of pending cases relating to Food adulteration, Smt. Debi Mukherjee, Additional Director General, (PFA) stated that they cannot to away with the lab-tests of the Food samples, Courts some time challenge the test and retest has got to be done in quite a number of cases thereby leading to delay in disposing of the cases.

1.8 On being asked about the printing of contents of the mineral water on the mineral water bottle, Smt. Debi Mukherjee, Additional Director General (PFA) stated that as per the provisions of the rules framed under the PFA the Act, they are not suppose to print anything on the bottle like whether it conforms to WHO or the PFA standards. She further stated that if a person is selling mineral water then it should conform to the standards of mineral water laid down in the PFA Rules and if it is found that it does not conform to the standards, in that case, such person is violating the Rules. She further stated that under the PFA Rules, whenever water is used in food industries it should be ensured that such water is free from micro organisms likely to cause disease etc.

1.9 The Chairman desired that setting up of standards of water should be examined by the Ministry of Health.

1.10 Subsequently, the Ministry of Health and Family Welfare furnished another Action Taken Reply on the implementation of recommendations contained in the Sixteenth Report. The overall action taken by the Ministry towards implementation of the recommendations has been dealt with in the succeeding paragraphs of the Report.

II

RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendations contained in para 1.9 regarding 'Functioning of the Central Committee on Food Standards'

Para 1.9 The Committee further note that as per the provisions contained in Section 3-A of the Prevention of Food Adulteration Act, 1954, the Central Government is required to appoint a Secretary and such other clerical staff for Central Committee for Food Standards as it may consider necessary. In order that the spirit of the legislation is not defeated and also considering the importance of the subject of Prevention of Food Adulteration, the Committee recommend that the Government must ensure that the Central Committee for Food Standards is able to avail of the full and not merely part services of a Secretary or in other words, the Secretary to Central Committee for Food Standards should not be burdened with any other functions. Similarly, it may be ensured that there is full staff strength for the effective functioning of Central Committee for Food Standards and there should be no hinderance in its working on this account. The CCFS itself should be entitled to prescribe the number of functionaries it require by extending its power to make bye-laws.

In their action taken reply dated July 1995, the Ministry stated as under:

"A proposal for creation of staff for CCFS Secretariat is under process in consultation with Ministry of Finance."

2.2 The Ministry were requested to expedite the matter as the maximum prescribed limit of six months to implement the recommendations of the Committee had already elapsed.

2.3 In their subsequent reply dated 22 February, 1996 the Ministry stated as under:

"A proposal to create a full fledged Secretariat for working of the Central Committee on Food Standards and it's sub-committees is already under consideration in consultation with the Ministry of Finance."

2.4 The Committee note with satisfaction that as recommended by the Committee, the Government has initiated the process to create a full fledged Secretariat for working of the CCFS and its sub-committees. The

Committee trust that the Ministry would be able to complete the said process at the earliest.

Recommendations contained in para 2.3 regarding 'Administration of Prevention of Food Adulteration Act and Rules.'

Para 2.3: The Committee note that as admitted by the Health Secretary during the evidence, barring a few States, administration of the Prevention of Food Adulteration Act in the country is considerably weak. The Committee feel that the mere framing of rules by the Central Government/State Governments is not enough. What is important is their implementation. The Committee are of the view that every State Government should have framed rules on the aspect enumerated under Section 24 of the Prevention of Food Adulteration Act, and further, such rules should have a uniform pattern for the better administration of the Act in the country. The Committee desire that it should be the duty of the Central Government to make a thorough review of the rules framed by various State Governments regarding their uniformity and enforcement. The Central Government should impress upon the States, which have not yet framed the rules to immediately do so. The Committee note that under Section 22-A of the Act, the Central Government is empowered to give directions to the State Governments for the effective implementation of the provisions of the Act and the State Government are duty bound to comply with such directions. The Committee feel that the Government should, under this section, issue necessary directions to the State Governments which have shown less interest in framing the rules or enforcing the law. If necessary, suitable amendments may be made in Section 22-A in order to secure due compliance from the State Governments.

2.5 In their reply dated July, 1995, the Ministry stated as under:

"In order to ensure uniformity in framing of PFA Rules, the PFA Division in the Ministry has already formulated guidelines for States with regards to State PFA rules and the State Governments have been requested to draft State PFA rules in the light of these guidelines. A letter has been issued to the State Governments requesting them, to send State PFA rules to the Ministry. Replies have been received from some States/UTs. The other States have been reminded. After receipt of the PFA rules from all States the same will be considered by the Food Laws and Legal Advisory Sub-Committee of CCFS. As the State PFA rules need to be scrutinised before placing the same in the meeting of the Sub-Committee, the implementation of this recommendation is likely to take time."

2.6 The Ministry were requested to expedite the matter with the States regarding framing of State PFA rules in accordance with the guidelines framed by the Ministry to ensure uniformity. The Ministry were also

requested to apprise this Secretariat about the progress made in this regard.

2.7 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:

“The Ministry of Health has already circulated guidelines to the State Governments for revision of State PFA Rules so as to have uniformity in framing of such rules. The States/UTs have been requested to provide upto-date copies of PFA Rules. The same has been received from 23 States/UTs. The defaulting States/UTs have been reminded. The Central Council of Health represented by all State Health Ministries and chaired by Hon'ble Union Health Minister in its meeting held in Oct. 1995 has also adopted a resolution for updating State PFA Rules.”

2.8 The Committee note with satisfaction that the Ministry is taking all necessary steps such as issuance of guidelines to State Governments so as to have uniformity in framing of such rules in all the States. The Ministry have also proposed to examine the State PFA Rules. Further, the Central Council of Health represented by all State Health Ministries has also adopted a resolution in October, 1995 for updating of State PFA Rules. The Committee hope that the Government would be able to achieve the desired objective at the earliest.

Recommendations contained in para 4.3 regarding 'Disposal of Court Cases relating to Food Adulteration'

Para 4.3: The Committee note with concern that cases relating to food adulteration remain pending in the courts for long periods resulting in a diffusion of the gravity of the crime. Further, at present, about 57000 cases relating to food adulteration are pending with the various courts in the country and there is an addition of about 4000 cases to the list every year. The Committee feel that some immediate steps are needed to be taken to ensure a quick disposal of cases. The Committee desire that a legal advisory body may be set up by the Government to review and analyse the causes of delay in the disposal of cases and make appropriate recommendations to the Central Government. The Committee further desire that mobile courts could be set up for disposal of certain cases where laboratory testing facilities are not required. The Committee recommend that the Central Government should examine the feasibility of bringing suitable amendment/legislation in this regard at the earliest.

2.9 In their action taken reply dated July, 1995, the Ministry stated as under:

“The PFA Division in this Ministry has already written to all Registrars of High Courts to expedite the PFA cases in the courts and to set up special courts for trying PFA cases. The delay in

disposal of cases in the courts is not only specific to PFA cases but such delays are observed in other cases like drugs/insecticides and other legal matters pending before the judiciary. A letter has been sent to the Ministry of Law to examine the possibility of setting up of a Legal Advisory Committee, so that delay in disposal of PFA cases by the judiciary may be minimised. The suggestion for setting up of Mobile Courts for disposal of certain cases without testing the sample by a laboratory has been referred to Ministry of Home Affairs for examination."

2.10 From the aforesaid action taken reply of the Ministry, it was seen that the Ministry had taken up the matter with the concerned agencies like the High Courts for quick disposal of PFA cases, the Ministry of Law for setting up the Legal Advisory Committee and the Ministry of Home Affairs for setting up of mobile courts. The Ministry were, however, requested to move expeditiously in the matter and bring suitable amendment/legislation in this regard at the earliest as recommended by the Committee. The Ministry were also requested to intimate the Lok Sabha Secretariat the steps being taken by them to expedite the matter.

2.11 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:

"As regards setting up of a legal advisory committee to review and analyse the causes of delay in the disposal of cases, the views from the Department of Legal Affairs are still awaited. For setting up of Mobile Courts, we have already addressed a letter to the State Government." (Pl. see annexure-I)

2.12 The Committee note that the Ministry have agreed in principle to implement the recommendations of the Committee to ensure quick disposal of cases relating to food adulteration and for that purpose, the Ministry had taken up the matter with the concerned agencies like the High Courts for quick disposal of PFA cases, Ministry of Law for setting up the Legal Advisory Committee and the Ministry of Home Affairs for setting up of Mobile Courts. The Committee desire that the Ministry should keep on pursuing the matter with these agencies to ensure due compliance of its recommendation at the earliest.

Recommendations contained in para 6.4 regarding 'Definition of Food'

Para 6.4: The Committee note with satisfaction that the Ministry of Health and Family Welfare has already framed rules for specification of mineral water, but the same are yet to be notified. The Committee desire that the Ministry should immediately finalise the rules and notify them to ensure the good quality of the mineral water being sold in suitable sealed plastic bottles in the market.

2.13 In their action taken reply dated July, 1995, the Ministry stated as under:

“Standards for ‘mineral water’ have already been laid down under the PFA Rules (specific rule).”

2.14 The Ministry were requested to furnish a copy of the rules as published in the Gazette of India notification for information of the Committee.

2.15 With their reply dated 22 February, 1996, the Ministry furnished a copy of the published rules laying down standards of Mineral Water.

2.16 The Committee note with satisfaction that as recommended by the Committee, the Ministry have notified the rules laying down the standards of mineral water.

Recommendations contained in para 7.3 regarding “Prohibition on the use of certain substances in the food articles”

Para 7.3: The Committee note that as per the existing provisions of the Prevention of Food Adulteration Rules, the metals like Nickel and Chromium have not been included in the list of the poisonous metals. In view of the various representations received from the non-governmental organisations pointing out that Nickel and Chromium might be included in the list of poisonous metals, the Committee desire that the Central Government should conduct adequate research regarding the use of these metals as a catalyst or otherwise in the processing of various food articles. The Committee also desire that the permissible tolerance limit of these metals in various food articles should also be prescribed.

2.17 In their action taken reply dated July, 1995, the Ministry stated as under:

“Limits for Nickel in Vanaspati has already been laid down in the PFA Rules, 1955. As regards laying down limits for Chromium, the proposal will be examined by the experts in the light of literatures and regulations of other countries.”

2.18 The aforesaid action taken reply of the Ministry was not found to be satisfactory as the Ministry had not stated anything about conducting research on the use of metals like Nickel and Chromium in the processing of various food articles or about prescribing a permissible tolerance limits of these metals for all food articles in which these are used as recommended by the Committee. The Ministry were, therefore, requested to furnish full information and to take all necessary steps to implement the recommendation of the Committee expeditiously.

2.19 In their subsequent reply dated 22 February, 1996, the Ministry stated as under:

“Various aspects of Nickel toxicity vis-a-vis its use in different items of food articles, specifically its use has been examined by the experts and as per their recommendations, limits for Nickel in Vanaspati has been laid down. As regards Chromium, the experts have recently recommended to lay down its limits in refined sugar.”

2.20 The Committee note that as recommended by them, the Government has examined various aspects of Nickel toxicity vis-a-vis its use in food articles and the tolerance limits for Nickel, in vanaspati has been laid down. Similarly for Chromium, the experts have recommended to lay down its limits in refined sugar. The Committee trust that the Ministry would be able to notify the tolerance limit for Chromium also at the earliest.

III

RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE ON WHICH THE REPLY OF THE GOVERNMENT IS SATISFACTORY

Recommendation contained in para 1.8 regarding 'Functioning of the Central Committee on Food Standards'

Para 1.8: Regarding the publishing of the recommendations of Central Committee on Food Standards, the Committee feel that as the Central Committee for Food Standards is a statutory body, its recommendations should be made available to the public also to achieve transparency. For this purpose, a gist of recommendations can be made available to the public using electronic media and the newspapers etc. Further, it must be ensured by the Government that anybody interested to have a copy of recommendations of Central Committee for Food Standards has access to it.

3.1 In their action taken reply dated July, 1995, the Ministry stated as under:—

“The CCFS having been represented, among others, by three Members from Industry and five Members from the consumers, the recommendations made by this advisory body are well taken care of by the representatives of the consumers at large and the industry who are mainly the affected parties as a result of amendment to the PFA Rules. Besides, the recommendations of CCFS being advisory in nature are not binding on the Government. Government examines the recommendations of CCFS before accepting or rejecting the same. Based on the recommendations of the CCFS and subject to the approval by the Government the notification relating to the amendments to the PFA Rules is ultimately published in the Gazette of India for the information of the general public. In view of this, it may not be necessary to publish the recommendations of CCFS.”

3.2 The aforesaid reply of the Ministry was found to be unsatisfactory as the Committee had recommended that CCFS is a statutory body and public has right to know about its recommendations. The recommendation was discussed with the representatives of the Ministry during oral evidence before the Committee on 23 January, 1996. Accordingly in their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:—

“It is reiterated that recommendations of the Central Committee on Food Standards are advisory in nature, like the recommen-

dations of the Drug Technical Advisory Body or the Central Insecticides Board constituted under the Drugs and Cosmetics Act, 1940 and the Insecticides Act, 1968 respectively. These recommendations have no legal binding and may not be accepted by the Government. Recommendations as and when accepted by the Government are invariably published in the form of draft rules for inviting comments.

However as advised by the Committee on Subordinate Legislation during oral evidence on 23.1.96 the minutes of the committee will be placed in the Parliament Library/Central Secretariat Library."

3.3 The Committee note with satisfaction that as advised by them during oral evidence, the Ministry have agreed to place the minutes of the sittings of the Central Committee on Food Standards in the Parliament Library/ Central Secretariat Library for information of all concerned. In view of this, the Committee do not wish to pursue the matter further.

Recommendation contained in para 3.4 regarding "Centralisation of Prevention of Food Adulteration Administration

Para 3.4: The Committee note that as per the existing provisions of the Prevention of Food Adulteration Act, 1954, the Central Committee on Food Standards constituted under section 3 advises the Central Government and the State Government on matters arising out of the administration of the act. The Committee consist of representatives of the Directorate General of Health Services, Ministry of Food, Ministry of Agriculture, Indian Standard Institution, etc. The Committee therefore, feel that there is no need to create any further central authority to deal with the formulation and follow up action on the prevention of food adulteration rules. The Committee, however, feel that the prescribing of standards for the food packaging material etc. by the Bureau of Indian Standards/certification as AGMARK etc. may be laid down in the Prevention of Food Adulteration rules themselves to make the rules self contained. It would be convenient for the traders too. The Committee desire that the Government should examine the feasibility of doing so.

In their action taken reply dated July, 1996, the Ministry stated as under:—

"The PFA standards under the PFA Act & Rules are mandatory minimum standards whereas standards formulated by BIS/Agmark Departments are voluntary quality standards and are definitely above the PFA standards. In some cases like food colors, infant milk powder and condensed milk etc. PFA Rules make it compulsory to have ISI mark certification operated by BIS, in order to ensure quality and safety of the products, as regards plastic packaging for food articles, the CCFS has recommended that containers for food packaging material shall have compulsory

ISI certification so as to ensure its quality and a provision to this effect is being made in PFA Rules”.

3.5 The aforesaid reply of the Ministry was examined in the light of the recommendation of the Committee and it was noticed that the reply did not clarify the stand of the Ministry regarding laying the BIS/Agmark certification standards in the PFA rules themselves to make the rule self-contained. The Ministry were, therefore, requested to clarify the position in that regard.

3.6 In a subsequent reply dated 22 February, 1996, the Ministry stated as under:

“The PFA rules already prescribe the standards of food packaging material. The relevant extract of the rule is reproduced below:

(5) An utensil or container made of the following materials or metals, when used in the preparation of food shall be deemed to render it unfit for human consumption:

(v) Containers made of plastic materials not conforming to the following Indian standards specifications used as appliances or receptacles for packing or storing whether partly or wholly food articles, namely:

(a) IS:10146-1982 [Specification for polyethylene in contact with foodstuffs];

(b) IS:10142-1981 [Specification for styrene polymers in contact with foodstuffs];

(c) IS:10151-1982 [Specification for Polyvinyl Chloride (PVC), in contact with foodstuffs];

(d) IS:10910-1984 [Specification for Polypropylene in contact with foodstuffs];

(e) IS:11434-1985 [Specification for Monomer resins in contact with foodstuffs];

(f) IS:11704-1986 [Specification for Ehtylene Acrylic Acid (EAA) copolymer];

(g) IS:12232-1987 [Specification for Poly alkaline terephthalates (PET)];

(h) IS:12247-1988 [Specification for Nylon 6 Polymer]”

Further in order to ensure quality of packaging material it has been recommended that food packaging material shall be compulsorily certified by BIS.

3.7 The Committee note from the clarification furnished by the ministry that the provision laid down in the PFA Act and Rules are mandatory minimum standards whereas the standards formulated by BIS/Agmark Departments are voluntary quality standards and are above the PFA

standards. Further, the PFA Rules already prescribe the standards of food packaging material. In view of this, the committee do not wish to pursue the matter further in this regard.

Recommendation contained in para 3.5 regarding 'Centralisation of Prevention of Food Adulteration Administration'

Para 3.5: The Committee further note that the recommendations of the Central Committee for Food Standards are sometimes rejected by the Government. The Central Committee for food standards is a large body representing various interests, disciplines and it has a great deal of technical expertise to judge various aspects of food adulteration as well as food standardization. So, the recommendations of this Committee should not be rejected except on very valid grounds. The Committee, therefore, feel that the Government while rejecting the recommendations of the Central Committee for Food standards, should state publicly the reasons for doing so. Necessary amendment should be made in sections 3 of the act for this purpose.

3.8 In their action taken reply dated July, 1995, the Ministry stated as under:—

The CCFS is an Advisory Body, to the Government like Drugs Technical Advisory Board (DTAB) constituted under the Drugs and Cosmetics Act, 1940; Central Insecticide Board (CIB) constituted under Central Insecticide Act, 1968, etc. recommendations made by these Advisory Committees are not binding on the Government. The Government examines each recommendation before accepting or rejecting the same, in public interest.

3.9 From the aforesaid action taken reply of the Ministry, it was felt that the Ministry has not gone into the merit of the recommendation and just stated that CCFS is an advisory body and its recommendations are not binding on the Government. The Ministry had given not explanation regarding publicly stating the reasons for rejecting any recommendation of the CCFS. The Ministry were, therefore, requested to clarify the matter in this regard.

3.10 In their subsequent action taken reply dated 22 February, 1996, the ministry stated as under:—

It is reiterated that Government should have the flexibility to examine each recommendation from feasibility point of view before accepting the same. Recommendations accepted by the Government are published in the form of draft rules for inviting comments/objections from the public.

Further as already submitted during oral hearing, action taken report on the recommendations of CCFS (Central Committee for

Food Standards) forms a part of the agenda items for the next meeting and at that time reasons for not accepting recommendations, if any, by the Government are also brought to the notice of the members.

3.11 The Committee note that according to the Ministry the CCFS is an advisory body of the Government like Drug Technical Advisory Board constituted under the Drugs and Cosmetics Act, 1940; Central Insecticide Board constituted under the Central Insecticide Act, 1968 etc. and therefore, the recommendations made by such advisory bodies are not binding on the Government. The Ministry have however, clarified that the action taken report on the recommendations of CCFS form a part of the agenda item for the next meeting and at that time reasons for not accepting recommendation, if any, by the Government and also brought to the notice of the members of CCFS. The Committee, therefore, feel that legally, the stand taken by the Government is correct and further as a safeguard, the action taken reports on the recommendations of CCFS are also brought to the notice of the CCFS, there is no need to pursue the matter further.

Recommendations contained in paragraphs 4.4 & 4.5 regarding 'Disposal of Court cases relating to Food Adulteration'

Para 4.4 & 4.5: It has been brought to the notice of the Committee by non-official witnesses that section 17 of the Act which deals with offences committed by companies, is very ineffective. When an offence is committed by a company and prosecution is about to be launched against the nominated person, he resigns from the company and disappears. The Company pleads helplessness in the matter and in such cases even a notice cannot be served. Thus, the committee feel is a serious situation and points to a lacunae which should be removed.

The Committee therefore recommend that suitable amendment should be made in section 17 so that the offending company is held responsible and prosecuted for the offence.

3.12 In their action taken reply dated July, 1995, the Ministry stated as under:—

Section 17 of PFA Act already provides that even if a person is nominated by a company, the company as well as the nominated person shall be guilty of an offence committed under the Act and be punished accordingly.

3.13 The Committee find the reply of the Ministry as satisfactory and do not wish to pursue the matter any farther.

Recommendations contained in para 7.4 regarding 'Prohibition on the use of certain substances in food articles'

Para 7.4: The Committee also note that the Government have already prepared a draft notification regarding permissible limits of about 50

pesticides which would soon be notified. The Committee desire that this may be done at the earliest to prevent the health hazards.

3.14 In their action taken reply dated July, 1995, the Ministry stated as under :—

Limits for 50 pesticides in different articles of food are already laid down, under the Rules.

3.15 The aforesaid reply of the Ministry was seemed to be satisfactory, however, the Ministry were requested to furnish a copy of the Gazette notification laying down limits for pesticides in food articles.

3.16 With their reply dated 22 February, 1996, the Ministry furnished a copy of the rules laying down the limits for 50 pesticides in different articles of food.

3.17 The Committee note with satisfaction that as recommended by them, the Government have since notified the limits for 50 pesticides in different articles of food and have also furnished a copy of the same to the Lok Sabha Secretariat.

Recommendations contained in para 7.5 regarding 'Prohibition on the use of certain substances in the food articles'

Para 7.5: The Committee further desire that there should be continuous updating of the tolerance limit of the toxins like pesticides, aflatoxins, metals, coal-tar colors, artificial sweeteners, etc. used in any article of food.

3.18 In their action taken reply dated July, 1995, the Ministry stated as under:—

This is a continuous process which is taken up by technical sub-committees of the CCFS.

3.19 The Committee note from the reply of the Ministry that continuous updating of tolerance limit of toxins used in any article of food is taken up by technical Sub-committee of the CCFS. The Committee, therefore, do not wish to pursue the matter further.

IV

RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE ON WHICH THE GOVERNMENT HAVE EXPRESSED THEIR INABILITY TO IMPLEMENT THE SAME

Recommendations contained in paras 6.5 & 6.6 regarding 'Definition of Food'

Paras 6.5 & 6.6: In this context the Committee further considered the question of widening the definition of 'Food' so as to include the water treated and supplied by the local authorities. Two basic points were considered by the Committee in this regard. One, water is treated and purified by the local authority before it is supplied to the public. Thus there is always a possibility of the purity of water supplied falling below the prescribed standard which renders it injurious to health. Second, sometimes it is found that the water supplied contains viruses or bacteria which cause jaundice, typhoid and other water-borne diseases and people who consume it contract such diseases. Whichever agency is responsible for supplying drinking water to the public has a responsibility to ensure the purity of water so supplied and the Committee strongly feel that the statute should bind it to do so. Otherwise the whole population will be exposed to serious health hazards, with no one owning responsibility for it.

This Committee, therefore, recommends that immediate steps should be taken by the Government to amend section 2(v) of the Act and include water treated and supplied by the local authorities within the definition of 'Food'.

4.1 In their action taken reply dated July, 1995, the Ministry stated as under:—

At present 'water' is excluded from the definition of 'food'. Supply of potable water in the urban areas comes within the purview of Ministry of Urban Affairs and Employment. Supply of drinking water in the rural areas is ensured by the Ministry of Rural Areas and Employment who have set up technology mission on water for providing drinking water at each village. A letter has been sent to these Ministries to send their comments. On receipt of the same the matter will be examined to amend the PFA Act.

4.2 It was noticed that the Ministry had already taken up the matter with the Ministries concerned with the supply of drinking

water. The Ministry were requested to pursue the matter expeditiously so that the recommendations of the Committee could be implemented at the earliest.

4.3 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:—

The views of the Ministry of Urban Development on the suggestion of inclusion of water under the definition of food are outlined below:

“The widening of the definition of food to include water will bring it under the Prevention of Food Adulteration Rules and consequently would impose a legal commitment and obligation on the agencies for adhering to the recognized standards for potable water supplied by them. As you are aware, drinking water in urban and rural areas is generally supplied only by the State Governments undertakings or the local bodies. The burden of this commitment will fall, therefore, on these agencies and more than the urban local bodies the responsibility will be greater in the case of rural local bodies where the required standards have not yet been reached and who are also facing financial crunch.”

4.4 The Committee note from the reply of the Ministry that the supply of the potable water in Urban areas comes under the purview of the Ministry of Urban Affairs and Employment and in rural areas, under the Ministry of Rural Areas and Employment. Further, according to the Ministry of Urban Affairs, the widening of definition of food to include drinking water could impose a legal commitment and obligation on the agencies for adhering to the recognized standards for potable water supplied by them. As a result, the burden of such commitment would fall on the State Government undertakings or the local bodies, which will be even more in the case of rural local bodies who are also facing financial crunch.

4.5 In this connection, the Committee propose that adequate funds may be made available by the Central/State Government as the case may be, to the agencies concerned with the supply of drinking water in Urban and Rural areas to ensure the supply of good quality drinking water to the people. The Committee is of the view that the recommendation could therefore, be implemented in a phased manner over a period of time.

**RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE
ON WHICH THE FINAL REPLY OF THE GOVERNMENT IS
STILL AWAITED**

**Recommendations contained in para 1.7 regarding 'Functioning of the
Central Committee on Food Standards'**

Para 1.7: The Committee note that the Central Committee on Food Standards has divided itself into nine sub-committees to deal with different aspect like packaging, labelling, legal scrutiny etc. and the reports of these sub-committees are placed before the full Committee during its meetings. The Committee, however, note that the meetings of each of the sub-committees and the main Committees were held normally once in a year. The Committee feel that holding of meetings of the Central Committee for Food Standards and its sub-committees only once a year cannot be said to be adequate considering the nature and volume of work entrusted to them. The Committee are of the view that the meetings of the sub-committees should be held more frequently during the year to expedite the preparation of their reports. The Committee further desire that instead of meeting only once a year, the main Committee should meet atleast once every quarter to get itself apprised of the progress made by its sub-committees and also to consider and give due attention to the reports of the sub-committees which have been finalised.

5.1 In their action taken reply dated July, 1995, the Ministry stated as under:—

There are nine technical sub-committees appointed by Central Committee for Food Standards (CCFS). These Sub-Committees meet as and when there is a need to consider certain items by each technical sub-committee. If necessary, consultation can also be done by circulation. The recommendations of the sub-committees are placed before CCFS which meets once in a year. Holding of four meetings of CCFS as well as frequent meetings of nine technical sub-committees in a year requires considerable preparation and staff besides study of technical documents/literature/legal provisions as existing in India and other countries.

Implementation of this recommendaion of the Committee on Subordinate Legislation will require creation of full-fledged Secretariat for CCFS with supporting technical and legal staff. A

proposal for creation of Secretariat for CCFS is under process in consultation with Ministry of Finance. If that is approved, frequency of meetings can be increased.

5.2 As the Committee in para 1.9 have already recommended for a full-fledged Secretariat to assist CCFS, the Ministry were requested to expedite the matter of creating a full fledged Secretariat for CCFS so that the frequency of the meetings can be increased. The Ministry may also note that the maximum prescribed limit of six months to implement the recommendations of the Committee has already elapsed.

5.3 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:—

A proposal to create a full fledged Secretariat for working of Central Committee for Food standards and its sub-committee is already under consideration in consultation with the Ministry of Finance.

5.4 The Committee note that according to the Ministry, to increase the frequency of meetings of the CCFS would require a full fledged Secretariat for CCFS with supporting technical and legal staff and accordingly a proposal to create a full fledged Secretariat for working of CCFS and its sub-committee is already under consideration in consultation with Ministry of Finance, the Committee desire the Ministry to pursue the matter expeditiously for creation of a full fledged Secretariat for CCFS so that the frequency of its meetings could be increased to the desired limits.

Recommendations contained in para 5.3 regarding 'Offences relating to Food Adulteration'

Para 5.3: The Committee note that as per the provisions contained under Section 16 of the Prevention of Food Adulteration Act, both fine as well as imprisonment have been prescribed for any offence of Food Adulteration. The Committee do not favour the abolition of imprisonment of any description as the stage of socio-economic development of the country and the general attitude of the people do not warrant such abolition at this stage. The Committee, however feel that for minor offences of non-injurious nature under the Prevention of Food Adulteration Act, the penalty of imprisonment should be relaxed and instead heavy fines may be imposed on the offender which would be enough to discourage the offender from committing such violations in future. The Committee, therefore, desire that the Government should bring an amendment to categorize the offences of food adulteration under two classes, *i.e.* injurious to health and non-injurious to health. For the former class of offences both fine and imprisonment may be prescribed and for the latter, only heavy fines.

5.5 In their action taken reply dated July, 1995, the Ministry stated as under:—

At present PFA Act distinguishes between the offences of injurious and non-injurious nature. The minimum punishment provided is six months imprisonment with fine of the Rs. 1,000. The suggestion for imposing fine as a punishment will be examined by the CCFS in the light of Statutory Provisions of other countries and if necessary, an amendment to the Act will be processed for consideration of Parliament.

5.6 From the aforesaid reply of the Ministry, it was seen that the matter was being examined by CCFS in the light of Statutory provisions of other countries. The Ministry were requested to expedite the matter as the prescribed time period for implementation of the recommendation had already elapsed.

5.7 From the aforesaid reply of the Ministry, it was seen that the matter was being examined by CCFS in the light of Statutory provisions of other countries. The Ministry were requested to expedite the matter as the prescribed time period for implementation of the recommendations had already elapsed.

5.8 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:—

Under the directive of the Ministry of Health and Family Welfare a Task Force on Food Laws has been constituted under the chairmanship of Mr. Justice E.S. Venkataramaiah, ex-Chief Justice of India and consisting of other legal experts. The Task Force has submitted its report suggesting amendments to various provisions of the Act including rationalisation of penalty clause. This report is being examined in consultation with State/UTs Government.

5.9 The Committee note that under the directive of the Ministry of Health and Food, a Task Force on food laws have been constituted under the Chairmanship of the Ex. Chief Justice of India and consisting of other legal experts. The said Task Force in their report has suggested rationalization of the penalty clause. The Committee hope that the Ministry would be able to implement the recommendations of the Committee expeditiously.

Recommendations contained in para 8.2—(i), (ii) & (iii) regarding 'The Role of Non-Governmental Organisations in the administration of Prevention of Food Adulteration Act'

Para 8.2. : The Committee have carefully considered these views and suggestions. The Committee think that there is considerable merit in these

suggestions. Accordingly the Committee make the following recommendations:—

8.2. (i): There is nothing in the Act or Rules to compel a vendor to sell a food article to an individual purchaser or a Consumer Association for the purpose of analysis by a public analyst. He can very well refuse to sell the sample and thereby defeat the object of law. The Committee feel that in the absence of any provision in the Act or Rule to make it obligatory on the part of the vendor to sell the food article for analysis to them, Section 12 which was amended in 1987 for the purpose of giving certain rights to voluntary associations, becomes inoperative. The Committee recommend that suitable amendment may be made in Section 12 to enforce the right of the Consumer Association or individual purchaser to draw or purchase samples of food.

5.10 In their action taken reply dated July, 1995, the Ministry stated as Under:—

The proposal required laying down simplified sampling procedures for the consumers. The issue is being examined from legal as well as technical angle from feasibility point of view.

5.11 The Ministry were requested to move in the matter with due urgency to implement the recommendation at the earliest.

5.12 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:-

The Task Force on Food Laws has suggested the amendments taking this matter into account.

5.13 The Committee note that the Task force on Food laws constituted by the Ministry has suggested amendments in the PFA Rules by taking into consideration the recommendations of the Committee. The Committee hope that the Ministry would now be able to implement the recommendations of the Committee at the earliest.

Para 8.2. (ii): The Committee find that no time-limit has been prescribed in the Act or Rules within which to institute prosecution against the offenders. This lacunac can be made use of by unscrupulous health inspectors to delay the launching of prosecution and defeat the object of law. The Committee therefore recommend that an amendment may be made in section 13 prescribing a time-limit within which to institute prosecution, the violation of which should invite punishment.

5.14 In their action taken reply dated July, 1995, the Ministry stated as Under:—

This requires amendment to the Act which will be taken up with other proposed amendment.

5.15 It was felt that the Ministry had not shown any sense of urgency to implement the aforesaid recommendation. The Ministry were requested to bring forth the requisite amendments at the earliest.

5.16 In their subsequent action taken reply dated 22 February, 1996, the Ministry stated as under:—

“As stated at part 5.3, the recommendation is also, being examined in consultation with the State Governments.”

5.17 The Committee note that according to the Ministry PFA Act would be required to be amended to implement the aforesaid recommendation. The matter is being examined by the Ministry in consultation with the State Governments. The Committee desire that the Ministry should move with greater sense of urgency in the matter to ensure expeditious implementation of the recommendation.

Para 8.2 (iii): The Committee feel that organisations which promote the cause of the public with a sense of purpose, should be effectively involved in the process of implementation of an important legislation like the Prevention of Food Adulteration Act. Apart from the much needed impetus which the involvement of such bodies will impart to the process of implementation of this Act, it will also act as a check on the persons who are entrusted with the responsibility to enforce it. The Committee, therefore, recommend that suitable amendments may be made in section 13 or a new section may be added to ensure that the registered consumer organisations are given statutory rights to get full information about the prosecution instituted by Local Health Authority and the status of these cases and other relevant details. They should also be given the right to give periodic advice to the health inspectors about conducting the cases.

5.18 In their action taken reply dated July, 1995, the Ministry stated as under:—

The State Governments have already been requested for this purpose to constitute Advisory Committees at the State/District level where Consumers/consumer's organisations would be represented. Thus consumer organisations can play an effective role in the implementation of the provisions of PFA Act. As such, there is no need for amending the statute in this regard.

5.19 The reply of the Ministry did not seem to be satisfactory. The Committee has recommended that suitable amendments should be made in the PFA Act to ensure that the registered consumer organisations are given statutory right to get full information about the prosecutor. The Ministry were requested to amend the Act accordingly.

5.20 In their subsequent action taken reply dated July, 1995, the Ministry stated as under:—

As indicated in para 5.12 above.

5.21 The Committee note that the Task force on Food laws constituted by the Ministry of Health and Family Welfare has suggested the amendments into the PFA Act. The Committee desire that the Ministry should take further necessary action to implement the recommendation of the Committee.

NEW DELHI;
March, 1997

Phalguna, 1918 (S)

KRISHAN LAL SHARMA,
Chairman,
Committee on Subordinate Legislation.

APPENDICES

APPENDIX I

(Vide para 5 of the Introduction)

SUMMARY OF RECOMMENDATIONS MADE IN THE FIFTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(Eleventh Lok Sabha)

S. No.	Reference to Para No. in the Report	Summary of Recommendations
1	2	3
1.	2.4	The Committee note with satisfaction that as recommended by the Committee, the Government has initiated the process to create a full-fledged Secretariat for working of the CCFS and its sub-committees. The Committee trust that the Ministry would be able to complete the said process at the earliest.
2.	2.8	The Committee note with satisfaction that the Ministry is taking all necessary steps such as issuance of guidelines to State Governments so as to have uniformity in framing of such rules in all the States. The Ministry have also proposed to examine the State PFA Rules. Further, the Central Council of Health represented by all State Health Ministries has also adopted a resolution in October, 1995 for updating of State PFA Rules. The Committee hope that the Government would be able to achieve the desired objective at the earliest.
3.	2.12	The Committee note that the Ministry have agreed in principle to implement the recommendation of the Committee to ensure quick disposal of cases relating to food adulteration and for that purpose, the Ministry had taken up the matter with the concerned agencies like the High Courts for quick disposal of PFA cases, Ministry of Law for setting up the Legal Advisory Committee and the Ministry of Home Affairs for setting up of Mobile Courts. The Committee desire that the Ministry should keep on pursuing the matter with these agencies to ensure due compliance of its recommendation at the earliest.

1	2	3
4.	2.16	The Committee note with satisfaction that as recommended by the Committee, the Ministry have notified the rules laying down the standards of Mineral water.
5.	2.20	The Committee note that as recommended by them, the Government has examined various aspects of Nickel toxicity <i>vis-a-vis</i> its use in food articles and the tolerance limits for Nickel in vanaspati has been laid down. Similarly for chromium, the experts have recommended to lay down its limits in refined sugar. The Committee trust that the Ministry would be able to notify the tolerance limit for chromium also at the earliest.
6.	3.3	The Committee note with satisfaction that as advised by them during oral evidence, the Ministry have agreed to place the minutes of the sittings of the Central Committee on Food Standards in the Parliament Library/Central Secretariat Library for information of all concerned. In view of this, the Committee do not wish to pursue the matter further.
7.	3.7	The Committee note from the clarification furnished by the Ministry that the provision laid down in the PFA Act and Rules are mandatory minimum standards whereas the standards formulated by BIS/Agamark Departments are voluntary quality standards and are above the PFA standards. Further, the PFA Rules already prescribe the standards of food packaging material. In view of this, the Committee do not wish to pursue the matter further in this regard.
8.	3.11	The Committee note that according to the Ministry, the CCFS is an advisory body of the Government like Drug Technical Advisory Board constituted under the Drugs and Cosmetics Act, 1940; Central Insecticide Board constituted under the Central Insecticide Act, 1968 etc. and, therefore, the recommendations made by such advisory bodies are not binding on the Government. The Ministry have, however, clarified that the action taken report on the recommendations of CCFS form a part of the agenda item for the next meeting and at that time

1**2****3**

- reasons for not accepting recommendation, if any, by the Government and also brought to the notice of the members of CCFS. The Committee, therefore, feel that legally, the stand taken by the Government is correct and further as a safeguard, the action taken reports on the recommendation of CCFS are also brought to the notice of the CCFS, there is no need to pursue the matter further.
9. 3.13 The Committee find the reply of the Ministry as satisfactory and do not wish to pursue the matter any further.
10. 3.17 The Committee note with satisfaction that as recommended by them, the Government have since notified the limits for 50 pesticides in different articles of food and have also furnished a copy of the same to the Lok Sabha Secretariat.
11. 3.19 The Committee note from the reply of the Ministry that continuous updating of tolerance limit of toxins used in any article of food is taken up by technical sub-committee of the CCFS. The Committee, therefore, do not wish to pursue the matter further.
12. 4.4 The Committee note from the reply of the Ministry that the supply of the potable water in Urban areas comes under the purview of the Ministry of Urban Affairs and Employment and in rural areas, under the Ministry of Rural Areas and Employment. Further, according to the Ministry of Urban Affairs, the widening of definition of food to include drinking water could impose a legal commitment and obligation on the agencies for adhering to the recognized standards for potable water supplied by them. As a result, the burden of such commitment would fall on the State Government undertakings or the local bodies, which will be even more in the case of rural local bodies who are also facing financial crunch.
13. 4.5 In this connection, the Committee propose that adequate funds may be made available by the Central/ State Government as the case may be, to the agencies concerned with the supply of drinking water in Urban and Rural areas to ensure the supply of good quality drinking water to the people. The Committee is of the view that the recommendation could therefore, be implemented in a phased manner over a period of time.
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1	2	3
14.	5.4	<p>The Committee note that according to the Ministry, to increase the frequency of meetings of the CCFS would require a full-fledged Secretariat for CCFS with supporting technical and legal staff and accordingly a proposal to create a full-fledged Secretariat for working of CCFS and its sub-committee is already under consideration in consultation with Ministry of Finance. The Committee desire the Ministry to pursue the matter expeditiously for creation of a full-fledged Secretariat for CCFS so that the frequency of its meetings could be increased to the desired limits.</p>
15.	5.9	<p>The Committee note that under the directive of the Ministry of Health and Food, a Task Force on food laws has been constituted under the Chairmanship of the Ex. Chief Justice of India and consisting of other legal experts. The said Task Force in their report has suggested rationalization of the penalty clause. The Committee hope that the Ministry would be able to implement the recommendations of the Committee expeditiously.</p>
16.	5.13	<p>The Committee note that the Task Force on food laws constituted by the Ministry has suggested amendments in the PFA Rules by taking into consideration the recommendations of the Committee. The Committee hope that the Ministry would now be able to implement the recommendations of the Committee at the earliest.</p>
17.	5.17	<p>The Committee note that according to the Ministry PFA Act would be required to be amended to implement the aforesaid recommendation. The matter is being examined by the Ministry in consultation with the State Governments. The Committee desire that the Ministry should move with greater sense of urgency in the matter to ensure expeditious implementation of the recommendation.</p>
18.	5.21	<p>The Committee note that the Task Force on Food laws constituted by the Ministry of Health and Family Welfare has suggested the amendments into the PFA Act. The Committee desire that the Ministry should take further necessary action to implement the recommendation of the Committee.</p>

MINUTES

APPENDIX II

(Vide para 4 of the Introduction of the Report)

MINUTES OF THE SIXTY-SEVENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (TENTH LOK SABHA) (1995-96)

The Committee met on Tuesday, 23 January, 1996 from 14.30 hours to 17.30 hours.

PRESENT

Shri Amal Datta — *Chairman*

MEMBERS

2. Shri Prithviraj D. Chavan
3. Shri V. Dhananjaya Kumar
4. Shri Rajendra Kumar Sharma
5. Shri Umrao Singh

SECRETARIAT

1. Smt. Roli Srivastava — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri Ram Autar Ram — *Deputy Secretary*
4. Shri B.D. Swan — *Assistant Director*

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II. REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE

1. Shri P.P. Chauhan, Secretary
2. Smt. Shailaja Chandra,
Additional Secretary
3. Dr. Narendra Bihari,
Addl. D.G.H.S.
4. Dr. V.P. Bansal, Addl. D.G.
5. Dr. (Mrs.) M. Sachdeva,
Secretary, M.C.I.
6. Shri L. Prasad, Director (ME)
7. Shri M. Kannan,
Deputy Secretary

8. Smt. Debi Mukherjee, A.D.G.
(PFA)
9. Dr. Parveena Goyal, A.D.G.
(PH) ** ** ** **
2. to 22. ** ** ** **

23. The Chairman drew the attention of the representatives of the Ministry of Health towards implementation of the recommendations made in the Sixteenth Report on Prevention of Food Adulteration Act, 1954. The representatives stated that they have taken up the matter of setting up a full-fledged Secretariat to assist the Central Committee for Food Standards (CCFS) with the Finance Ministry as recommended by the Committee. In addition to creation of full-fledged Secretariat, they are also trying to create zonal offices, laboratories etc.

24. As regards para 2.3 regarding framing of State PFA rules in accordance with the guidelines framed by the Ministry with a view to ensure uniformity, Smt. Debi Mukherjee, Additional Director-General (PFA) stated that guidelines have been framed by them and circulated to the State Governments and the State Governments have been impressed upon to update their PFA rules.

25. As regards recommendation of the Committee that the recommendations of CCFA should be binding on the Government, Smt. Shailaja Chandra, Addl. Secretary stated that there is a difficulty in implementing the same. The Government has considerations other than what the technical advisory bodies say as sometimes there are representations to the Ministry against certain advice for e.g. regarding use of flouride in toothpaste for children below 7 years of age there was the dentist association representing against the Ministry.

26. Regarding delay in disposal of pending cases relating to Food adulteration, Smt. Debi Mukherjee stated that they cannot do away with the lab-tests of the Food samples, Courts some time challenge the test and retest has got to be done in quite a number of cases thereby leading to delay in disposing of the cases.

27. On being asked about the printing of contents of the mineral water on the mineral water bottle, Smt. Debi Mukherjee stated that as per the provisions of the rules in the Act, they are not suppose to print anything like whether it conforms to WHO or the PFA standards. She further stated that if a person is selling mineral water then it should conform to the standards of mineral water laid down in the rules and if it is found that it does not conform to the standards then he is violating the rules. She

* Omitted portion of the minutes are not covered in this report.

further stated that under the PFA rules, whenever water is used in food industries it should be ensured that such water is free from micro organisms likely to cause disease etc.

28. The Chairman desired that setting up of standards of water should be examined by the Ministry of Health.

The witnesses then withdrew.

29 to 34.**

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**MINUTES OF THE NINTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (ELEVENTH LOK SABHA)**

The Committee met on Wednesday, 5 March, 1997 from 15.00 to 15.30 hours.

PRESENT

Shri Krishan Lal Sharma — *Chairman*

MEMBERS

2. **Shri V. Alagirisamy**
3. **Shri N. Dennis**
4. **Shri Bhupinder Singh Hooda**
5. **Shri Vijay Kumar
Khandelwal**
6. **Shri V. Dhananjaya Kumar**
7. **Shri M. Baga Reddy**
8. **Shri Ram Kirpal Yadav**

SECRETARIAT

1. **Shri P.D.T. Achary — *Director***
2. **Shri Ram Autar Ram — *Director***
3. **Shri B.D. Swan — *Under Secretary***

2. The Committee considered and adopted their draft Third to Seventh Reports and decided to present them to the House on the 11th March, 1997.

3. The Committee thereafter decided to hold deliberations on the rules/regulations framed under the Citizenship Act, 1955, at their next sitting scheduled to be held on 13 March, 1997.

The Committee then adjourned.