

COMMITTEE ON SUBORDINATE LEGISLATION

(TENTH LOK SABHA)

SIXTEENTH REPORT

(PREVENTION OF FOOD ADULTERATION)

(Presented on 16 December, 1994)



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CORRIGENDA

TO

THE SIXTEENTH REPORT OF THE COMMITTEE
ON SUBORDINATE LEGISLATION (TENTH LOK SABHA)

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE
LEGISLATION
(1993-94)**

1. Shri Amal Datta — *Chairman*
2. Shri Prithviraj D. Chavan
3. Shri Guman Mal Lodha
4. Shri Dharampal Singh Malik
5. Shri Rasheed Masood
6. Shri M.V.V.S. Murthy
7. Shri D. Pandian
8. Dr. A. K. Patel
9. Shri Rajendra Kumar Sharma
10. Shri K. G. Shivappa
11. Shri Mohan Singh (Deoria)
12. Prof. K. V. Thomas
13. Shri Umrao Singh
14. Shri Swarup Upadhayay
15. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Shri P. D. T. Achary — *Director*
3. Shri Ram Autar Ram — *Deputy Secretary*

INTRODUCTION

1. the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf present this Sixteenth Report.

2. The Committee considered and adopted this Report at their sitting held on 21 November, 1994. The minutes of the sittings relevant to this Report are appended to it.

3. 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 a consolidated form in Appendix I to the Report.

4. The Committee on Subordinate Legislation decided to examine the rules framed under the Prevention of Food Adulteration Act, 1954 with a view to ascertaining whether the rules framed thereunder by the Central Government are adequate enough to meet the present day requirement or otherwise needed any modifications. For this purpose, the Committee formed a seven members* Sub-committee to examine and Report the matter. With a view to ascertain the views of the non-governmental organisations engaged in the field of Prevention of Food Adulteration, the Sub-Committee invited their comments and also heard them. The comments/suggestions received from non-governmental organisations located in various parts of the country were examined.

5. The Sub-Committee thereafter took oral evidence of the representatives of the non-governmental organisation 'Voluntary Organisation in the Interest of Consumer Education (VOICE)' operating in the field of Prevention of Food Adulteration at their sitting held on 3 June, 1994.

6. The Sub-Committee afterwards, took oral evidence of the representatives of the Ministry of Health and Family Welfare on 24 October, 1994 with a view to eliciting the views of the Government on the inadequacies pointed out/suggestions made by the representatives of the various non-governmental organisations in respect of Prevention of Food Adulteration Act, 1954 and the rules framed thereunder.

7. Suggestions made by the representatives of various non-governmental organisations and the reaction of the government thereto are dealt with in the foregoing paragraphs.

NEW DELHI;
November, 1994
Kartika, 1916 (Saka)

AMAL DATTA,
Chairman,
Committee on Subordinate Legislation.

Names indicated in annexure

**REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION
ON RULES FRAMED UNDER THE PREVENTION OF FOOD
ADULTERATION ACT, 1954**

I

**FUNCTIONING OF THE CENTRAL COMMITTEE ON FOOD
STANDARDS**

Section 3 of the Prevention of Food Adulteration Act, 1954 reads as under:—

3. *The Central Committee for Food Standards*

- (1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a committee called the Central Committee for food Standards to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it under this Act.

..

..

..

- (3) The members of the Committee referred to in clauses (c), (d), (e), (f), (g), (gg), (h) and (i) of Sub-section (2) shall unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for three years and shall be eligible for renomination.
- (4) The functions of the Committee may be exercised notwithstanding any vacancy therein.
- (5) The Committee may appoint such and so many sub-committees as it deems fit and may appoint to them persons who are not members of the Committee to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Committee may impose, be delegated to them by the Committee.
- (6) The Committee may subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the transaction of its business.

3.-A *Appointment of Secretary and other staff:*

- (1) The Central Government shall appoint a Secretary to the Committee who shall, under the control and direction of the Committee exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Committee.

- (2) The Central Government shall provide the Committee with such clerical and other staff as that Government considers necessary.

1.2 Further, under section 23 of the Prevention of Food Adulteration Act, it is provided that the Central Government can make rules after consultation with the Central Committee on Food Standards constituted under section 3.

1.3 This representatives of many non-governmental organisations, however, represented that consultation with the Central Committee on Food Standards by the Central Government is not effective as the meetings of the Committee are generally held once in a year and further, the meetings of the sub-committees of the Central Committee on Food Standards also held once in a year and that too infrequently. It was also represented that many a time, the recommendations of Central Committee on Food Standards remain pending with the Central Government for long time or sometimes, these have been ignored or overruled. It has been suggested that the meetings of Central Committee on Food Standards should be held atleast once every quarter and the recommendations of Central Committee on Food Standards should be published with detailed technical notes to achieve transparency.

1.4 It has further been represented by the non-governmental organisations that at present, the Central Committee on Food Standards Secretary is an officer who is entrusted with many other jobs in addition to the work related to the Central Committee on Food Standards. Hence, he can pay only marginal attention to the affairs of the Committee. Further, the clerical and other staff as provided in section 3 of the Act has not so far been provided to the CCFS. It has been suggested that a full fledged secretariat for Central Committee on Food Standards should be created for its effective functioning.

1.5 Giving his views on the matter, Shri M.S. Dayal, Health Secretary stated that CCFS consists of 51 members and for facilitating its work, the Central Committee on Food Standards has divided itself into nine Sub-committee to deal with different aspects like packaging, labelling, legal etc. The Sub-Committees like the main Committee generally met once in every year. The reports of the Sub-committees are placed before the main Committee during its meetings. Regarding printing of the reports of the Central Committee on Food Standards, the Health Secretary stated that as the reports are generally voluminous, it would be a very costly preposition to print them both in Hindi and English versions. He however, stated that the copies of the reports were given to all the members of the Central Committee on Food Standards and anybody who wanted to have an access to the recommendations of the Committee could go through it and, thus, it was not very necessary to print the reports.

1.6 Regarding a full time Secretary and other staff for Central Committee on Food Standards, the Health Secretary stated that there is one post of Assistant Director General to act as Secretary of the Central Committee on Food Standards. At present, Assistant Director General, Food and Nutrition, is holding that post and in all, 36 person including technical officers, section officers, Assistants, U.D.C. are looking after the work of Central Committee on Food Standards. Necessity was felt for some additional technical posts but these are yet to be approved by the Finance Ministry.

1.7 The Committee note that the Central Committee on Food Standards has divided itself into nine sub-committees to deal with different aspects 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.

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 the recommendation of Central Committee for Food Standards must have access to it.

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 these accounts. The CCFS itself should be entitled to prescribe the number of functionaries it requires by extending its power to make bye-laws.

II

ADMINISTRATION OF THE PREVENTION OF FOOD ADULTERATION ACT AND RULES

It has been represented to the Committee that the implementation and administration of the Prevention of Food Adulteration Act, 1954 by State Governments and their local bodies is in a very poor state. It is felt that every state must frame rules under Section 24 of the Prevention of Food Adulteration Act and the rules framed by the states should be uniform for the better administration of the Prevention of Food Adulteration Act and the rules in the country. The Committee took oral evidence of the representative of the Ministry of Health and Family Welfare in this regard.

2.2 Shri M.S. Dayal, Health Secretary, admitted that barring a few states, the administration of the Prevention of Food Adulteration Act in the country is considerably weak. According to him, under Section 24 of the Prevention of Food Adulteration Act, 1954 the State Government have been empowered to make rules on certain procedural aspects like defining the power and duties of local Health Authorities, prescribing the form of licenses for storages, sale and distribution of food articles, and the fees to be paid for analysing any article of food etc. To the question by the Committee as to whether there is any uniformity in regard to the rules framed or is there any contradiction among them, the Health Secretary stated that such study has not been done but submitted that matter could be taken by the sub-committee on legal matters.

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 aspects 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 Governments 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 the Section 22-A in order to secure due compliance from the State Governments.

III

CENTRALISATION OF PREVENTION OF FOOD ADULTERATION ADMINISTRATION

It has been represented to the Committee that there is an involvement of a number of authorities which are concerned with the Prevention of Food Adulteration Rules such as the Ministry of Food, Ministry of Agriculture, AGMARK, DGHS etc. resulting in an overlapping of functions. It has been suggested to the Committee that such multiplicity of authorities should be done away with and if feasible, there should be one Central Authority for the purpose of formulation and follow up action of the rules and regulations. The Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare.

3.2 During evidence, Shri M.S. Dayal, Health Secretary, stated that AGMARK certification of a food product is on voluntary basis, whereas the rules framed under the Prevention of Food Adulteration Act are mandatory. The works of Bureau of Indian Standards or that related to AGMARK are totally different from the work of Central Committee on Food Standards although their basic aim is the same i.e. ensuring good quality of food. Further, under the Prevention of Food Adulteration rules, certain standards have been prescribed for specific foods. For example, regarding specification of plastic material packaging for packing the food articles, some provisions have been made in the Prevention of Food Adulteration Act but the standards have to be prescribed by Bureau of Indian Standards.

3.3 According to Shri K. Tulsiraman, Law Officer, Directorate General of Health Services, there is a proposal with Bureau of Indian Standards with regard to the Central Legislation on a unified approach. Under Section 3 of the Act, all the representatives, namely Bureau of Indian Standards, AGMARK and FES are represented so that a unified approach or standard is laid down which may not go beyond the limit which a common man can achieve.

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 Governments 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.

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 standardisation. 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 recommendation of the Central Committee for Food Standards, should state publically the reasons for doing so. Necessary amendment should be made in section 3 of the Act for this purpose.

IV

DISPOSAL OF COURT CASES RELATING TO FOOD ADULTERATION

A number of non-governmental organisations engaged in the prevention of food adulteration have represented to the Committee that the cases relating to food adulteration remain pending with the courts for very long periods. The Consumer Guidance Society of India, Bombay has suggested that the courts dealing with the cases of prosecution under PFA Act, may be appropriately authorised to take technical assistance from independent technical/scientific experts, in order to obtain correct interpretation of technical subjects of relevance and official methodology for this purpose may be included in the Prevention of Food Adulteration Act. The Federation of Consumer Associations, West Bengal, has represented that the disposal of cases relating to food adulteration remain pending for six to ten years in different courts, thus diffusing the gravity of the cases. They have suggested the appointment of a legal advisory board to review and analyse the causes of delay in the disposal of cases and to make recommendations to the Central Government for suitable amendment of the relevant portion of the 'Penalty Section' in the Act. It has also been suggested that mobile courts could be set up for disposal of certain cases not requiring laboratory facilities.

4.2 Giving the views on the subject, Shri M.S. Dayal, Health Secretary, stated that at present, approximately 57,000 cases relating to food adulteration are pending in various courts in the country and every year, on an average, there is an addition of 4000 cases to the already pending cases. In a year about 5000 cases are disposed of. On being pointed out by the Committee that the disposal of cases should be taken up more seriously, the Health Secretary stated that all the State Governments have been asked to fix such responsibility on the special courts and most of the States have taken this step.

4.3 The Committee note with concern that cases relating to food adulteration remains 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.

4.4 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 helpless in the matter and in such cases even a notice cannot be served. This, the Committee feel is a serious situation and points to a lacunae which should be removed.

4.5 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.

OFFENCES RELATING TO FOOD ADULTERATION

It has been represented by a number of non-governmental organisations engaged in the field of Prevention of Food Adulteration that offences relating to food adulteration should be categorised under two classes, one under which imprisonment should be provided and in the second heavy fines may be prescribed. According to the Federation of Consumer Associations, West Bengal, punishment be graded according to the gravity of the offence and in case of minor technical offences like violation of labelling requirements/licensing conditions etc. punishment should be lighter and provision of compulsory imprisonment may be relaxed, whereas in the cases of food adulteration which is injurious or harmful to health, likely to harm any consumer, in addition to imprisonment cancellation of license etc. should also be considered. Another view point that was placed before the Committee by certain non-official witnesses was that imprisonment as a punishment is not effective and therefore the law should move towards punishment in financial terms. In this context it was suggested that as is done in some European countries heavy fines commensurate with the volume of activity of the Company should be imposed on it.

5.2 Giving his comments on this matter, Shri M.S. Dayal, Health Secretary stated that the matter has been examined by an expert committee which is of the view that the present penalty provisions under the Prevention of Food Adulteration Act do not need any change at present.

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 for committing such violations in future. The Committee, therefore, desire that the Government should bring an amendment to categorise 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 fines and imprisonment may be prescribed and for the latter, only heavy fines.

VI

DEFINITION OF FOOD

Section 2(V) of the Prevention of Food Adulteration Act, 1954 define food as under:—

- “2 (V) “Food” means any article used as food or drink for human consumption other than drugs and water and includes:—
- (a) any article which ordinarily enters into, or is used in the composition or preparation of, human food.
 - (b) any flavouring matter or condiments, and
 - (c) any other article which the Central Government having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purposes of this Act.”

6.2 It has been represented by a number of non-governmental Organisations engaged in the field of Prevention of Food Adulteration that the existing definition of Food needed to be widened so as to include products like processed waterly distilled water which is, now-a-days, being sold as a commodity in sealed plastic bottles. The Committee felt that this aspect merited serious attention and therefore the views of the representatives of the Ministry of Health and Family Welfare were ascertained in this regard.

6.3 Shri M.S. Dayal, Health Secretary stated that an expert Committee under the Chairmanship of the Director General (Health) has been set up to study the existing definition of Food and Drugs to give its recommendations in this regard. As regards the mineral water sold as a commodity in plastic bottles, the Health Secretary stated that rules have been made for its specification but are yet to be notified. He also drew the attention of the Committee to the need to have a clear distinction made between food and drugs in respect of certain ingredients which are naturally available and which are used both as food and drug. The Health Secretary further stated that at a certain point, it becomes very difficult to make such a distinction because a number of natural herbal substances are used both as food and Ayurvedic medicines.

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.

6.5 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 the 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.

6.6 The Committee, therefore, recommend 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'.

6.7 With regard to the need to draw clear distinction between food and drug in respect of herbal substances, the Committee note that an expert Committee under the Chairmanship of Director General (Health) has been set up by the Government to study the definition of food and drug and suggest amendments in order to obviate the difficulty in deciding whether a particular substance is a herbal drug or food. As the matter is under examination of an expert Committee, the Committee do not want to make any comment on its merit. The Committee, however feel that the definition of 'food' needs to be amended in such a way that an article which is ordinarily used in the preparation of food, but is also used in the preparation of an ayurvedic medicine does not escape the application of the law against adulteration of such medicines merely because it is treated as food article under the Prevention of Food Adulteration Act.

VII

PROHIBITION ON THE USE OF CERTAIN SUBSTANCES IN FOOD ARTICLES

It has been suggested that—(i) metals like Nickel and Chromium should be enlisted as poisonous metals under the Prevention of Food Adulteration Act, 1954; (ii) the use of coal-tar colours, artificial sweetners like saccharine etc. in some articles of food should be prohibited; and (iii) the use of insecticides/pesticides in any articles of food should also be completely restricted. Representations received from various Non-governmental organisations have pointed out that the use of these substances in the food articles causes great harm to health.

7.2 In this connection Shri M.S. Dayal, Secretary (Health) stated that the Nickel is used as a catalytic agent in processing of some food articles, mainly chocolate, etc. and it has been found that Nickel contents were found to be within the internationally prescribed limits. He further stated that the use of chromium metal has not yet been fully examined and suggested to place the matter before committee dealing with metals and minerals. As regards artificial sweetners like saccharine, the Secretary stated that it is being used by the diabetic patients, in cold drinks, beverages, pan masala, supari etc. but certain constraints may be observed while using it. According to him, there is no question of use of pesticides in food articles but these are used for protection and storage of food grains. He was of the opinion that the Government have set up internationally permitted standards for their permissible limits in food articles and for that rules also permit them. A draft notification has been prepared containing permissible limits of about 50 pesticides and it would soon be notified.

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.

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.

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 colours, artificial sweetners, etc. used in any article of food.

VIII

THE ROLE OF NON-GOVERNMENTAL ORGANISATIONS IN THE ADMINISTRATION OF PREVENTION OF FOOD ADULTERATION, ACT

A forceful plea was made by voluntary organisations for involving non-governmental organisations in the implementation of the Prevention of Food Adulteration, Act. At present the involvement of such organisations in the implementation of the Act is limited. Under Section 12, registered consumer organisations can have an article of food analysed by the public analyst. However, it has been brought to the notice of the Committee that in case of vendor refuses to sell the samples to such organisation there is nothing in the Act or rules which compels such vendor to supply the samples of food articles asked for by it. This would, it was pointed out render this provision ineffective. It was also stated before the Committee that the Health Inspectors who are the designated Local (Health) Authority under the Act, do not institute prosecution proceedings in time which is one of the reasons for delay in the disposal of cases. It was, therefore, suggested that a time-limit should be prescribed within which to initiate prosecution proceedings against the offender. In this context it was also suggested that the Non-Governmental Organisations could play the role of ombudsman and they should be given the power to oversee the functions of food inspectors and also the health inspectors.

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:—

- (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.

- (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 lacunae 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.
- (iii) The Committee feel that organisations which promote the cause of the public with a sense of purpose, should be effectively involved in 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 prosecutions 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.

NEW DELHI;

November, 1994

Kartika, 1916 (Saka)

AMAL DATTA,

Chairman,

Committee on Subordinate Legislation.

APPENDICES

APPENDIX I

(vide para 3 of the introduction of the report)

Summary of Recommendations made in the Report of the Committee on Subordinate Legislation

(Tenth Lok Sabha)

Sl. No.	Reference to para No. in the Report	Summary of Recommendations
1	2	3
	<i>Sixteenth Report</i>	<i>Rules/regulations framed under the Prevention of Food Adulteration Act, 1954</i>
1.	1.7	The Committee note that the Central Committee on Food Standards has divided itself into nine sub-committees to deal with different aspects 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 the 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.
	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

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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 the recommendation of Central Committee for Food Standards must have access to it.

1.9

The Committee further note that as per the provisions contained in Section 3-A of the Prevention of Food Adulteration Act, 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 these accounts. The CCFS itself should be entitled to prescribe the number of functionaries it requires by extending its power to make bye-laws.

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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 aspects enumerated under Section 24 of the Prevention of Food Adulteration Act, and further, such rules

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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 to 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 Governments 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 the Section 22-A in order to secure due compliance from the State Governments.

3. 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 Governments on matters arising out of the administration of the Act. The Committee consist of representatives of the Director 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.

3.5

The Committee further note that the recommendations of the Central Committee for Food

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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 standardisation. 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 recommendation of the Central Committee for Food Standards, should state publically the reasons for doing so. Necessary amendment should be made in section 3 of the Act for this purpose.

4. 4.3

The Committee note with concern that cases relating to food adulteration remains 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.

4.4

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 helpless 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.

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4.5	<p>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.</p>	
5.	5.3	<p>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 for committing such violations in future. The Committee, therefore, desire that the Government should bring an amendment to categorise 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 fines and imprisonment may be prescribed and for the latter, only heavy fines.</p>
6.	6.4	<p>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.</p>
	6.5	<p>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 the 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</p>

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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.

6.6 The Committee, therefore, recommend 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'.

6.7 With regard to the need to draw clear distinction between food and drug in respect of herbal substances, the Committee note that an expert Committee under the Chairmanship of Director General (Health) has been set up by the Government to study the definition of food and drug and suggest amendments in order to obviate the difficulty in deciding whether a particular substance is a herbal drug or food. As the matter is under examination of an expert Committee, the Committee do not want to make any comment on its merit. The Committee, however feel that the definition of 'food' needs to be amended in such a way that an article which is ordinarily used in the preparation of food, but is also used in the preparation of an ayurvedic medicine does not escape the application of the law against adulteration of such medicines merely because it is treated as food article under the Prevention of Food Adulteration Act.

7. 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

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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.

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.

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 colours, artificial sweetners etc. used in any article of food.

8. 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:—

(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.

(ii) The Committee find that no time-limit has been prescribed in the Act or Rules within which to institute prosecution against the

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offenders. This lacunae 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.

- (iii) The Committee feel that organisations which promote the cause of the public with a sense of purpose, should be effectively involved in 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 prosecutions instituted by the 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.

MINUTES

APPENDIX II

[Vide para 2 of the introduction of the report]

Minutes of the First Sitting of the Sub-Committee-II (Statutory Rules and Orders Issued under the Prevention of Food Adulteration Act, 1954) of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Sub-Committee-II of the Committee on Subordinate Legislation met on Thursday, 28 April, 1994 from 16.30 hours to 17.00 hours.

PRESENT

Shri Mohan Singh (Deoria) — *Chairman*

MEMBERS

2. Shri D. Pandian
3. Shri Rajendra Kumar Sharma
4. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri R.K. Chatterjee — *Deputy Secretary*
2. Shri R. Kothandaraman — *Assistant Director*

2. The Sub-Committee briefly discussed about the future programme of action.

3. The Chairman informed the Sub-Committee that out of the 33 non-governmental organisations who were addressed to furnish comments on the rules framed under the Prevention of Food Adulteration Act, 1954, 5 had responded.

4. The Sub-Committee decided to meet on Monday, 23 May, 1994 to consider the memoranda, as aforesaid, received from the non-governmental organisations.

The Sub-Committee then adjourned.

II

Minutes of the Second Sitting of Sub-Committee-II (Statutory Rules and Orders issued under the Prevention of Food Adulteration Act) of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Sub-Committee-II of the Committee on Subordinate Legislation met on Monday, 23 May, 1994 from 15.00 to 15.30 hours.

PRESENT

Shri Mohan Singh (Deoria) — *Chairman*

MEMBERS

2. Shri Rajendra Kumar Sharma
3. Shri K.G. Shivappa
4. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri S.C. Gupta — *Joint Secretary*
2. Shri R.K. Chatterjee — *Deputy Secretary*
3. Shri R. Kothandaraman — *Assistant Director*

2. The Sub-Committee considered the memoranda received from six non-governmental organisations regarding rules framed under the Prevention of Food Adulteration Act, 1954.

3. The Sub-Committee decided to call for oral evidence of the representatives of the 'Voluntary Organisation in Interest of Consumer Education (VOICE)' on rules framed under the said Act at 15.00 hours on 3 June, 1994.

The Sub-Committee then adjourned.

Minutes of the Third Sitting of Sub-Committee-II (Statutory Rules and Orders issued under the Prevention of Food Adulteration Act, 1954) of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Sub-Committee-II of the Committee on Subordinate Legislation met on Friday, 3 June, 1994 from 15.00 hours to 16.00 hours.

PRESENT

Shri Mohan Singh (Deoria) — *Chairman*

SECRETARIAT

- (1) Shri Ram Kumar — *Under Secretary*
(2) Shri R. Kothandaraman — *Assistant Director*

Representatives of the Voluntary Organisation in interests of Consumer Education (VOICE)

1. Dr. Sriram Khanna, Hony. Managing Trustee
2. Dr. K.L. Madhok, Hony. General Secretary
3. Ms. Deepa Lakshman Chandrashekharan, Project Coordinator

2. The Committee took oral evidence of the representatives of the Voluntary Organisation in Interests of Consumer Education (VOICE) regarding rules and regulations framed under the Prevention of Food Adulteration Act, 1954. During the evidence, the representatives expressed their views as follows:—

- (1) The Prevention of Food Adulteration Act has given vast powers to the executive in the matter of framing of rules. In term of S. 23 of the PFA Act, the Central Government can frame rules after consultation with the Central Committee on Food Standards (CCFS). However, the consultation with CCFS is not effective as the meetings are held only once in a year and only 38 meetings since the inception of PFA Rules in 1955, had been held so far. It is suggested that the meetings of CCFS are held once a quarter at least and their recommendations alongwith detailed technical notes should be published in order to obtain transparency.
- (2) The PFA Rules should be published annually.

- (3) In term of S. 3(a) of the PFA Act, the Government must provide a full time officer of an adequate level to act as Secretary with a full complement of clerical and other staff under the control and direction of CCFS. There should be a full fledged Secretariat with technical, legal and enforcement staff who can locate offences of Food adulteration.
- (4) There have been instances where the Government has not followed CCFS advices and ignored well founded concerns of public health by allowing saccharin in Pan Masala, Supari and Pan Flavouring materials. In some cases there is excessive interference and delay caused by the executive to the CCFS recommendations. For example, in 1990 the CCFS recommended that labels on all food packets should mention the ingredients as well. However, that recommendation is still pending with the Government inspite of being stressed again and again by the CCFS. No decision has so far been taken by the Government in this regard.
- (5) Similarly, it is suggested that every advertisement of soft drinks must mention that the soft drinks contain no fruit juice and contain saccharin etc.
- (6) The offences relating to food adulteration should be categorised under two classes, one under which imprisonment should be provided and in the second class heavy fines may be prescribed on the offender. For this purpose, tribunals must be set up under PFA Act to try cases of food adulteration.
- (7) The procedure relating to NGOs and Private complainants must be simplified and which may be laid down in the act itself to make prevention of food adulteration more effective. Like Food Inspectors who are empowered to draw samples, the NGOs should also be empowered to draw food samples. This would prove very effective in case the Food Inspector defaults. This can be achieved by simplifying the procedure under section 12 of the Act.
- (8) The Government should use print and electronic media to spread more awareness among the consumers whereby the duties of the implementing agencies and the rights of consumer could be well known.
- (9) The involvement of a number of authorities concerned with food laws should be done away with and there should be only one Central authority for the purpose of formulation and follow up action of rules and regulations the follow-up related to PFA.

The Sub-Committee then adjourned.

IV

*Minutes of the Fourth Sitting of the Sub-Committee-II
(Statutory Rules and Orders issued under the prevention of Food
Adulteration Act, 1954) of the Committee on Subordinate Legislation
(Tenth Lok Sabha) (1993-94)*

The Sub-Committee-II of the Committee on Subordinate Legislation met on Monday, 24 October, 1994 from 15.00 hours to 16.15 hours.

PRESENT

Shri Mohan Singh (Deoria) — *Chairman*

MEMBERS

2. Shri Rajendra Kumar Sharma
3. Shri K.G. Shivappa
4. Prof. K.V. Thomas
5. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Shri P.D.T. Achary — *Director*
3. Shri Ram Autar Ram — *Deputy Secretary*

REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE

1. Shri M.S. Dayal, Secretary (Health)
2. Smt. Shailaja Chandra, Joint Secretary
3. Shri K. Tulsiraman, Law Officer, Dte. General of Health Services
4. Shri Sunder Lal, Technical Officer, Dte. General of Health Services

2. The Sub-Committee took oral evidence of the representatives of the Ministry of Health and Family Welfare regarding rules framed by the Central Government under the Prevention of Food Adulteration Act, 1954 with a view to ascertaining whether such rules are adequate enough to meet the present day needs or otherwise needed any modifications.

3. During evidence, the Health Secretary stated that the Central Government is more directly concerned with the making of laws and rules whereas the State Government have also been empowered to make rules only on certain procedural aspects under the Prevention of Food Adulteration Act. He, however, admitted that barring a few states, the Prevention of Food Adulteration administration in the country is considerably weak.

4. Regarding functioning of the CCFS the Health Secretary stated that CCFS has divided into nine sub-committees to facilitate its functioning. The sub-committees deal with different aspects like packaging, labelling or legal aspects. The sub-Committee like the main committee, generally

met once in every year. When CCFS meets, the reports of its sub-committees are placed before it. Regarding appointment of secretary and other staff for CCFS the Health Secretary stated that at present the Assistant-Director General, Food and Nutrition is acting as Secretary to CCFS and in all, 36 persons including technicians etc. look after the CCFS work.

5. Regarding involvement of a number of agencies for the purpose of formulation and follow up action of rules under the Prevention of Food Adulteration Act, the Health Secretary stated that as far as AGMARK certification is concerned, it is voluntary, whereas the rules framed under Prevention of Food Adulteration do not contain any element of voluntariness and they are mandatory. Further, the certain standards as prescribed in the Prevention of Food Adulteration rules are specified by the Bureau of Indian Standards. However, the purpose of all the agencies is the same.

6. Regarding uniformity in the rules framed by the various State Governments, the Health Secretary informed that it is not known whether or not, the rules framed by various State Governments were in conformity with each other. He, however, agreed that the matter can be taken up at the sitting of the Sub-Committee on legal Affairs to examine this aspect.

7. Regarding pendency of cases related with food adulteration in the courts, the Health Secretary stated that at present approx. 57000 such cases are pending in various courts and every year there is an increase of about 4000 cases and about 5000 cases are disposed off. On being pointed out by the Committee that disposal of cases may be taken up seriously, the Health Secretary stated that all the State Governments have been asked to give such responsibility to special courts and most of the States have done it.

8. On being suggested that the definition of food may be widened to include products like bottled water etc. which are being sold as a commodity, the Health Secretary stated that an expert committee under the Chairmanship of the Director General (Health) has been set up to study the definition of Food and Drugs and to give its recommendations in this regard. As regards mineral water he stated that rules have been made for its specification but are yet to be notified. Regarding making a clear distinction between drugs and Food products to remove any confusion, the Health Secretary stated that at a certain point, it is very difficult to make such a distinction because a number of natural herbal substances are used both as food as well as as in many Ayurvedic medicines.

9. On being pointed out by the Committee that the packed food articles normally do not indicate the expiry date and on being asked for his

suggestions in this regard, the Health Secretary stated that instead of mentioning the expiry date, it may be prescribed 'use before' on the labels of food articles.

10. Regarding imposing a prohibition on the use of metals like Nickel and Chromium, Coal-tar colours, artificial sweetners like saccharine and insecticides/pesticides in some articles of food, the Health Secretary stated that Nickel is used as a catalytic agent in the processing of some food articles, mainly chocolate etc. within the internationally prescribed limits, However, the use of Chromium metal has not yet been fully examined and the matter would be placed before the Committee dealing with metals and minerals. Regarding use of Coal-tar colours, the Health Secretary stated that it is generally prohibited. As regards artificial sweetners like saccharine, the Health Secretary stated that it is used by diabetic patients, and also in cold drinks, beverages, Pan Masala, Supari etc. but certain constraints may be observed in its use. According to him, there is no question of use of pesticides in food articles but these are used for protection and storage of food grains.

11. Regarding categorisations of offences related to food adulteration in two categories, one in which imprisonment be prescribed and under the second, heavy fines, the Health Secretary stated that the matter has been examined in September by an Expert Committee which concluded that the present provisions in the Act do not need any change.

12. Regarding consumer awareness and role of NGO's the Health Secretary stated that educational material has been prepared and given to electronic media and other organisations suggesting steps to prevent food adulteration. He stated that Prevention of Food Adulteration Act also contain provisions for NGO's to take samples, get them analysed and file cases in the courts and training programmes are also organised for this purpose. He admitted the need to encourage this practice.

The witnesses then withdrew.

The Sub-Committee then adjourned.

Minutes of the Fifth Sitting of Sub-Committee-II (Statutory Rules and Orders Issued under the Prevention of Food Adulteration Act, 1954) of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Sub-Committee-II of the Committee on Subordinate Legislation met on Monday, 7 November, 1994 from 15.00 to 15.45 hours.

PRESENT

Shri Mohan Singh (Deoria) — *Chairman*

MEMBERS

2. Shri D. Pandian
3. Shri Rajendra Kumar Sharma

SECRETARIAT

1. Shri P.D.T. Achary—*Director*
2. Shri Ram Autar Ram—*Deputy Secretary*

2. The Sub-Committee considered the draft chapters of the Report on the rules framed under the Prevention of Food Adulteration Act, 1954. The Sub-Committee considered and adopted all the draft chapters except the chapter on the subject 'Role of Non-Governmental Organisations'. The Sub-Committee decided that this chapter might be circulated to all its members to give their comments/suggestions.

3. The Sub-Committee then decided to hold their next sitting on 17 November, 1994 to consider the aforesaid chapter.

The Sub-Committee then adjourned.

VI

Minutes of the Sixth Sitting of the Sub-Committee-II (Statutory Rules and Orders Issued under the Prevention of Food Adulteration Act, 1954) of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Sub-Committee-II of the Committee on Subordinate Legislation met on Thursday, 17 November, 1994 from 15.00 to 15.45 hours.

PRESENT

Shri Rajendra Kumar Sharma — *In the Chair*

MEMBERS

2. Shri D. Pandian
3. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri P.D.T. Achary—*Director*
2. Shri Ram Autar Ram—*Deputy Secretary*

2. In the absence of the Chairman, Sub-Committee-II of the Committee on Subordinate Legislation, another Member of the Sub-Committee—Shri Rajendra Kumar Sharma, M.P. was chosen by Sub-Committee to act as Chairman for the sitting in terms of the provisions of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Sub-Committee then considered the draft chapter regarding the Role of Non-Governmental Organisations in the Administration of Prevention of Food Adulteration Act and adopted it. The Sub-Committee also decided to place their report before the main Committee on Subordinate Legislation for their consideration and adoption at their sitting scheduled to be held on 21 November, 1994.

The Sub-Committee then adjourned.

VII

Minutes of the Fifty-First Sitting of the Committee on Subordinate Legislation (Tenth Lok Sabha) (1993-94)

The Committee met on Monday, 21 November, 1994 from 15.00 hours to 16.15 hours.

PRESENT

Shri Amal Datta — *Chairman*

MEMBERS

2. Shri Prithviraj D. Chavan
3. Shri Dharampal Singh Malik
4. Shri Rajendra Kumar Sharma
5. Prof. K.V. Thomas
6. Shri Ratilal Kalidas Varma

SECRETARIAT

1. Shri Murari Lal—*Joint Secretary*
2. P.D.T. Achary—*Director*
2. to 10 ***

11. The Committee considered the draft of Sixteenth Report on the rules framed under the Prevention of Food Adulteration Act, 1954 and adopted it with slight modifications.

The Committee then adjourned.

*Omitted portions of the Minutes are not covered by this report.

APPENDIX III

[vide para 4 of the introduction of the report]

Personnel of the Sub-Committee II (Statutory Rules and Orders Issued under the Prevention of Food Adulteration Act) of the Committee on Subordinate Legislation (1993-94)

1. Shri Mohan Singh (Dcoria) — *Chairman*
2. Shri Rasheed Masood
3. Shri D. Pandian
4. Shri Rajendra Kumar Sharma
5. Shri K.G. Shivappa
6. Prof. K.V. Thomas
7. Shri Ratilal Kalidas Varma