

# Role of Judiciary in Implementation of Food Adulteration Laws

Pranav Raina<sup>1</sup>

Department of Law, Galgotias University, Yamuna Expressway Greater Noida, Uttar Pradesh, India<sup>1</sup>

[pranav.raina@Galgotiasuniversity.edu.in](mailto:pranav.raina@Galgotiasuniversity.edu.in)<sup>1</sup>

**ABSTRACT:** The food industry includes manufacturing, packaging, processing, wholesale and distribution of food products. Compromising quality of these products is essentially compromising the health and safety of the populace of the country. Therefore, the quality and standard of food that reaches the public has to be above a certain benchmark. The food adulteration laws basically set this benchmark. Adulteration of food is defined as “the addition or subtraction of any substance to or from food so that the natural composition and quality of food substance is affected” This results in an inferior quality of the food. This can either be done intentionally for making some kind of profit or it can happen unintentionally due to the negligence of the person handling the food item. In either of the case, the person is held responsible for food adulteration under the laws of the country. Therefore, this paper discusses multiple folds of the consequences of such adulteration from a legal perspective.

**KEYWORDS:** Adulteration, Food, Judiciary, Quality Control.

## I. INTRODUCTION

Food is defiled whether the expansion of substances that are hazardous to well-being or the elimination of nutritional substances decreases or affects its consistency. It is defined as showing the intentional spoiling of the essence of the foods provided for buying, either by combining or substituting mediocre substances or by eliminating any of them. Adulterant is classified as a substance that makes the food unhealthy, sub-standard, mis-branded and includes extraneous matter under the Food and Safety Standards Act, 2006. An adulterant is a concoction material that, for legal or different purposes, cannot be found within different substances, such as fruit, beverages, and energizes. Adulteration is called the propagation of adulterants. Just where the increments are unwanted by the beneficiary, the term is right. The articulation will usually be food added substance.<sup>1</sup>

Adulterants are labeled cutting operators as used in illicit medications, whereas conscious extension of poisonous adulterants to food or various products for human consumption is regarded as a radioactive material. An example of suji being analysed for insect infection after around 6 days. It is possible that bugs could be produced after the illustration has been taken, as the open specialist did not refer to the equivalent of live insects.<sup>2</sup> A swarm of bugs or perhaps a huge number of bugs means the term attacked insects. Better had one dead fly that did not allow the milk to be poisoned and polluted. It is, hence, adulterated.

It should not be held that the food item is bug swarmed with mere proximity eggs in a food item and with no live insect visible to the unaided eye.

Since food adulteration is carried out from different points of view, one can correctly understand what the exact meaning is. In such a large number of terms, the Prevention of Food Adulteration Act, 1954 characterizes the phrases

---

<sup>1</sup> [www.frost.com](http://www.frost.com) –article ‘The Changing face of Indian food legislation’

<sup>2</sup> [www.ijirset.com/vol1/issue2/nov-dec2012](http://www.ijirset.com/vol1/issue2/nov-dec2012)

# International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: [www.ijirset.com](http://www.ijirset.com)

Vol. 6, Issue 9, September 2017

adulterant and adulterated. It involves corrupting of food products with a second tier or unhealthy material in the vocabulary of the layman. It's kind of a mild form of injury.<sup>3</sup>

## II. DISCUSSION

The pulverization of human being is here. That is the most extreme of financial wrongdoing. It is called the tendency to dissolve national well-being, character and economy, in an equal measure, through financial misconduct. Adulteration, by affecting a country's human asset, has a direct impact on a nation's national advancement and generation (GDP), especially India, which is a producing nation. This could be the reason behind. The Government of India has passed food laws every once in a while in regards to the importance of food in human life.<sup>4</sup>

In India, since 1899, the laws managing the existence of food have been in force. Article 47 includes the duty of the State to maximize the dietary and lifestyle aspects and to enhance general well-being. The State shall value the elevation of the dietary and lifestyle aspects of its families and the enhancement of general well-being as one of its basic obligations. A few states had their very own food-related legislation until 1954. The Government of India then created a focal enactment named the Prevention of Food Adulteration Act 1955, with an article repealed in 2011, setting out the requirements for food and naming and bundling guidelines. Before the Food Protection and Standards Act 2006, a set of laws such as the Food Adulteration Prevention Act, 1954, the Fruit Products Order, 1955, the Meat Food Item Order, 1973, the Vegetable Oil Products Order, 1947, the Edible Oils Packaging Order, 1998, the Solvent Extracted Oil, De-oiled Meal, and Edible Flour (Control) Order, 1967, the Milk and Milk Products Order, 1992, Essential Co.<sup>5</sup>

The assortment of food laws created chaos in the minds of consumers, manufacturers and farmers.<sup>6</sup> In its twelfth report sent to Parliament in April 2005, the Standing Committee of Parliament on Agriculture wanted to see a coordinated food regulation for the entire food processing sector and all outlets, from production to retailing. It thus paved the way for the Food Safety and Standards Bill 2005 to be introduced in Parliament. Ultimately, the Bill was passed in 2006. Critical food or refined food is officially represented in India by the Food Safety and Standards Act 2006. Be it as it might, the whole Act came into effect before the Food Adulteration Control Act, 1954. In the judgment set aside the blockade imposed on 9 variations of Nestle Maggi Noodles by the Food Safety and Standards Authority of India, FSSAI and the Commissioner of Food Safety, State of Maharashtra, the Hon'ble Bombay High Court in the judgment freed up the boycott forced on 9 variations of Nestle Maggi Noodles by the Food Safety and Standards Authority of India, FSSAI and the Commissioner of Food Safety, State of Maharashtra on the ground that the demands for boycott were arbitrary and the standards of daily equity were not followed while forcing the previously stated boycott by.<sup>7</sup>

After offering a definite hearing, the Bombay High Court approved the appeal recorded by the petitioner and set aside the orders. The Hon'ble High Court decided that 5 samples out of 750 containers kept by M/s Nestle India Limited from each clump case should be checked in three testing centers cited in that within about a month and a half and in the event that the lead is detected within acceptable cutoff points, the petitioner-company will be allowed to make each of the variants of the noodles f at that time.<sup>8</sup> The High Court ordered the research centers to follow the approach defined under Section 472 and other related provisions/Regulations of the Food Safety and Standards Act, 2006. In view of the fact that the High Court did not consider the suggestion that the fourth example of the Respondents' ownership should also be tried on the basis that the procedure of testing was not followed in compliance with Section 47(1) of the Act. The court also ordered the applicant to search for item approval for Tastemaker's Maggi Oats Masala Noodles.

<sup>3</sup> [www.wikipedia.org](http://www.wikipedia.org)

<sup>4</sup> <http://ssrn.com/abstract>

<sup>5</sup> <http://www.epw.in/perspective/MDM/primary-schools.html>

<sup>6</sup> [www.iimahd.ernet.in](http://www.iimahd.ernet.in)

<sup>7</sup> [Gujarathighcourt.nic.in/articles/courtsystem.html](http://Gujarathighcourt.nic.in/articles/courtsystem.html)

<sup>8</sup> [India.indymedia.org/en/225/05/210472.shtml](http://India.indymedia.org/en/225/05/210472.shtml)

# International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: [www.ijirset.com](http://www.ijirset.com)

Vol. 6, Issue 9, September 2017

Adulteration of food is a 'slow poison' and it creates severe health hazards. Therefore, laws should be made more stringent and strict to prevent food and dairy products.<sup>9</sup>

## THE LAW AGAINST FOOD ADULTERATION: A CURRENT ASSESSMENT AND A PROPOSAL FOR AN ENFORCEMENT ALTERNATIVE\*

Since the early 1950's, Parliament has attempted to create an anti-food adulteration law that can be successfully enforced. This paper discusses these efforts by Parliament and the experience of the executive branch in enforcing the law against food adulteration. Then the possibility of creating an additional enforcement mechanism—private actions in the consumer interest under the civil law—is raised. An examination of the experience of the United States in this regard suggests possible directions of development for India even though the United States Supreme Court has thwarted such hopeful developments in that country.

Food adulteration has been a persistent problem in independent India. As early as 1950, Parliament concluded that food adulteration was "rampant".<sup>1</sup> Thirteen years later, Parliament found that the problem of food adulteration was increasing rather than lessening.<sup>2</sup> Despite apparent fluctuations in the extent of food adulteration,<sup>3</sup> within the past year both Parliament and the United Nations Food and Agriculture Organization have indicated that in India the practice of adulterating food has continued unabated.<sup>4</sup> Although not all businesses in the food distribution chain engage in adulteration, it is found among producers of all sizes, wholesalers, distributors, and retailers. Most milk sold in India is diluted with water,<sup>5</sup> and a substantial proportion of some other foodstuffs including such basic staples as turmeric, ghee, tea, flour, edible oils, butter, and chilly powder is adulterated.

**Figure 1: The Law Against Food Adulteration: A Current Assessment And A Proposal For An Enforcement Alternative By Alan M. Katz**

Moreover, there has been an article published on JSTOR on food adulteration which shares a snippet of what is going on in this Ludacris world related to the food adulteration.

### III. CONCLUSION

Cases of food adulteration are also growing, as with the growth in the food industry. Laboratories can also be expanded strategically in order to maximize the amount of experiments and people (who believe in making money from adulterating food) may be reluctant to continue this phase in the future. The sense of 'meal' clearly removes animal feed from its reach. The irony is that whatever toxins, insecticides etc. get into livestock that the animal (cow, goat, etc.) eats and absorbs becomes part of the food chain. Ex, today's milk.

Because there is a lack of proper methodological preparation, whether legal and science or technological, the issue of taking the sample in the adequate manner and standard needed for testing has generally been established. For this purpose, the HRD ministry can reflect on the role of universities that can provide food testing courses after looking at the seriousness of the matter. The problem of food adulteration should be investigated by a separate ministry as a critical matter that impacts the welfare of people.

### REFERENCES

1. S.Balamurugan, S.Dharanikumar, D.Gokul Prasanth, Krithika, Madhumitha, V.M.Prabhakaran and Dr.R.GokulKruba Shanker, "Internet of Safety: Applying IoT in Developing Anti Rape Mechanism for Women Empowerment", International Research Journal of Engineering and Technology (IRJET), Volume 3 issue 10, pp.713-719, e-ISSN: 2395 -0056, p-ISSN: 2395-0072, 2016
2. Balamurugan S, Visalakshi P, "Hybrid Firefly Algorithm Harmony Search for Feature Selection with BCNF for Multiple Subtables and EM-GMM for Top Down Initial Partitioning", Asian Journal of Research in Social Sciences and Humanities Year : 2016, Volume : 6, Issue : 8, 2016
3. Balamurugan S, Visalakshi P, "Privacy-Preserving Data Mining of Query Logs with Multiple Log Subtables in Conditional Functional Dependencies", Asian Journal of Research in Social Sciences and Humanities Year : 2016, Volume : 6, Issue : 8, 2016

<sup>9</sup> [www.fda.gov/about/FDA/whatwedo/history](http://www.fda.gov/about/FDA/whatwedo/history)