An Exhaustive Commentary on - The Prevention of Food Adulteration Act & Rules (Central and States with State Amendments) - A Book Review

Aparna Meduri
Food activates human life to proceed with it’s activities or components. The healthy body is the result of intake of fresh and healthy food by a human being. Infact, the secret of a good life is to have the right food at the right time. Owing to the importance of food, the modern society treats the adulteration of food as a henious and unpardonable socio-economic offence. Infact, “the Adulteration of food stuffs and other food” is an item under the Concurrent List in the Constitution of India. In order to prevent this adulteration of food, the Indian Government has enacted a Consumer Legislation called “The Prevention of Food Adulteration Act, 1954”. The book under review “An Exhaustive commentary on “The Prevention of Food Adulteration deals with this law (inclusive of latest amendments) pertaining to Food Adulteration mostly in technical sense.


**Part I.** The Prevention of Food Adulteration Act, 1954, is a Central Act to make provision for the prevention of adulteration of food because there exists an acute need to curtail this anti-social and economic evil which was widespread and rampant in the society. It is to prevent, curb and check adulteration of food and food stuffs, and to suitably punish the wrongdoers.

It came into effect from 1\textsuperscript{st} June, 1955 and extends to the whole of India. It’s main intention is to curb this evil at it’s root level itself, i.e, to curb the food adulteration activities of the small vendors or retailers in the society. The compliances under this Act are strict in nature and any non-compliance results into prosecution.

This socio-economic legislation consists of Preliminary, Central Committee for Food Standards and Central Food Laboratory, General Provisions as to Food, Analysis of Food and Miscellaneous as discussed below:

- The Preliminary part comprises of short title and commencement, definitions and the rule of construction.
In case of the Central Committee for Food Standards and Central Food Laboratory, both are constituted by the Central Government through notification in the official gazette to carry on the activities assigned to it.

The general provisions of food contains the legal provisions pertaining to food like prohibition of import of certain food articles into India or prohibition of manufacture, sale, etc., of certain articles of food like adulterated food, misbranded food, etc. Infact, it lists out and gives a clear description of the prohibited items.

For analysis of quality of food, the Central Government or the State Government by notification in the official gazette appoints a Public Analysts or the Food Inspectors possessing prescribed qualifications for such local areas as decided either by the Central Government or the State Government, as the case may be. Different Public Analysts may be appointed for different articles of the food. Any person holding charge of a medical officer as well as of a chemist is only a competent person to be a public analyst under this Act. However, no person can either be appointed as a Public Analyst or Food Inspector if he has any financial interest in the manufacture, import or sale of any article of food. A public analyst cannot be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 because he is neither in government service nor in government pay. However, a food inspector is deemed to be a public servant as aforesaid because he is officially subordinate to the authority appointed by the government in this behalf.

The Public Analyst on his completion of the said analysis, submit a report in prescribed form to the Local (Health) Authority, and if food analysed is adulterated he may institute the proceedings against the concerned persons in the prescribed manner and inform them that they may make an application to the court within a period of ten days from the date of receipt of the copy of such report to get the sample of such food analysed by the Central Food Laboratory whose certificate is final and binding.

The Act also contains certain miscellaneous provisions like the manufacturers, distributors and dealers to give warranty in prescribed form to the vendor prior to their sale of food article(s) to them, Vendor shall disclose the name, etc. of the person from whom such article is purchased, Medical Practitioners required to inform the occurrence of food poisoning within their acknowledgement to the prescribed officer, Penalties for contravention of the provisions of this Act, Power of the appropriate governments to make rules or give directions, as the case may be, to all concerned, Repeal and saving, etc.

Part II, The Prevention of Food Adulteration Rules, 1955 are the rules applicable to the whole of India which comprises into different parts, i.e, Part I to Part XIX, with three appendixs – A, B & C, wherein it deals with different aspects pertaining to

- prevention of Food Adulteration like it’s applicability to the whole of India,
- functions and analysis of food samples by the Central Food Laboratory,
- the quality standards and its definitions,
- the qualifications, appointments, duties, powers and the working style of the Public Analysts and Food Inspectors,
- the procedure pertaining to the sealing, fastening and dispatch of samples, extent of colouring, packing and labeling of the food articles,
• prohibition, regulation and conditions for sales,
• procedure for obtaining the license for sale of food articles,
• provisions pertaining to usage of different food articles like preservatives, poisonous metals, crop contaminants and naturally occurring toxic substances or anti-oxidants, emulsifying, stabilizing and anticaking agents, etc.


TO CONCLUDE, this book is the latest commentary on up-to-date amendments, rules, allied Acts and case laws decided by Supreme Courts and various High Courts at appropriate places which is the replica of an in-depth study of the general principles and legal provisions pertaining to prevention of food adulteration in India. This book gives clarity of thought and expression in relation to its contents. This book can be an excellent guide for the Bench, Bar, Medical and Health Departments, Food Inspectors, Municipalities and Local Health Authorities, Public Prosecutors, Police Department, Food and Foodstuff Dealers, Manufacturers, Retailers, Dairies, Public Analysts, Laboratories, Canteens, Hotels, Hospitals, Restaurants, Ice-cream Parlours, Army, Navy and Air Forces, Confectioners, Railway Caterers and Railway Department, Flour Mills and Drink Manufacturers, etc.

Contributed by:

Aparna Meduri
Research Associate
Academic Wing (Law)
The ICFAI University
India