

Right to food in respect with food adulteration at National and International law

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Introduction

The question arises is, are consumer safe in this world in relation with food adulteration. In India to curb with this problem The Prevention of Food Adulteration Act, 1954 was enacted. The object envisaged in this legislation was to ensure pure and wholesome food to consumers and also to prevent fraud or deception. In 2006 the act was amended and seeing to the social conditions Food Safety and Standards Act, 2006 came into existence. The concept of human right emerged along with the rest of contemporary international human rights law in the aftermath of World war – II². The right to food was initially codified in the Universal Declaration of Human Rights, Article 25(1). Food adulteration is a major blockage in the implementation of laws in the society. Food should be free from adulteration then only we can say it is properly implemented.

No nation can develop and defend its integrity unless a society is physically morally and holistically sound and healthy. To develop a healthy economy, it is essential to protect consumers. In this paper we will discuss various provisions relating to food adulteration.

Hypothesis:

Even though there are various provisions or laws at national and international level to protect each and every one to enjoy right to food and it should be free from adulteration, it has not proved adequate. There is a need to strengthen the laws.

Research Methodology:

The method adopted is purely doctrinal research.

Various laws relating to Food adulteration:

Let us focus on various laws/ provisions relating to food adulteration.

Consumer Protection Act, 1986

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²http://www.newmanpublication.com/admin/issue/br/16%20New%20Man%20Publication-%20NMIJMS%20June%202015_www.newmanpublication.pdf

Consumer Protection Act, 1986 is a dire need core in today's world as it gives protection to consumers against unfair trade practises, protection against abuse of monopoly position and for restrictive trade practices. The preamble of the Act itself says "An Act to provide for better protection of the interest of the consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith". This act came into existence with the main objective to protect consumers.

Food Safety and Standards Act, 2006

The Food Safety and Standards Authority of India (FSSAI) have been established under Food Safety and Standards Act, 2006 which consolidates various acts and orders that have hitherto handled food related issues in various Ministers and Departments. FSSAI has been created for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of asfe and wholesome for human consumption.

Indian Penal Code

Indian Penal Code 1860 also plays an important role in curbing food adulteration. Chapter XIV of Indian Penal Code, 1860 deals with "Offences Affecting the Public Health, Safety, Convenience, Decency, and Moral".

Sec 272 speaks about Adulteration of Food or drink intended for sale- "Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, shall be punished with imprisonment of either description for a term which may extend to 6 months, or with fine which may extend to one thousand rupees, or with both."³

Sec 273 speaks about Sale of Noxious Food or drink⁴- "Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to one thousand rupees, or with both"

Section 272 speaks about making of adulterated food and Sec 273 speaks about selling those adulterated food. Both sections impose punishment in relation to food adulteration.

Constitution of India

Constitution of India is said as heart of all laws. Art 21 has been widened by including various rights in it. Right to Health is one of the fundamental rights included under Art 21. It

³ S.R.Myneni,"Law Of Crimes(Indian Peanl Code, 1860)", 1st Edition, AsianLaw House Hydreabad, 2009, p-450

⁴ Supra Note, p 451

has been said under Art 21 “Health is not mainly an issue of doctors, social services and hospitals; it is an issue of social justice”. If good quality and unadulterated food is given to every human being the Right to health can be maintained”.

In a historic judgement in **Consumer Education and Research Centre Vs Union of India**⁵, the Supreme held that “Right to life” in Art 21 includes protection of health and strength of workers. The expression of ‘life’ in Art 21 does not connote mere animal existence. The much wider meaning is given to word life. It includes right to livelihood, better standard of life, clean conditions.

Universal Declaration of Human Rights, 1948

The Part IV of the Social and Economic Rights speaks about “The Right to Adequate Food”. Article 25 of the Universal Declaration of Human Rights lays down that everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, medical care, clothing, housing and necessary social service, and the right to security in the event of disability, widow-hood, unemployment, sickness old age or other lack of livelihood in circumstances beyond his control.

International Covenant on Economic, Social and Cultural Rights, 1966

Art 12 of the International Covenant on Economic, Social and Cultural Rights speaks about human right to health. It lays down that the right of everyone to the enjoyment of the highest attainable standard of mental and physical health is accepted by the State Parties.

Conclusion

There are various laws /provision to stop food adulteration but the situation has not changed. Food adulteration is still going on in the society. There are various reasons but poverty, to make money is the main reasons due to which food adulteration is going on. Day by day situation is going on worse. According to me consumers themselves should be aware and be alert while buying goods. There are various test to detect food adulteration which can be done at home, I would suggest following those simple test at home. If any one finds adulterated food it should be submitted to laboratory with its bill for testing this will help to detect food sample and also the people who are doing food adulteration.

⁵ (1995)3 SCC42