

A Critical Study of Indian Food Adulteration Laws and the Legal Rights of Consumers

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ABSTRACT

Food is one of the basic human necessities and one of the basic needs of the earth. It is necessary for life and adventures as well as happiness; it is necessary for health. In India, food has always been the vehicle for culture, social interaction, and artistic representation. The meaning of food adulteration has become increasingly bad. The act of adulterating food is prohibited to increase profit in itself, and to help avoid adding malicious or inferior substances to food. Whether it is fanning the fruit to chemically ripen it, or water in a quart of milk, the topic on food adulteration is growing in all expansions. Eventually, in long term consumption of these tainted foods poisons the body, harms the digestion system, and leads unto many other health issues. The ensuing document details the problem imitation of food presents in India examining the causes of imitation problems, product risks, and available legislation to combat these issues. This discussion addresses how the regulation of food as a public good that secures food as a basic fundamental part of 'life' is tied to the 'Right to Life' mentioned in Article 21 of the Indian Constitution. The discussion focuses on the laws securing food safety, as well as the Food Safety and Standards Act, 2006, and its provisions for food safety from adulteration; the purpose is to outline the background of the problem through the current legal, regulatory and enforcement frameworks, as well as the perception held by the public..

Keywords: Food Adulteration, FSSAI, Consumer Rights, Food Safety, Article 21, Indian Constitution, Legal Framework, Public Health, Awareness.

1. INTRODUCTION:

Similar to how fuel powers a machine, food is the fundamental energy source that sustains human life. Nevertheless, this has set off from time to time the assault on food safety and integrity. Dirty food, food adulterated in any way, or nutritionally empty food is what affects our health and well-being. Food adulteration—the adulteration in the sense of maliciously adding grossly inferior or harmful ingredients to food items to augment quantity or profit—has emerged as one of the major menaces before India. Besides being unethical and illegal, food adulteration is also a threat to public health and betrayal of consumer confidence. Because of these increasing food adulteration cases and consumer safety issues, a suitable law on the rules to prevent and penalize food adulteration was necessary. Early steps to legislate upon food safety and safety issues were taken in 1937, but the problem was of such a scale even then that calls for drastic amendments culminated into the Prevention of Food Adulteration Act, 1955 (PFA), whose primary objective was to see that the consumer was getting safe and unadulterated food but over time, with shortages and overlaps in between various legislations coming into the open, the demand for an effective and unified food law started gaining ground. This led to the passing of the Food Safety and Standards Act (FSSA), 2006 to combine all food legislations and framework and establish the Food Safety and Standards Authority of India (FSSAI). This research essay is intended to provide a thorough assessment of India's food safety laws and their effectiveness with respect to cases of adulteration. It looks at the goals, reach, and use of the law

as well as any existing restrictions. It also considers consumer's rights and remedies by thinking about consumers' current rights in these laws. Lastly, this study aims to offer workable suggestions for remedial reform and awareness-raising tactics to aid in the fight against this pervasive, risky, and preventable issue.

2. BACKGROUND

The issue of food contamination is included in the Concurrent List of the Constitution. Before 1954, various countries had their own laws to regulate food quality. Still, the differing vittles across countries created challenges for trade among regions. This stressed the necessity for a central legislation. Consequently, the Prevention of Food Adulteration Act, 1954 was enacted by the Union council to address the wide problem of food contamination in the country. This Act remained in effect until it was repealed in 2006 by the Food Safety and Morals Act, 2006. Alongside it, several other orders, including the Milk and Milk Products Order, 1992, the Fruit Products Order, 1955, and the Meat Food Products Order, 1973, were also repealed by the 2006 Act.

3. RESEARCH METHODOLOGY

This exploration paper is grounded on a doctrinal methodology. The study substantially draws from primary sources similar as crucial legislations on food contamination passed by the Indian Parliament. In addition, it includes perceptivity from scholarly papers available online and information published on the

sanctioned websites of the food Safety and Standard Authority of India (FSSAI).

4. OBJECTIVES

The main aim of this research paper is to study all food contamination laws in India in detail, so a comprehensive work can be done on this content. The purpose of this integrated research work is to produce mindfulness about public health, food contamination, food safety laws, orders, rules, and legal rights available to consumers among readers.

5. WHAT IS FOOD ADULTERATION

The Food Adulteration Act, formally the Prevention of Food Adulteration Act, 1954, commenced on June 15, 1955. The Act promotes pure and wholesome food for consumers and to discourage dirty methods or practices in violation of consumer protection legislation. Adulteration is defined as non-standardization of the food item by substituting or supplementing inferior substances, or applying deceptive practices. Food adulteration is the deliberate addition or removal of a substance (normally for an individual profit motive) from food typically to obtain a profit. This may include abolishing vital nutrient components or adding, non-food, toxic or cheap contents in order to obtain a profit. Food may also be inadvertently contaminated, due to improper storage conditions or cleanliness. It boils down to food adulteration as adding something that does not belong in food or takes away a significant component that is detrimental to health.

6. KINDS OF FOOD ADULTERATION

Astronomically there are three kinds of food adulteration in India. These are as follows

Replacement – It means complete or partial relief of the precious components.

Addition – Addition of non-authentic components or addition of cheap thing.

Removal – Removal of authentic precious components which was supposed to be part of it.

7. CLASSIFICATION OF FOOD ADULTERATION

Food adulteration can be classified into three major types. The brief discussion about all these types of adulteration as follows:

Intentional Adulteration – This is one type of adulteration that's scented with a particular intention. It's committed by milk distributors or sweet shop merchandisers. This adulteration occurs due to the envy in people. They add some cheapest or another food substance rather of the original element to increase the number of food particulars. It's for profitable gain. Purposeful adulteration is really dangerous or pernicious to mortal health. E.g. water is mixed in milk to increase its volume. We came across this illegal exertion in day- to-

day life. Similar milk is not healthy and it's not sufficient to fulfill the nutritive demand of our body. Another illustration would be some people adding stone, marble chips, sand, or cocoon in grains or beats. This substance causes disease or infection in the mortal body. We know that similar kinds of exertion are also passing in the case of portion food which is distributed by the government at a truly low cost for poor people. It indicates that the government is failing to keep invigilation or surveillance on this illegal exertion. Incongruous performance of laws by government officers is the main problem.

Natural Adulteration – In this type of adulteration, natural products are developed that contain banes similar as seafood, beats, green vegetables, mushrooms, etc. It may be purposeful or unintentional. It can be done in chemical or organic composites.

Accidental Adulteration – This adulteration is not purposeful or natural. It occurs due to negligence, heedlessness, or ignorance among people. Occasionally people working in the packaging sedulity act negligently. Due to their ignorance, some foreign motes or unwanted substances get added to the original food product. This adulteration passed by mistake. Creating alertness among merchandisers is the only result to help similar kind of adulteration.

Metallic adulteration - this contamination caused due to the addition of some material to a food product. Devilish consumption or consumption of dangerous material causes serious health issues. This adulteration is caused due to the presence of certain material like Pb, Cr, Ni, As and Sn in food.

India's Current Central Food Safety Laws - Due to a number of excrescencies and gaps, the Prevention of Food Adulteration Act of 1954 was unfit to adequately address the contemporary issues girding food safety. The Food Safety and Standards Act, 2006 (FSSA) was passed by the Parliament in order to get around these restrictions and unify all food- related laws into a single, each- inclusive frame. In order to produce a single legal frame, this Act combined and repealed several former laws pertaining to food safety and quality. The Central Government is empowered to produce rules and regulations for the effective performance of the Act's vittles under Section 91 of the FSSA. The government has used this authority to ordain a number of laws designed to uphold and oversee food standards. These correspond of carrying licenses and registering food businesses are governed by the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011. The 2011 Food Safety and Standards (Packaging and Labeling) Regulations establish guidelines for applicable food product packaging and unambiguous labeling. The 2011 Food Safety and Standards (Laboratory and Sample Analysis) Regulations address how food is tried and tested in approved labs. The 2011 Food Safety and Standards (Food Product Standards and Food Additives) Regulations outline respectable complements and quality conditions for various food particulars. Together, these laws guarantee that Indian food products fulfill the necessary safety conditions and guard consumers from defiled or dangerous food.

The Prevention of Food Adulteration Act of 1954 – The Prevention of Food Adulteration Act, 1954, was one of the most significant pieces of legislation in India for protecting consumers from contaminated or hazardous food. It was amended in 1964, 1976, and 1986 to better address the changing needs of food safety. The main objective of this Act was to prevent the sale of tainted or hazardous food products that could pose a health risk to the general public. Unfortunately, in order to make money, some food suppliers and vendors in many parts of the country used dishonest business practices by replacing pure food with cheap, contaminated, or impure food. Such individuals were considered criminals under this law. This Act provided a comprehensive definition of food adulteration and applied it uniformly across India. It created penalties for offenders. Some noteworthy aspects of its penal structure are as follows: First-time offenders risk a jail sentence of six months to a year or a fine of up to ₹2000. Repeat offenders face up to six years in prison and the possibility of having their operating license revoked. If a customer was injured by consuming contaminated food, the vendor might be held accountable under Section 320 of the Indian Penal Code, which deals with causing grievous hurt. The federal and state governments had the authority to designate food inspectors in order to implement this law. These inspectors were considered public servants under Section 21 of the IPC, and they had the following authority: Collect food samples from vendors. And send the samples to a laboratory for test. If you have concluded that food is adulterated, manufacture and sale of such food should be stopped. The Act laid down various duties of the Central Government, one of which was to ensure proper enforcement of the Act. It performed all these functions through periodical inspections, obtaining reports from the States, and through public awareness, which included consumer education. In a nutshell, the Prevention of Food Adulteration Act of 1954 provided for an authority for designated persons, laid down food standards; sampling methods, analytical methods of analysis, and penalties for contravention of the standards. It was really a big step in protecting all Indian consumers' rights and health.

Position under the Indian Penal Code, 1860 – In addition to specific food safety laws, the Indian Penal Code (IPC), 1860, also contains vittles related to food contamination. Chapter XIV of the Indian Penal Code is devoted to offences that peril the well-being of the public, including pitfalls to health, safety, general comfort, societal decency, and moral conduct. Under Sections 272 and 273, lacing food or drink, or dealing similar weakened particulars, is considered a lawless offence. The discipline for this offence includes imprisonment of over to six months, a fine, or both. Still, some countries like Uttar Pradesh and West Bengal set up this discipline shy. To address the soberness of the issue, they amended the vittles in 1970, making food contamination a much more severe offence. As per these state emendations, the offence is now punishable with imprisonment for life, in addition to a penalty.

8. THE FOOD PRODUCTS ORDER 1955

The Fruit Product Order 1955 was announced under section 3 of the Essential Commodities Act 1955. The ideal of this was to maintain aseptic conditions while the manufacturing of the fruits and vegetables product at the manufacturing unit. This order ensures that fruit products should be manufactured in clean demesne with respectable volume. This order was passed to maintain the quality morals of the food products on the food products. This is a instrument mark applied on the food products packaging. After seeing this mark, the consumer gets an acknowledgment that the product is sterile and has quality. This order makes it obligatory for all manufacturers of fruits and vegetables products to gain a license. This food product order mark is applied to all reused fruit products in India similar as pickles bottles, fruit jams, beverages, and fruit pulsed. The demand for carrying a license under this order is to maintain particular hygiene, clean demesne, water should be movable, effective ministry and outfit, quality control installation, and specialized staff.

The Meat Food Products Order (1973) – which regulated the product, processing, packing and distribution of meat and meat- grounded food products in India, was the principle ideal of the Meat Food Products Order, 1973. The order handed conditions of access to the market by proscribing meat products that did not meet satisfactory safety and aseptic conditions, in the interest of public health. The licensing demand was one of the major features of this order. Anyone or any company wishing to produce, sale or pack meat products must gain a valid license from the applicable governmental body. The intention was to achieve a nonsupervisory regime for the meat product regime that was invariant, responsible and licensed.

The Meat Food Products Order was aimed at all stages of the operation of meat related food products and it made it clear how important good aseptic conditions are, given that meat is perishable and a vehicle for zoonotic disease (diseases from animals to humans) similar as avian influenza (bird flu) and swine flu. Meat is the food commodity most responsible for foodborne illness and thus the order indicates that aseptic conditions are pivotal each along the continuum of meat- related food products (processing, storehouse, transport and retail). It also indicated the significance of quality assurance measures along each point in the product and chain of supply process. All manufacturing facilities must operate effectively and people known germs (and pathogens) must have hygiene measures in force in all facets of the product and storehouse of however meat- related food products and they must be in safe storehouse and transportation locations to reduce the threat of impurity or corruption.

In summary, the Meat Food Products Order, 1973 represents a formal legal framework to insure that meat-related food products are safe and aseptic, hygienically fit for mortal consumption and upholds the governments limit on the meat business in a formal way with a licensing and compliance structure in place.

9. ESSENTIAL COMMODITIES ACT 1955

This Act is also recognized as a public interest Act because it was enacted for the purpose of public welfare. This Act deals with “the control of the production, supply and distribution of and trade and commerce in certain commodities.” It is one of the very important Acts any country can have. After the Second World War India was facing shortages in food products or essentials commodities. In every society we have some dealers who facilitate the shortages of foods, daily needed products and essentials commodities in pursuit of their illegal gains. If this is the case, then that is a threat on the very nature of food product security. Therefore in order to regulate the distribution of commodities, the aid Act was important. Through the aid Act the government has the legitimate power to cultivate, produce, supply, store, sell, and distribute essential commodities. This Act takes into account the supply or delivery commodity or products and is all about the governing essentials in food items.

Food Safety and Standards Act, 2006 – The Food Safety and Standards Act, 2006 is the new legal frame whereby all former food laws in India have been assessed and determined to form one Act. As preliminarily noted, several food laws was, which can lead to query; now they’re all consolidated in a more compact, coherent, unified legislation in order to cover the public’s health and food safety in the country. This legislation is intended to cover health and food safety by making sure that the food people eat is safe, not thinned, and is of good quality. The Act oversees the entire food force chain; including the product, storehouse, distribution, trade and import of food products. The Food Safety and Standards Act allows for the perpetration of the FSSAI, in addition to applicable State Food Safety Departments to take responsibility for upholding and administering food safety standards in the country. They’re administrative authorities, with the capacity to check, sample, test, and take action. Specifically, the Act allows for the appointment of a Food Critic who would be responsible to test any food sample and produce a report in fourteen days to a sanctioned officer and the Commissioner of Food Safety. Overall, the Food Safety and Standards Act of 2006 is an important safeguard to limit consumers’ exposure to food contamination and to insure only safe and aseptic food products enter the market. Overall, the Food Safety and norms Act of 2006 is a pivotal protection to limit consumers’ exposure to thinned food and assure that only safe and aseptic food products can enter the business.

Consumer Protection Act, 2019 - Consumers -To protect their rights and ensure they are treated fairly, the Consumer Protection Act, 2019 was passed. This law is

designed to safeguard consumers from unfair practices, poor-quality goods, and unsafe services. To help consumers seek justice, the Act has set up Consumer Dispute Redressal Commissions at three levels—District, State, and National. If a consumer feels cheated or harmed, they can approach these forums and file a complaint to get relief.

Rights of Consumers Against Food Adulteration - If a consumer falls sick or suffers harm after consuming adulterated or contaminated food—whether from a shop, street vendor, or restaurant—they have full legal rights to take action.

- A complaint can be filed with the Food Inspector.
- Complaints can also be submitted by calling the FSSAI helpline or writing an email through the official FSSAI website.
- If the investigation proves that the food was adulterated, the court can order the vendor or food business to pay compensation to the affected person.
- This law ensures that consumers are protected and that food sellers are held responsible for the safety and quality of the products they provide.

10. .RECOMMENDATION

The suggestions for minimization of food adulteration are as follows We need to emphasize on breaking down the storehouse installation capacity of food grains and food stuffs The government should emphasize juggernauts about food adulterations and informing people about customers’ legal rights Government could establish “adulteration awareness cells” where people could report food adulteration right down The proper implementation of food adulteration laws is needed.

11. CONCLUSION

India’s food adulteration laws have changed dramatically over the times. Firstly, the areas had their own various regulations. Also the various areas repealed their regulations and enacted the Prevention of Food Adulteration (PFA) Act, 1954. Principally, this was a significant advancement. After 1954, though the PFA handed a base for regulation, it was eventually diagnosed it as sour and replaced it. In this repeal and new enactment, a wider frame was created under the Food Safety and Standards Act, 2006 and its coexisting regulations did give a more integrated approach to the matter. Still, laws alone cannot produce any meaningful change. It will take ongoing commitment and enforcement on the part of the applicable authorities to transform the letter of the law to a constant.

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