



REVIEW ARTICLE

PROTECTION OF CONSUMERS RIGHTS AGAINST ADULTERATION OF FOOD IN THE LIGHT OF
PREVENTION OF FOOD ADULTERATION ACT 1954

*Jyothi Gurupadappa

Research Scholar, Department of Law, Gulbarga University, Kalaburagi,
Assistant Professor SSL Law College, Kalaburagi

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ABSTRACT

Right to food is one of the human rights of consumer's to which every consumer is entitled by virtue of being born as human beings. Right to food is one of directive principles of state policy and it is enforceable by law. Food adulteration has now become a major threat to consumers health and consumers are suffering various types of health problem. Every human is a consumer while availing various necessities of his life. To overcome food adulteration the government of India introduced the food safety and standards Act 2006. To overcome the deficiencies in the prevention of food adulteration Act 1954. There are the number of laws to protect the consumer against adulterated food. The article deals with various provisions and law that aim to protect the consumer against food adulteration is discussed. The paper also deals with various provisions and remedies to protect the consumer's right.

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INTRODUCTION

Increasing in population, rapid urbanisation, globalisation, changing life style, increased consumption of food outside the home, have necessary to take sufficient attention on quality assurance and hygiene standards in this society. The consumer is exploited and he is the victim by the trading community. Consumer rights are violated every day in the society. To respect, protect and fulfil the consumers rights.it is the obligation of governments and other stake- holders responsible for ensuring safe food. Taking up this issue, the WHO has adopted the theme for world health day 2015 as "Food safety – From farm to plate make food safe".

The objectives of this paper as follows

1. To study the provisions of law to protect the consumers rights
2. To study remedies available to the consumers against food adulteration.

Research Methodology

Research methodology is adopted in this paper is purely doctrinal. First source of reference material is the enacted piece

*Corresponding author: Jyothi Gurupadappa,
Research Scholar, Department of Law, Gulbarga University, Kalaburagi,
Assistant Professor SSL Law College, Kalaburagi

of legislators. Secondary source covers various articles by the eminent authors and materials available in net.

DISCUSSION

Consumer: A consumer is a person who purchased a product or avails a service for a consideration, either for this personal use or to earn his livelihood by means of self employment. The consideration may be paid or promised or partly paid and partly promised. It also includes a beneficiary of such goods/services when such use is made with the approval of such perso. In general, we all are consumers because of all we are human and for survival we need good food. The person who sells the goods is seller, purchaser is a consumer and supplier to seller is a manufacturer. The Webster's New World Dictionary define consumer as 'A person who uses goods or service so satisfies his needs rather to resell them or produce other goods with them' Every consumer has a right to get good food. Consumers rights are guaranteed under the constitutional provisions and Human Right Law. Right to life, guaranteed by the Indian constitution under Article 21 it encompasses the right to live with human dignity and all that goes along with it, namely the bare necessities such as adequate nutrition. Health life can be lead by good food so the right to food is an integral part of right to life . Right to food is one of the human rights specially categorised as economic, social and cultural rights. It is the obligation of the state to ensuring human rights that is right food. Human Rights and constitutional Rights are the

consumers rights. Rights to food is the consumers rights. These rights are protected under the prevention of food adulteration Act 1954.

Food adulteration

Food adulteration is a serious matter of now a days and consumers are being the victims of the by adulteration in food. These adulterations are seriously injurious to public health most of the food stuffs are unsafe for consumption as from, production to consumption such as food manufacturers process, restaurants, fast food cell are involved in this chain of adulteration.

Adulterations can be broadly classified into three categories

1. Intentional adulterants: sand, marble, stones, mud etc.
2. Incidental adulterants: pesticide residues, droppings of rodents.
3. Metallic contaminates: Arsenic, Lead etc.

Various measures have been taken to protect consumers against the intake of adulterated food. Consumer protection means safeguarding the rights and interests of consumers. It includes all the measures aimed at protection the rights and interests of consumers. There are two phases in the history of consumer protection in India. The first phase mainly employed preventive measures through legal action. In the second phase the other role like protection and provider were enacted.

Indian Penal code

The protection of consumer rights has highlighted earlier in Indian penal code. Section 272 states that whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such articles food or drink or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of six months with fine. Section 273 states that whoever sell or offer or exposes for sale as food or drink any article which has been noxious or unfit for drink, shall be punished with imprisonment of six months or with fine of One Thousand or both. (Book – Rathanlal and Dheerajlal The Indian Penal code 34th Edition 2014)

Consumer Protection

The protection of consumers rights against food adulteration under the PFA act. As per section 14 of the PFA Act consumer (Purchaser) has a right to send sample of food article for testing to the public analyst. The Report of public analyst states the article is adulterated then consumer has right to file a complaint before the consumer redressed forum. This machinery has been authorised to provide time bond relief to consumer's. Remedies available to an aggrieved consumer are.

- i) Payment of compensation by seller manufacturer for any loss borne by the consumer.
- ii) Return of price by the seller.
- iii) Replacement of defective product with new products.

Protection of Consumers Rights under the PFA Act

The prevention of food adulteration act 1954 aims to eradicate the adulteration of food and protect the consumers from this evil. The PFA Act and rules are to protect the consumer

against ill health caused by adulteration. To prevent the adulteration of food articles and maintaining the quality of food stuffs a prosecution can be instituted by the central government, or state government or, a person with the written consent of central government or state government or a person authorised in this behalf by general or special order by the central government or the state government. Under section 20 of the PFA Act. Under section 12 of the PFA Act, the Purchaser (consumer) of food can also institute a prosecution for an offences under this Act and no consent is regarded from any authority the only condition is purchaser (consumer) attached copy of the report of the public analyst along with complaint.

Protection of Consumer Rights by Consumer Association

Any recognised consumer association can file the complaint under PFA Act. Consumers organisation also play an important role as an arbitrator between the consumer and the manufacturer for protection of consumers rights against food adulteration and resolving the grievances.

Some of NGO's playing vital role in protection of consumer rights

The first organization to really make an impact was the consumer management society of India (CGST) Bombay started by nine house wives in 1966. It started testing and reporting the quality of items of daily use of harvest and behaviour of consumer complaints it has 8 branches at various places carrying an exposure exhibitions and education it publishes a magazine called 'keemat' in English for consumer information. The second consumer organisation is 'Karnataka Consumer Services Society' formed in the year 1970, it organised important seminars on consumers education in schools and is represented prevention of food adulteration. In view of the prevention of food adulteration act 1954 focused on the consumers health and safety by giving powers to the consumer organisations and consumer to file a complaint with public analyst report under section 12. Recently launched an online platform called the food safety voice' where consumers can register their complaints against food safety issues about adulteration food, sub standard food, labelling defects in food and misleading advertisements related to various food products.

Conclusion

Therefore consumer associations and individual consumer get to aware about the adulteration of food and know the legal provisions to protect the rights of consumer. The protection of consumers Right is not only the responsibility of the state, it is also responsibility of the each consumers. The consumers must take care by themselves with the help from recognise consumer association and authorities. It is also responsibility of the authorities to give special advertisements to create and educate the consumers about prevention of food adulteration through News papers, News channels and other Media agencies. Finally it is the duty of the consumer that they aware and educate themselves and their neighbours about the protection of Rights against food adulteration.

REFERENCES

Bhartpaul Puja patal Jasbir Singh malik – Food safety The Indian perspective *National Journal of Community Medicine* 2015.

- Book – Rathan lal and Dheeraj lal The Indian Penal code 34th Edition 2014.
- Book: The prevention of food adulteration of Act 1954 – Bare Act published by R.A Garg – 2007.
- Consumer guide – consumer hand book department of consumers affairs government of India - 2015 printed at New United process, A, 26, Phase – II Naraina Area, New Delhi – 110028
- Consumer protection in India – Available on online at <http://indiankanoan.org/doc>
- Dr. G.A Solanki: Food Adulteration and legal rights of the consumers *International Journal of Advanced Scientific and Technical Research*, Issue, Volume 2 5th October 2012.
- Dr. Leena. R. Chitlange : To study awareness about PFA – 1954 among working women of washion and their attitude towards seeking legal remedies n case of adulteration – *The International Journal of Science & Technology*, Vol 2 issue 9 September 2014.
- Mirza Farzana Iqbal chowdhury – Evaluating position of Bangladesh to combat Adulterated Food Crisis in the light of Human rights *IOSR Journal of Human and Social Science*, volume 19 Mar – 2014 PP45- 54.
- Mr. Rajib Bhattacharya An analysis on the various aspects of consumer protection in *India International Journal of Research (IJR)*, volume 1 July 2014.
- MS. Kiran Chaudhres MS Tanu chandhiok, mrs parveen dewan- consumer protection and consumerism in India – *Internationally Journal of Multidisciplinary Research*, vol 1 may 2011.
- The college edition of Webster’s New World Diary (1964) U.S.A PP317.
- Umesh Kumar singh – The role of food inspectors in managing quality of food articles under the PFA Act 1954 – A Critical Appraisal – Ban L.J 2002 192-208
- www.ijirset.com
- www.yourarticlelibrary.com
