

A.P. MATHUR'S
COMMENTARIES ON
PREVENTION
OF FOOD
ADULTERATION
ACT, 1954

Revised by

H.D. TRIVEDI

EIGHTH EDITION

EASTERN BOOK COMPANY

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Commentaries on
**PREVENTION OF FOOD
ADULTERATION
ACT, 1954**

PREFACE TO THE EIGHTH EDITION

Prevention of Food Adulteration Act, 1954 was never so drastically amended as by the Amending Act 34 of 1976. This amendment sought to plug various loopholes and lacunas in the Act ensuring a speedy and fair treatment to the persons accused of offences under this Act. With the advent of this amendment in 1976, much of the old case-law became redundant except probably for the limited purpose of being used in deciding the old cases pending at that time in the Courts. However, with the lapse of time, new case-law poured in and by the present time there has been an enormous, rather a mushroom growth of the case-law on the subject-matter. Besides this, the Central Rules have been exhaustively amended and State Rules also amended while new Notifications have been added from time to time. In view of all this, not only a new edition of the book was a must, but it was also equally desirable that the new case-law should be placed at its appropriate place. Since, there has been a considerable increase in the number of legal journals as well, these journals, motivated by the feeling of competition, are reporting almost each and every case decided by our High Courts — whether they deserve reporting or not — and as such a heavy duty had fallen on the shoulders of the revising author to make a wise selection of the case-law with a view to save the book from being a haphazard storehouse of the cases. The author has very often faced irreconcilable rulings which have also been mentioned in the book. The main focus has been on the Supreme Court case-law and such High Court case-law on which Supreme Court decisions are yet awaited. With this scheme of presentation and elaborate lucid commentary on the Act, it is hoped that the present edition will prove to be more useful than ever before.

— H.D. Trivedi,
Advocate.

PREFACE TO THE SEVENTH EDITION

Mathur's Commentaries on Food Adulteration has been a landmark in law commentaries. The late author treated this complex and obdurate subject in a systematic manner and in simple style. The past six additions of this commentary have established it as the most authoritative book on this subject. The present edition has been overdue since a long period of time. During this period the mass of case-law that has appeared has been noted and the entire commentary overhauled to incorporate the change particularly in approach of the Courts in dealing with this subject. This change came when the Courts realised that the traditional approach of Criminal Law needed reorientation. The menace of food adulteration afflicts the entire population and calls for stringent measures and heavy punishment to the offender. But in cases of food adulteration the middle-man, especially the small shop-keeper may often be innocent. He buys the goods himself and merely passes it on to the consumer. The proof of adulteration has also posed considerable difficulty and courts have been very insistent on proper compliance with the procedure provided by law. The apportionment of guilt and the award of punishment also has not been an easy matter.

One particular case that needs special mention is *Fakhruddin v. State of U.P.*, a recent Full Bench decision of the Allahabad High Court decided on February 6, 1976, wherein the Court held that 'store' in Section 7 and 'distribute' in Section 16 need *not* be for sale. The High Court while so laying the rule did not notice two decisions of the Supreme Court* which considered the same question and clearly laid down that 'store' in Sections 7 and 16 means 'storing for sale'. Consequently storing of an adulterated article of food for purposes other than for sale would not, in the opinion of the Supreme Court, constitute an offence.

The statute also has undergone considerable change and exhaustive changes have been made by Act 34 of 1976. Of far reaching consequence is the inclusion of 'adulterants' within the ambit of the Act. Since even an innocuous items such as water can be used as an adulterant, the circumstances in which the adulterant is found in relation to the article to be adulterated will, in our opinion, greatly matter.

* *Municipal Corpn. v. Laxmi Narain Tandon*, (1976) 1 SCC 546 (decided on Dec. 17, 1976 and *Om Prakash v. Delhi Admin.*, (1976) 1 SCC 637 (decided on Dec. 10, 1975).

The frequent changes in the Central Rules have been carefully noted and Rules made upto date till May, 1976. The State Rules and Notifications have also been updated. Rules of the U.P. Government framed in May, 1976 have also found place in this book.

The subject-index has been made very exhaustive and commodity-wise headings have also been inserted so that the relevant matter in relation to any commodity can be found easily.

Every effort has been made to increase the practical utility of this book and it is hoped that it will meet the high expectation and esteem in which this commentary has always been held.

Suggestions for further improvement are most welcome.

August 15, 1976

—*K.K. Malik*

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