



CHAPTER IX

Remedial Measure



CHAPTER - 9

REMEDIAL MEASURES

From the discussion of the Chapter 6 and 7 the adulteration of groundnut oil, in one form or another seems to be prevalent in Kolhapur district. It is revealed from the chart prepared by us that the principal edible oil that is groundnut oil is being adulterated with by mixing up the substitute low priced edible oils. Among the various kinds of adulterants the castor oil is usually used at the ratio of 20 percent with the groundnut oil. At the same time the retailers sell sunflower oil in disguise of groundnut oil even though latter is demanded by the consumers. This is the way by which the retailers can make easy profit. Such type of practice amounting to adulteration, which is most common among the trading community is very difficult to prove before the jurist. That is why the tendency towards adulteration has been increasing among the trading class instead of falling off. Therefore, it is necessary to suggest remedial and preventive measures.

9.1 Positive Measures :

As we have seen the imbalance between the supply and demand for the edible oils is the basic cause behind the

adulteration. Among the other positive measures, it is essential to expand the edible oil output domestically. To expand the supply of edible oil the production of groundnut seeds has to be increased. To achieve this objective area under groundnut has to be expanded considerably. Area expansion of groundnut crop could be realised only by diverting land under other crops. Or the expansion of groundnut output could be brought about by improving the productivity of land under the crop. With a view to closing the supply-demand gap, it is therefore necessary to take immediate steps on both the fronts. New technology inclusive of high yielding variety of groundnut seeds, application of chemical fertilisers and provision of water supply/irrigation facilities.

9.2 Production of Substitute Edible Oils :

In recent years the government has been making an attempt to introduce and popularise the cultivation of other equivalent edible oil seeds like sunflower and soyabean among the farming community. It is therefore, necessary to adopt a package of incentives so that the farmers can expand the output of these substitute edible oil crops. Besides, it is most urgent to change the consumers' liking for groundnut oil by educating the general public. However, the demand supply gap in regard to groundnut oil cannot be totally removed unless the consumers become adaptive to new varieties of substitute edible oils.

9.3 Imports of Edible Oils :

In addition to above measures to close the gap between supply and demand timely imports of edible oils are called for. The government had made an attempt in the past to import equivalent edible oils like Palmoil from Malaysia, soyabean from Canada and rapeseed from America, to tie over the supply-demand gap. The policy of liberal imports of edible oils has to be adopted and continued so as to ease the supply-demand tight position which occurs frequently and at short intervals. Groundnut oil having an inelastic demand and being the most essential food item, the top most priority will have to be accorded to import of it and its equivalent.

9.4 Timely Releasing of Edible Oils :

Since temporary and acute scarcity conditions create more and more room for hike in price and adulteration, timely release of imported edible oils is very necessary/quite essential. Sometimes adulteration becomes a common phenomenon on account of backlog of releasing such scarcity articles through public trading and distributive agencies.

9.5 Inter-Departmental Co-ordination :

Market supply-demand imbalances and adulteration in respect of edible oils are, sometimes caused by lack of proper co-ordination between the agriculture department, Public Distribution System (PDS) and FDA. The scarcity

conditions have been accentuated because of information lag as between these concerned departments. The information relates to crop conditions and supply position of edible oils in the market. Since the crop positions are largely influenced by climatic condition the seasonal supply-demand gaps are more likely to occur. Therefore, timely information with regard to supply position from the department of agriculture will enable the FDA to take timely and necessary measures to check adulteration. The departmental co-ordination will lessen severity of the shortage and adulteration. For example, when the FDA gets the information about the crop failures in advance, it will take timely required measures to prevent the adulteration.

9.6 Adequate Buffer Stocks :

As buffer stocks are required for checking prices of scarcity hit commodities, they are also necessary for checking adulteration of groundnut oil. To check adulteration of it the buffer stocks will have to be built up either through import or levy from oil mills. By holding stocks of edible oils and releasing them at proper times adulteration of edible oil could be kept at minimum level.

9.7 Need for Improvement of PDS :

Though the network of PDS has been functioning since long, it has not yet emerged as an efficient alternative agencies for distribution of essential commodities at a

reasonable prices. Firstly, PDS network has not been extended to interior parts of the country and whenever it has set up its network has not been functioning in a proper way. The essential commodities do not reach to the poor sections of the community for one or another reason. Better quality articles meant for the consumer's card holders very often do not reach to them, but they are sold at higher prices in the open market. The timings of distributing those commodities to the card holders quite often differ from schedules of buying. On these two accounts the scarcity conditions are being aggravated, prices in open market are being higher and adulteration of those articles remains unchecked. Therefore, the PDS functioning has to be reformed with a view to ensuring timely and adequate supplies to the common consumers. This could be done by buying edible oils from the surplus states and distributing them to deficit states. Thus government will pressurise the private trades in the open market not to raise the prices and adulterate groundnut oil.

9.8 Preventive Measures :

In addition to positive measures the preventive measures are also necessary to curb the extent of adulteration. The following measures are essential :

The amendment of existing pFA Act. First, lacunae in the existing act will have to be removed. Secondly, the provisions relating to adulteration will have to be amended so

as to restrict the scope for adulteration. The range between the maximum and the minimum limits of parametric values should be reduced considerably, so that a large number of traders will be brought under purview of PFA Act. Procedural reforms are further needed for effective implementation of the act. The cumbersome and lengthy procedural details will have to be reduced drastically. This will enable the authorities of the Food Department to catch hold of culprits.

The understanding as regards the spirit of the act is essential on the part of the jurist. Since the acquittal of the culprits are mainly on account of varied interpretation of the provision of the act by the jurist, it is quite essential to have the definite meaning of each legal terms used in the act.

Differences in interpretation arise out of the following reasons : In the first place act itself is not settled and as such the interpretation of the law is not settled at all. Provisions of the act have been interpreted from the various angles by the different jurists. The most significant aspect of the act is that it is more scientific and technical. It is, therefore, essential to have the scientific and technical knowledge on the part of the jurist so that the provisions of the act will be correctly interpreted and will be understood in proper spirit of the act. In regard to procedural matters the views of the judiciary are rigid. In fact the views of the judiciary should be flexible so that the culprits should be easily booked. The procedural matters

being treated as mandatory by the judicials any lapses in procedural matters help the culprits to be free from the punishment for the breach of the provisions of the act. Therefore, it is necessary that the judiciary should take flexible view with regard to procedural matters in view of the nature of the offence. Though the spirit of the PFA Act understood in its proper spirit by the judiciary, there are two enforcing authorities under whose jurisdiction some of the food items fall e.g. some food items are under the jurisdiction of Prohibition and Excise Department and of the FDA department the difference between the two departments lies in the fact that, the former has got compounding powers whereas the latter has not. Though the spirit of enacting PFA Act is very high and it should be. But while legislating the act the practical aspects of its enforcement should have been taken into consideration on the following ground :

- 1) For any breach of rule or section or provision of the act minimum punishment of three months is invariably imposed which is not acceptable to any prudent, conscious judicious mind. For example trading without proper and valid license amounts to an offence under Section 14 and 14a. Even not giving or taking a bill amounts to an offence under the act.
- 2) For offences where deliberate adulteration is injurious to health should be categorised separately and strict punishment should be accorded.

3) The judiciary should be given a liberal hand while imposing punishment and penalties after giving reasons for the leniency. While imposing the penalties for offences of various degrees the discretionary powers must therefore be given to the judicial authorities so that the sense of proportion in accordance with the serious nature of the offence can be used by the judiciary. For that it is quite necessary to change the legislation itself.

9.9 Consumer's Resistance :

In order to bring down the tendency of the traders to adulterate the consumable commodities, consumers' organisations have to be established at states. Such organisations are essential for educating the public about the various kinds of adulterations. This could be done by spreading the information about specific adulterations and their bad effects on the society as a whole. They are further needed for helping the authorities implementing the PFA act. In Kolhapur district an attempt is being made to organise the consumers in the name of "Consumers' Protection Organisation". But unfortunately the consumers at large are unaware of it and they do not respond to calls for attending consumers' meetings, lectures and co-operating with the organisations. The consumers are generally unwilling to protest against and or organise agitations or demonstrations of evil effects of adulterations on human body. In this regard the household wives should be made intensively aware of the food stuff

adulteration that cause harmful injuries on the human body in the long run. For example the consumption of adulterated edible oils cause incurable diseases like epidemic dropsy (Hathi Rogue) The resistance coming from household wives will help to bring down a trend of adulteration in the society. In short the public should be made aware as to adulterations and their effects intensively through organising its members.

9.10 Packing of Commodities :

Since the chances of adulterating food articles sold in the loose form are likely to be more, the packing of commodities in branded containers is to be introduced. By selling the goods in the branded packets will lessen the scope for adulteration at the retail level. Though the cost of packing and branding would involve an additional burden on the consumers, it is worth bearing from the point of view avoiding the risk of harmful effects. At the same time the distributors should divert their attention towards reducing the cost of packing and branding.

9.11 Code of Conduct .:

There are associations of traders and manufacturers like "Maharashtra Chamber of Commerce and Industry" at state level, and Kolhapur Chamber of Commerce and Industries at district level. These organisations try to protect the interests of the trading and manufacturing community through

submission of memorandums to the government with a view to get the concessions. At the same time they try to protest against the legislative measures which they feel to be against their own class interest. Therefore, these organisations should try to educate the trading community about the anti-social elements of food adulterations. The resistance within the trading community in our opinion would be more effective in the prevention of adulteration. We, therefore, make a suggestion that these trade organisations should prepare and enforce a code of conduct voluntarily. The code of conduct should be made applicable to all the traders and manufacturers irrespective of the layers at which they trade and manufacture.

9.12 Central Committee for Food Standard :

The Central Food Committee decides upon the norms about the adulteration of food items. These norms are decided at all India level by the scientists and the members of the legislative body. To have the perfect norms of adulteration from the practical point of view, the Central Food Committee should include the representatives from the FDA. By doing so, the difficulties at the implementation level will be minimised and the enforcement of the act will be nearer to perfection.