

Bill No. 46 of 2022

THE CRIMINAL LAW (AMENDMENT) BILL, 2022

By

Dr. SUJAY RADHAKRISHNA VIKHEPATIL, M.P.

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BILL

*further to amend the Indian Penal Code, 1860 and the
Code of Criminal Procedure, 1973.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

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1. (1) This Act may be called the Criminal Law (Amendment) Act, 2022.

Short title and
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

| | | |
|--|--|------------|
| Substitution of new section for section 272. | 2. For section 272 of Indian Penal Code, 1860 (hereinafter referred to as the Penal Code), the following section shall be substituted, namely :— | 45 of 1860 |
| Adulteration of food or drink intended for sale. | “272. Whoever adulterates any article of food or drink so as to make such article noxious upon ingestion or coming in contact, with the intention to sell such article as food or drink, or knowing it to be likely that such article will be sold as food or drink, shall be punished, where such adulteration, — | 5 |
| | (i) does not result in injury, with imprisonment for a term which may extend upto six months and with fine which may extend upto one lakh rupees; or | 10 |
| | (ii) results in non-grievous injury, with imprisonment for a term which may extend upto one year and with fine which may extend upto three lakh rupees; | |
| | (iii) results in a grievous injury, with imprisonment for a term which may extend upto six years and with fine which shall not be less than five lakh rupees; | |
| | (iv) results in death, with imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and with fine which shall not be less than ten lakh rupees: | 15 |
| | Provided that the fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: | |
| | Provided further that any fine imposed under this section shall be paid to the victim or in case of death of the victim to the next of the kin.”. | 20 |
| Substitution of new section for section 273. | 3. For section 273 of the Penal Code, the following section shall be substituted, namely:— | |
| Sale of noxious food or drink | “273. 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, where such adulteration, — | 25 |
| | (i) does not result in injury, with imprisonment for a term which may extend upto six months and with fine may extend upto one lakh rupees; | |
| | (ii) results in non-grievous injury, with imprisonment for a term which may extend upto one year and with fine which may extend upto three lakh rupees; | 30 |
| | (iii) results in a grievous injury, with imprisonment for a term which may extend upto six years and with fine which shall not be less than five lakh rupees; or | |
| | (iv) results in death, with imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and with fine which shall not be less than ten lakh rupees: | 35 |
| | Provided that fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: | |
| | Provided further that any fine imposed under this section shall be paid to the victim or in case of death of the victim to the next of the kin.”. | 40 |

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974

4. In section 357B of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), for the words, figure and letter “under section 326A”, the words, figure and letters “under section 272, section 273, section 326A” shall be substituted.

Amendment of section 357B.

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5. In the First Schedule to the Code of Criminal Procedure under the heading “I. – OFFENCES UNDER THE INDIAN PENAL CODE”, for the entries relating to sections 272 and 273, the following entries shall be substituted, namely :—

Amendment of First Schedule.

| | 1 | 2 | 3 | 4 | 5 | 6 |
|----|-------|--|---|------------|--------------|-------------------|
| 10 | “272. | Adulterating food or drink intended for sale, so as to make the same noxious— | | | | |
| 15 | | (i) where such adulteration does not result in injury | Imprisonment for a term which may extend upto six months and fine which may extend upto rupees one lakh. | Cognizable | Bailable | Any Magistrate |
| 20 | | (ii) where such adulteration results in non-grievous injury | Imprisonment for a term which may extend upto one year and fine which may extend upto rupees three lakh. | Cognizable | Bailable | Any Magistrate |
| 25 | | (iii) where the sale of such food or drink, results in a grievous injury | Imprisonment for a term which may extend upto six years and fine which shall not be less than rupees five lakh. | Cognizable | Non-Bailable | Any Magistrate |
| 30 | | (iv) where the sale of such food or drink, results in death. | Imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and fine which shall not be less than rupees ten lakh. | Cognizable | Non-Bailable | Court of Sessions |
| 35 | 273. | Selling any food or drink, as food or drink knowing the same to be noxious- | Imprisonment for a term which may extend upto six months and fine which may extend upto rupees one lakh. | Cognizable | Bailable | Any Magistrate |
| 40 | | (i) where the sale, offer for sale or exhibition for sale of such food or drink, does not result in injury | | | | |
| 45 | | (ii) where the sale of such food or drink, results in non-grievous injury | Imprisonment for a term which may extend upto one year and fine which may extend upto rupees three lakh. | Cognizable | Bailable | Any Magistrate |

| 1 | 2 | 3 | 4 | 5 | 6 | |
|---|--|---|------------|--------------|----------------------|----|
| | (iii) where the sale of such food or drink, results in a grievous injury | Imprisonment for a term which may extend upto six years and fine which shall not be less than rupees five lakh. | Cognizable | Bailable | Any Magistrate | 5 |
| | (iv) where the sale of such food or drink, results in death | Imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and fine which shall not be less than rupees ten lakh. | Cognizable | Non-Bailable | Court of Sessions.?" | 10 |

STATEMENT OF OBJECTS AND REASONS

The National Survey on Milk Adulteration had conducted a survey some years back and found that due to lack of hygiene and sanitation in handling and packaging, detergents used in washing containers and other surfaces find their way into milk and milk products. The World Health Organization (WHO) in its research in 2018 found out that 68 per cent. and milk products in India are not as per Food Safety and Standards Authority of India (FSSAI) Standard.

In addition to the given research Honourable Supreme Court in its judgement in *Swami Achyutanand Tirth & Ors. v. Union of India & Ors.* AIR 2016 SC 3626, a writ petition filed in public interest highlighting the growing menace of sale of adulterated and synthetic milk in different parts of the country and the inability of concerned State Governments and the Union to take effective measures for combating the adulteration of milk with hazardous substances, directed the Central Government to come up with suitable amendments in relevant law.

Good health enhances economic productivity and improves development outcomes for the next generation of citizens. The need is to protect the right to health which on a principle basis is considered a right laid down under various international conventions which India is a part of. Such as under Article 12 of International Covenant on Economic, Social and Cultural Rights, 1966, Article 24 of Convention on the Rights of the Child, Article 25, Convention on the Rights of Persons with Disabilities, 2006.

The Law Commission of India in its 264th Report has also highlighted that “the provisions to deal with production and sale of adulterated food, which is harmful to human beings be made more stringent keeping in view the gravity of offence, the existing maximum punishment of six months for such offences under the IPC is grossly inadequate”.

Hence, this Bill.

NEW DELHI;
16 February, 2022.

SUJAY RADHAKRISHNA VIKHEPATIL

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

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272. 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, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Adulteration of food or drink intended for sale.

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273. 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 six months, or with fine which may extend to one thousand rupees, or with both.

Sale of noxious food or drink

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EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973

357B. The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code (45 of 1860).

Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code.

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THE FIRST SCHEDULE

CLASSIFICATION OF OFFENCES

OFFENCES UNDER THE INDIAN PENAL CODE

CHAPTER XIV

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|------|---|--|------------------|----------|----------------|---|
| * | * | * | * | * | * | * |
| 272. | Adulterating food or drink intended for sale, so as to make the same noxious. | Imprisonment for 6 months, or fine of 1,000 rupees, or both. | 6 Non-cognizable | Bailable | Any Magistrate | |
| 273. | Selling any food or drink as food and drink, knowing the same to be noxious | Ditto. | Ditto. | Ditto. | Ditto. | |
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further to amend the Indian Penal Code, 1860 and the
Code of Criminal Procedure, 1973.

(Dr. Sujay Radhakrishna Vikhepatil, M.P.)