

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH FEBRUARY, 2022

Bill No. V of 2021

THE CRIMINAL LAWS (AMENDMENT) BILL, 2021

A

BILL

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

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Criminal Laws (Amendment) Act, 2021.

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

Short title and
commencement.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE

Substitution of new section for section 272. **2.** For section 272 of the Indian Penal Code, (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. (1) 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,— 5

(i) where such adulteration does not result in injury, with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees; 10

(ii) where such adulteration results in non-grievous injury, with imprisonment for a term which may extend to one year and with fine which may extend to three lakh rupees;

(iii) where such adulteration results in a grievous injury, with imprisonment for a term which may extend to six years and with fine which shall not be less than five lakh rupees; 15

(iv) where such adulteration results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and with fine which shall not be less than ten lakh rupees:

Provided that the court shall record adequate reasons for imposing a sentence of imprisonment which is less than imprisonment for life; 20

(2) The fine imposed under this section shall be just and reasonable to meet the medical expenses and rehabilitation of the victim and it shall be paid to the victim."

Substitution of new section for section 273. **3.** For section 273 of the Penal Code, the following Section shall be substituted, 45 of 1860.
namely:— 25

Sale of noxious food or drink. "273. (1) 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,—

(i) where the sale or offer for sale or exhibition for sale of such food or drink does not result in injury, with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees; 30

(ii) where the sale of such food or drink result in non-grievous injury, with imprisonment for a term which may extend to one year and with five which may extend to three lakh rupees; 35

(iii) where the sale of such food or drink results in a grievous injury, with imprisonment for a term which may extend to six years and with fine which shall not be less than five lakh rupees;

(iv) where the sale of such food or drink results in death, with imprisonment for term which shall not be less than seven years but which may extend to imprisonment for life and with fine which shall not be less than ten lakh rupees: 40

Provided that the court shall record adequate reasons for imposing sentence of imprisonment which is less than imprisonment for life.

(2) The fine imposed under this section shall be just and reasonable to meet the medical expenses and rehabilitation of the victim and it shall be paid to the victim."

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CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974.

4. For section 357 B of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Code) the following section shall be substituted, namely:—

Substitution of new section for section 357B.

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"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 272 or section 273 or section 326A or section 376D of the Indian Penal Code.

45 of 1860.

Compensation to be in addition to fine under Section 272, Section 273, Section 326 or Section 376D of Indian Penal Code.

Explanation.—For the purposes of this section, the expression "victim" shall be construed as defined in clause (wa) of Section 2."

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

Amendments to the First Schedule.

	1	2	3	4	5	6
20	"272.	Adulterating food or drink intended for sale, so as to make the same	Imprisonment which may extend to six months and with fine which may extend to one lakh rupees to be paid to the victim.	Cognizable	Bailable	Any Magistrate
25		noxious - (i) where such adulteration does not result in injury				
30		(ii) where such adulteration results in non-grievous injury	Imprisonment which may extend to one year and with fine which may extend to three lakh rupees to be paid to the victim.	Cognizable	Bailable	Any Magistrate
35						
40		(iii) where the sale of such food or drink, results in a grievous injury	Imprisonment which may extend to six years and with fine which shall not be less than five lakh rupees to be paid to the victim.	Cognizable	Non Bailable	Any Magistrate
45						
50		(iv) where the sale of such food or	Imprisonment of not less than seven years but	Cognizable	Non Bailable	Court of sessions

1	2	3	4	5	6	
	drink, results in death	which may extend to life and with fine which shall not be less than ten lakh rupees to be paid to the victim.				5
273.	Selling any food or drink, as food or drink knowing the same to be noxious - (i) where the sale, offer for sale of exhibition for sale of such food or drink, does not result in injury	Imprisonment which may extend to six months and with fine which may extend to one lakh rupees to be paid to the victim.	Cognizable	Bailable	Any Magistrate	10
						15
						20
						25
	(ii) where the sale of such food or drink, results in non-grievous injury	Imprisonment which may extend to one year and with fine which may extend to three lakh rupees to be paid to the victim	Cognizable	Bailable	Any Magistrate	30
						35
	(iii) where the sale of such food or drink, results in a grievous injury	Imprisonment which may extend to six years and with fine which shall not be less than five lakh rupees to be paid to the victim.	Cognizable	Bailable	Any Magistrate	40
						45
	(iv) where the sale of such food or drink, results in death.	Imprisonment of not less than seven years but which may extend to life and with fine which shall not be less than ten lakh rupees to be paid to the victim.	Cognizable	Non Bailable	Court of Session.”	50
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STATEMENT OF OBJECTS AND REASONS

Our increasing daily needs and fast changing lifestyle has resulted in the availability of innumerable 'food' and 'food products' in the market; instant food and instant cooking has become a common requirement in every household today. The ever growing food and food products market brings along with it, the greed of anti-social persons engaging in food adulteration, a serious crime against society. The increasing menace of food adulteration in the country involves health hazards that ultimately result in various ailments and even premature deaths.

The adulteration of food causes several health problems in humans. Most food adulterants are very harmful and toxic; yet, greed and profit motives encourage anti-social persons to commit this act in the absence of strong consequences. The tackling of food adulteration is required to be given due importance for its serious effect on the health of the public. Currently, the existing maximum punishment of six months for such offences under the IPC is grossly inadequate.

The object of this Bill is to create a uniform scheme of punishment for food adulteration offences. The suggested amendments aim at eliminating the low quantum of punishment provided in the IPC and updates it to bring it in line with the provisions of the Food Safety and Standards Act, 2006 as well as the punishments as found in the amendment of the IPC made by the states of Odisha, Uttar Pradesh and West Bengal. Appropriate amendments to the relevant Schedule of the Criminal Procedure Code are also proposed.

Hence this Bill.

PRASHANTA NANDA

ANNEXURE

THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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"272. Adulteration of food or drink intended for sale.— 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.

273. Sale of noxious food or drink.—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."

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THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

[357B. **Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code.**—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).

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RAJYA SABHA

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BILL

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

(Shri Prashanta Nanda, M.P.)