Adulterated Food, Fragmented Remedies: Rethinking Consumer Protection in India

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Abstract
Food adulteration continues to pose a serious threat to public health in India, and the problem has only deepened with the expansion of packaged and processed food markets. Despite a substantial body of law, the consumer who suffers injury from adulterated food finds remedies scattered across several enactments, namely the Food Safety and Standards Act, 2006, the Consumer Protection Act, 2019, the Bharatiya Nyaya Sanhita, 2023, the Legal Metrology Act, 2009, the Essential Commodities Act, 1955, and the Bureau of Indian Standards Act, 2016, each operating through its own authority, procedure, and standard of proof. This fragmentation is the central concern of the present article.
The article examines how overlapping jurisdictions between food safety officers, adjudicating officers, consumer commissions, and criminal courts have produced delay, duplication, and inconsistent outcomes. It further argues that the ordinary consumer is rarely in a position to identify the appropriate forum, and that the absence of accessible information about rights and procedures effectively converts a statutory remedy into a theoretical one. Low rates of conviction, reliance on outdated testing infrastructure, and the limited deterrent value of existing penalties are also considered.
Drawing upon statutory provisions, judicial pronouncements, and comparative practice in other jurisdictions, the article suggests that reform must move beyond the enactment of further legislation. It proposes a more coordinated enforcement framework, a single accessible point of complaint, and meaningful consumer awareness measures. The article concludes that unless remedies are consolidated and simplified, the promise of consumer protection in matters of food safety will remain largely unrealised.

Keywords: Food adulteration; consumer protection; Food Safety and Standards Act, 2006; Consumer Protection Act, 2019; Bharatiya Nyaya Sanhita, 2023; Essential Commodities Act, 1955; fragmented remedies; regulatory overlap; India.

Objectives of Research

1.To examine the statutory framework governing food adulteration in India and to identify the points at which the remedies available to the consumer overlap, diverge, or fall silent across the various enactments.

2.To assess the practical consequences of this fragmentation, with particular reference to the difficulty faced by the ordinary consumer in identifying the appropriate forum and in securing timely and effective redress.

3.To examine international practices in food safety regulation, particularly in the European Union and Singapore, and to assess their relevance for India.

Research Methodology

This study adopts a doctrinal and analytical approach. Primary sources include the Food Safety and Standards Act, 2006 (FSSA); the Prevention of Food Adulteration Act, 1954; the Consumer Protection Act, 2019; the Legal Metrology Act, 2009; the Bureau of Indian Standards Act, 2016; the Essential Commodities Act, 1955; the Rules and Regulations framed thereunder; the relevant provisions of the Bharatiya Nyaya Sanhita, 2023; and judicial pronouncements of the Supreme Court and High Courts. Secondary sources include peer-reviewed journal articles, legal commentaries, reports of the Food Safety and Standards Authority of India (FSSAI), the Comptroller and Auditor General and Parliament, and databases such as SCC Online and Manupatra.

Rationale of Research

Despite a comprehensive statutory framework, food adulteration continues to threaten public health in India. Weak enforcement, inadequate testing infrastructure and nominal penalties have blunted existing safeguards, while the interface between food safety law and the

Consumer Protection Act, 2019 remains underexplored. This study examines these gaps and proposes reforms aligned with international standards.

Review of Literature

Existing literature has examined the FSSA largely

from the side of the regulator. Sushila's appraisal of the working of the Food Safety and Standards Authority of India identifies weak outreach, uneven laboratory infrastructure, a low rate of conviction and a continuing overlap of standards among the Authority, the Bureau of Indian Standards and AGMARK, and recalls that the Act was itself conceived as a single reference point for all matters of food safety.1 Mitra's critical analysis of the Act points similarly to the need for better coordination between central and state authorities.2 Srikkanth and Pavan Kumar, examining the proposed amendments to the Act, question whether its penalty provisions conform to settled principles of legal liability.3 Official audits supplement this literature. The performance audit of the Comptroller and Auditor General in 2017 and the report of the Parliamentary Standing Committee in 2018 both record deficits in laboratories, staffing and enforcement.4 What these studies largely leave aside is the consumer's side of the problem: how the remedies under different statutes interact, and what the absence of a single forum means for the person who has actually bought adulterated food.

Research Gap

The existing literature in India has studied the Food Safety and Standards Act, 2006 and consumer protection law largely in isolation. The interaction between regulatory penalties and consumer remedies, the working of state-level enforcement, and comparison with international standards remain underexplored. This study addresses these gaps.

1. Introduction

Although the Constitution of India does not expressly recognise the right to safe food as a fundamental right, the Hon'ble Supreme Court has derived it from Article 21, which guarantees the right to life and personal liberty, including the right to live with dignity.5 In 1981, in Francis Coralie Mullin, the Supreme Court held that the right to life under Article 21 includes the right to live with human dignity, and that this carries with it the bare necessaries of life, adequate nutrition among them.6 Two decades later, in People's Union for Civil Liberties, the Court converted that principle into a working entitlement, issuing interim directions over more than fifteen years to secure the supply of food to those who went without it. And in 2016, in Swaraj Abhiyan, it turned to the statute that had meanwhile been enacted, directing that the National Food Security Act, 2013 be implemented in earnest, on the reasoning that an entitlement which exists only on paper protects no one.7 The right to food, then, is settled. In Centre for Public Interest Litigation v. Union of India, the Court went a step further, holding that the right to life includes the right to healthy food, so that any food article hazardous to public health is a potential danger to that right.8 What remains unsettled is whether the law actually delivers food that is safe.

Adulteration, from milk diluted with water to spices coloured with industrial dyes, nonetheless remains a routine feature of the Indian market, endangering public health and eroding consumer confidence. The Food Safety and Standards Act, 2006 (FSSA),9 read with the Consumer Protection Act, 2019, creates a framework that is comprehensive on paper: the former

prescribes standards and penalises unsafe food,10 while the latter furnishes the consumer with remedies against unfair trade practices and defective goods.11 In practice, however, weak enforcement machinery, an inadequate network of accredited testing laboratories and penalties too lenient to deter habitual offenders have left the offender largely unchecked. This article examines that gap between the law as enacted and the law as enforced, and the reforms required to close it.

2. Conceptual Framework: Understanding Food Adulteration

Meaning of Adulteration

Adulteration, in its legal sense, denotes the deliberate debasement of an article of food by addition, substitution, abstraction or concealment, whereby its quality or purity falls below the standard prescribed by law.

The Statutory Definition

The FSSA does not employ the term "adulteration" as such. It defines instead an "adulterant" as any material which is or could be employed for making food unsafe, substandard, misbranded or containing extraneous matter,12 and subsumes the wrong itself within the wider concept of "unsafe food".13 Food that fails to meet prescribed standards without being injurious to health is treated as "substandard",14 while food bearing a false or misleading label is classed as "misbranded".15 The repealed Prevention of Food Adulteration Act, 1954, by contrast, defined "adulterated" food directly.16

The Judicial Understanding

The Supreme Court has treated adulteration not as a technical breach of standards but as a threat to life itself. In Swami Achyutanand Tirth v. Union of India, a petition concerning synthetic and adulterated milk prepared with urea, detergent, refined oil and caustic soda, the Court took note of a national survey by the Food Safety and Standards Authority of India (FSSAI) which found that 68.4 per cent of the milk sold in the country was adulterated.17 Noting that the sentence actually awarded for so grave an offence rarely exceeded six months' imprisonment, the Court called upon the Union to bring the penal provisions of the FSSA on a par with the State amendments under which food adulteration is punishable with

imprisonment for life.18 The Law Commission of India followed with a recommendation to the same effect.19

Forms of Adulteration

Adulteration may broadly be grouped into three categories: intentional, as in the admixture of water in milk or chalk powder in wheat flour; incidental, arising from pesticide residues, poor storage or careless handling; and metallic, as in the presence of lead, arsenic or mercury. The common thread running through each is an economic motive, the pursuit of profit at the cost of consumer health.

Why Adulteration Is Harmful

The harm is neither trivial nor confined to India. The World Health Organization estimates that almost one person in ten worldwide, some 600 million people, falls ill every year after eating contaminated food, and that 420,000 die; the South-East Asia Region alone accounts for about 150 million of those illnesses and 175,000 of the deaths.20 Beyond the immediate nausea and vomiting, contaminated food can cause long-term illness, including cancer, kidney or liver failure and disorders of the brain.21 The legislature has recognised the gravity of the matter. The FSSA penalises even the possession of an adulterant, with a penalty of up to two lakh rupees where the adulterant is not injurious to health and up to ten lakh rupees where it is.22 For the ordinary household, which buys milk, spices and edible oil every day, the danger is a constant one.

3. Legislative Framework Governing Food Adulteration in India

From the Prevention of Food Adulteration Act to the FSSA

The statutory response to food adulteration in India has evolved considerably over the last seven decades. The Prevention of Food Adulteration Act, 1954 was for over fifty years the principal legislation on the subject, but its fragmented administration, scattered among multiple authorities, and its modest penalties robbed it of real deterrent value.23 It stood repealed upon the commencement of the FSSA, which consolidated eight earlier enactments into a single

statute and established the FSSAI as the central regulator.24 The Authority lays down science-based standards for articles of food and regulates their manufacture, storage, distribution, sale and import, and the Act in turn creates a licensing regime for food business operators, provides for adjudication of contraventions by an Adjudicating Officer, and allows an appeal to the Food Safety Appellate Tribunal. The new law was itself conceived as a single reference point for all matters of food safety, replacing a multiplicity of laws and agencies that had created confusion among consumers and traders alike.25

The Penal Architecture of the FSSA

1.Substandard food (Section 51). A person who, whether by himself or through another, manufactures for sale, stores, sells, distributes or imports any article of food for human consumption which is substandard is liable to a penalty extending to five lakh rupees.26

2.Misbranded food (Section 52). Dealing in misbranded food attracts a penalty extending to three lakh rupees, and the Adjudicating Officer may additionally direct the offender to take corrective action to rectify the mistake, failing which the article is to be destroyed.27

3.Unsafe food (Section 59). Here the punishment is graduated according to the consequence. Where the contravention results in no injury, it extends to six months' imprisonment and a fine of one lakh rupees; where it results in non-grievous injury, to one year and three lakh rupees; where it results in grievous injury, to six years and five lakh rupees; and where it results in death, to imprisonment for a term not less than seven years, extending to imprisonment for life, together with a fine not less than ten lakh rupees.28

4.Compensation to the victim (Section 65). Without prejudice to any other punishment, the Adjudicating Officer or the Court may direct the person responsible to pay compensation to the victim or his legal representative: not less than five lakh rupees in case of death, not exceeding three lakh rupees in case of grievous injury, and not exceeding one lakh rupees in all other cases of injury.29

The Consumer's Remedy under the Consumer Protection Act, 2019

Running parallel to the specialised food safety regime is the Consumer Protection Act, 2019, which approaches the same mischief from the standpoint of the aggrieved buyer. A consumer who has purchased adulterated food may proceed as follows:

1.Approach the appropriate Commission (Section 34). A complaint lies before the District Commission where the value of the goods or services paid as consideration does not exceed one crore rupees, and before the State or National Commission as the value ascends.30

2.File at his own place of residence (Section 34). The complaint may be instituted within the local limits of the jurisdiction where the complainant ordinarily resides or personally works for gain, a significant easing of the earlier position which obliged the consumer to approach the forum where the seller carried on business.31

3.Seek substantive relief (Section 39). Where the District Commission is satisfied that the goods suffer from the defects complained of, or that the allegations of unfair trade practice are proved, it may direct the opposite party to remove the defect, to replace the goods with new goods free from defect, to

return the price paid together with interest, and to pay compensation for any loss or injury suffered by reason of the negligence of the opposite party.32

4.Invoke regulatory action (Section 20). The Central Consumer Protection Authority may, after a preliminary inquiry, order the recall of goods which are dangerous, hazardous or unsafe, direct reimbursement of the prices paid by purchasers, and order the discontinuance of practices found to be unfair and prejudicial to consumers' interest.33

Allied Criminal and Regulatory Provisions

1.Criminal liability for adulteration (Section 274 of the Bharatiya Nyaya Sanhita, 2023 (BNS)). Whoever adulterates any article of food or drink so as to render it noxious, intending to sell it as food or drink, or knowing it to be likely that it will be so sold, is punishable with imprisonment of either description extending to six months, or with fine extending to five thousand rupees, or with both.34 The provision is the successor to Section 272 of the repealed Indian Penal Code, 1860, and its penalty, unchanged since 1860, is today manifestly inadequate to deter the organised adulterator.

2.Sale of noxious food (Section 275, BNS). The companion provision penalises the sale, or offer for sale, of any article of food or drink which has been rendered noxious or is in a state unfit for food or drink, where the seller knows or has reason to believe the same.35

3.Accuracy of declaration (Legal Metrology Act, 2009). The Act governs weights, measures and the declarations required on pre-packaged commodities, and thereby reaches the adulterator who short-weighs or misdeclares the contents of a package.36

4.Assured supply of essential articles (Essential Commodities Act, 1955). The Act empowers the Central Government to control the production, supply and distribution of essential commodities, foodstuffs included, and to act against hoarding and profiteering in them.37

5.Parallel standards (Bureau of Indian Standards Act, 2016). Standards and certification marks under the Bureau of Indian Standards Act, together with AGMARK grading of agricultural produce, continue to operate alongside the standards prescribed by the FSSAI, an overlap that has been criticised as defeating the very purpose of consolidating food law.38

Overall Analysis

Read together, these provisions reveal less a scheme than a crowd. A single packet of adulterated food may at once attract an adjudication proceeding and a criminal prosecution under the FSSA, a complaint under the Consumer Protection Act and, until the Supreme Court

intervened, a prosecution under the general penal law as well, each before a different authority and on a different timetable. The consumer is told none of this. Uncertain where to go, he either chooses the wrong forum or approaches none at all, and the remedies that the law multiplies on paper shrink, in practice, to very little.

4. Judicial Response: The Courts and the Case for a Single Window

Delay as a Denial: When Justice Arrives Too Late

Few lines of authority illustrate the infirmity of the present system as starkly as the cases in which the courts have been compelled to acknowledge the ruinous passage of time. In Municipal Corporation of Delhi v. Ghisa Ram, the complaint was filed seven months after the receipt of the Public Analyst's report, and when the vendor sought to exercise his statutory right to have his own sample examined by the Director of the Central Food Laboratory, the sample had become so highly decomposed that it could not be analysed at all; the acquittal that followed was a direct consequence of administrative delay, not of innocence established.39

The pattern has not improved with time. In Ishwar Singh v. State of Rajasthan, a sample of milk taken in September 1983 was found to contain about 34 per cent added water. The trial court convicted the accused only in December 1991, his appeal was dismissed in 1995, and his revision petition then remained pending before the Rajasthan High Court until 2014, by which time, in the words of his counsel, he had been "suffering from agony of protracted trial since last 30 years".40 More recently, in a case arising from the seizure of 1.5 kilograms of khoya from a shop in Hoshiarpur in 1998, the Punjab and Haryana High Court reduced the sentence of an elderly convict to the period already undergone. The trial court had convicted him in September 2001; his appeal was dismissed in July 2008; and his revision petition then remained pending before the High Court for nearly eighteen years.41 The Court observed that where an accused has lived for years, or even decades, under the shadow of criminal proceedings, facing the uncertainty of the outcome and the social stigma attached to such prosecution, that experience is itself a significant factor in moulding the sentence. It may be said that these cases arose under the repealed Act of 1954 and belong to a different regime. The record under the FSSA suggests otherwise. The Comptroller and Auditor General found adjudication proceedings under the new Act frequently running beyond their statutory timelines, and around 47 per cent of the penalties imposed remaining unrecovered,42 and, as Section V shows, the overwhelming majority of violations still never reach a conviction.

A Fragmented Forum: The Burden of Many Doors

The difficulty is not confined to the criminal courts. The consumer commissions, created precisely to

furnish a swift and inexpensive remedy, labour under a comparable burden. The Supreme Court has recently expressed serious concern over the functioning of consumer commissions across the country, particularly the prolonged delay in disposing of complaints, and has questioned whether consumers are in fact receiving timely and effective redressal from the specialised forums created for that purpose; it has directed the President of the National Consumer Disputes Redressal Commission to submit a detailed report on pendency, composition and disposal rate, together with the oldest pending matters and year-wise pendency, and has sought separate data for the State Commissions.43 The infirmity is structural rather than episodic: one district in every ten still lacks a District Consumer Disputes Redressal Commission.44

Towards a Single Door: The Judicial Preference for a Specialised Channel

Against this background, the decision in Ram Nath v. State of Uttar Pradesh assumes considerable significance. The Supreme Court held that, in view of the overriding effect conferred by Section 89 of the FSSA, proceedings under the Indian Penal Code could not be continued against the accused, the Act containing an exhaustive scheme of its own for offences relating to unsafe food.45 In Manik Hiru Jhangiani v. State of Madhya Pradesh, the Court had likewise held that where conduct falls within the penal provisions of both the repealed Prevention of Food Adulteration Act and the FSSA, the latter must prevail in the event of inconsistency.46 Taken together, these rulings show the Court steadily channelling food offences into a single specialised statute. The Law Commission of India, for its part, had recommended a substantial enhancement of the punishment for food adulteration under the general penal law,47 a recommendation not carried into the Bharatiya Nyaya Sanhita, 2023. The Court's most recent engagement with the subject is instructive. In April 2026, in Dr. K.A. Paul v. Union of India, it declined to constitute a National Task Force on food safety, holding that where the legislature has created a specialised regulator, the Court cannot assume the role of a super-regulator in the absence of a demonstrated, systemic failure of the existing machinery, and that newspaper reports of stray incidents do not establish such a failure.48 Weeks later, the same Bench issued notice in Dr. Aniruddha Narayan Malpani v. Union of India, a petition which placed official data before it on understaffing, inadequate laboratories and unrecovered penalties, and which sought penalties linked to the turnover of the offending business.49 The courts, it appears, will respond to demonstrated systemic failure, but they will not themselves rebuild the machinery. They have pointed towards one channel; it remains for the legislature to build the door.

Concluding Remarks

Viewed together, the judgments discussed above tell a consistent story. The Supreme Court and the High Courts have repeatedly been confronted with the consequences of a divided system: samples that decay while files move between offices, prosecutions that outlast the working life of the accused, and consumer forums whose own pendency defeats the very purpose for which they were created. Few of these judgments speak in terms of a single window, but each of them records the cost of its absence. The consumer who buys adulterated food does not know whether to approach the Food Safety Officer, the Adjudicating Officer, the Consumer Commission or the police, and by the time the right door is found, years have passed. The courts have done what they can, by channelling food offences into the FSSA and by insisting on timely disposal. What they cannot do is create the single, accessible forum that the consumer needs. That task belongs to the legislature.

5. The Enforcement Deficit: Where the Statute Falters

A Regulator Without Reach

The infirmity of India's food safety regime lies not in the statute alone but in the machinery that must give it effect. The Food Safety and Standards Authority of India (FSSAI),50 conceived as a single national regulator, is in practice dependent upon State enforcement, and the States are gravely understaffed. The weak link between a central standard-setter and the States that

must enforce its standards is a recurring concern in the literature on the Act.51 Nationally, only 2,997 Food Safety Officers (FSOs)52 were in position against 4,208 sanctioned posts as of March 2026.53 The position in individual States is starker. In Uttar Pradesh, against 728 sanctioned posts, only 330 were in position, a shortfall of 55 per cent; in Jharkhand, nine officers were posted against a requirement of 124, a vacancy rate of 93 per cent.54 Where there is no officer, there is no inspection; and where there is no inspection, the statute is a dead letter.

Laboratories That Cannot Test

The testing infrastructure is no better placed. A Parliamentary Committee found 266 laboratories in the country, many of which lacked the facilities to test essential parameters such as heavy metal, pesticide and bacterial contamination, and recommended a uniform testing procedure across the country to obtain accurate results.55 The existing literature on the Act confirms the point: laboratories do not follow a uniform procedure or methodology, so that a sample may pass in one State and fail in another.56 The consequence is that the adulterator's most dangerous conduct is precisely what the system is least equipped to detect.

Penalty Without Punishment

The figures tell their own story. Of 144,345 samples analysed in 2021-22, as many as 32,934 were found non-conforming.57 Yet only 671 of them ended in conviction, while 19,437 were disposed of by civil penalty, a conviction rate of roughly two per cent. The position has not improved with time; if anything, it has hardened into a pattern. The following year the figure stood at 1,188 convictions out of 44,626 non-conforming samples. The most recent data placed before Parliament shows the same proportions at a larger scale: in the financial year 2025-26, over 40,000 samples were found unsafe or substandard, 31,878 civil cases were decided with penalties, and 1,918 criminal convictions were recorded.58 The gap between violations detected and violations punished had been noted in the literature well before these figures reached Parliament.59 Enforcement, in other words, is not absent. It has simply settled into the civil register, where a penalty is paid, absorbed as a cost of doing business, and the sale resumes.

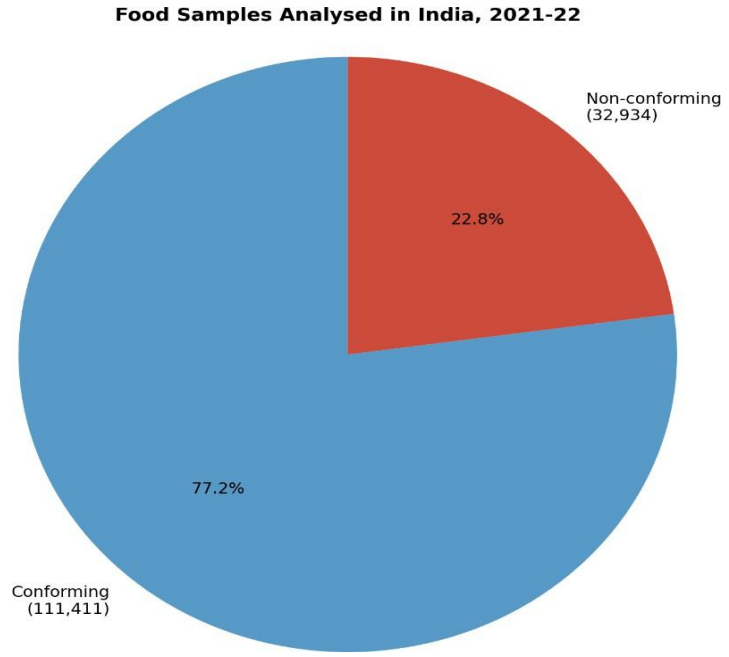

Figure 1: Food Samples Analysed in India, 2021-22, conforming and non-conforming samples. Source: compiled by the authors from Ministry of Health and Family Welfare data reported in Section V.

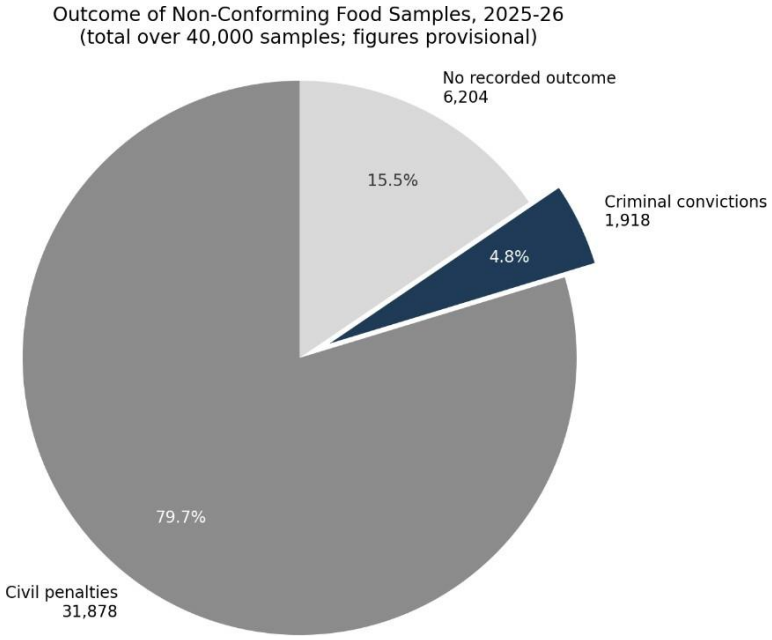

Figure 2: Outcome of Non-Conforming Food Samples, 2025-26. Source: compiled by the authors from data cited in note 58; the total is taken as 40,000 and the figures are provisional.

6. Comparative International Perspective: Lessons from the European Union and Singapore

India's difficulty lies in fragmented forums and weak enforcement. Two jurisdictions suggest answers. The European Union offers a binding safety standard backed by traceability and self-executing recall; Singapore offers the institutional single window this article proposes.

The European Union: One Standard, One Chain, One Alert

European food law rests on Regulation (EC) No 178/2002 (European Community Regulation Number 178 of 2002), the General Food Law.60 Its command is simple: unsafe food shall not be placed on the market at all.61 The prohibition bites at the point of sale, without waiting for injury or prosecution.

Crucially, "unsafe" is defined rather than left to the inspector. Food is unsafe if injurious to health or unfit for human consumption,62 and injury is judged with regard to long-term and inter-generational effects and to the sensitivities of the consumers for whom the food is intended.63 Indian provisions, by contrast, largely test a sample against a standard at a single moment.

Traceability follows. Every operator must identify its supplier and its recipients, on the principle of "one step back, one step forward."64 Contamination can therefore be traced to its source quickly; in India that trail is reconstructed, if at all, during trial.

Most significant is the duty to withdraw. An operator who has reason to believe its food is non-compliant must itself initiate withdrawal, inform the authorities, and where consumers are affected, inform and recall.65 The duty is self-executing; it awaits no complaint, conviction or order. India has the vocabulary of recall but not its automaticity.

Two institutions complete the design. The European Food Safety Authority (EFSA) performs risk assessment, while risk management stays with the Commission and Member States, insulating science from enforcement politics.66 The Rapid Alert System for Food and Feed (RASFF) turns a hazard detected in one State into actionable intelligence across the Union.67 India, a federation of comparable complexity, has no such instrument.

Singapore: The Single Window in Practice

Singapore's substantive law is closer to India's. The Sale of Food Act 1973 (SFA 1973) bars selling adulterated food without disclosing the adulteration,68 and bars food unfit for human consumption.69 Penalties are modest. The fine is up to S$5,000, rising to S$10,000 or three months' imprisonment, or both, on a subsequent conviction.70 Severity, therefore, explains nothing.

Design explains everything. Until 2019, three bodies shared responsibility, namely the Agri-Food and Veterinary Authority (AVA), the National Environment Agency (NEA) and the Health Sciences Authority (HSA). The Singapore Food Agency Act 2019 consolidated all food functions into the Singapore Food Agency (SFA) from 1 April 2019.71 One authority now licenses, inspects, tests and prosecutes. The complainant deals with one authority. Singapore was ranked first on the Global Food Security Index in 2019. The ranking cannot be attributed to consolidation alone, but it confirms that a single authority is fully compatible with the highest standard of food safety.72

What India May Usefully Borrow

Three lessons, all of design rather than severity. First, India's penalties already exceed Singapore's; Section 59 of the FSSA prescribes up to life imprisonment where unsafe food causes death.73 The deficit is institutional delivery, not legislative intent. Second, the strongest safeguard operates before any forum is approached: traceability and automatic recall shift first response from an understaffed regulator to the business best placed to act. Third, consolidation is practicable; Singapore achieved it in one legislative stroke without rewriting its substantive law. India's reform needs no new offence and no heavier sentence. It needs a single point of responsibility.

7. The Way Forward

1.One forum instead of three

The most useful change would be a single forum for food adulteration matters. Today a single packet of adulterated food may end up before a criminal court, an Adjudicating Officer under the FSSA,74 and a Consumer Commission for compensation. That is three doors for one packet of food. A dedicated Food Safety Tribunal could do all three things at once: impose the penalty, award compensation under Section 65 of the FSSA,75 and send the serious cases for prosecution. Singapore took this step in 2019, and its experience shows that the model is workable.76

2.Fix time limits in the statute itself

Delay is the real punishment in these cases, and it falls on the complainant rather than the seller. The Act should simply say how long each stage may take, with the sample to be analysed

within a fixed number of days, the prosecution to be launched within a fixed period of the Public Analyst's report, and the adjudication to be completed within a year. Limits written into the statute are harder to ignore than directions issued case by case.

3.More laboratories, and better ones

Enforcement cannot be stronger than the laboratory behind it. Many existing laboratories cannot test for heavy metals, pesticide residue or bacterial contamination, and a Parliamentary Committee has already recommended a uniform testing procedure.77 Every district should have access to an accredited laboratory, and the testing method should

be the same everywhere so that a report from one State is accepted in another.

4.Fill the vacancies

A law is only as good as the officer who enforces it. Across the country, more than 1,200 sanctioned posts of Food Safety Officer lie vacant;78 Uttar Pradesh has 330 officers against 728 sanctioned posts, and Jharkhand has nine against a requirement of 124.79 No amount of redrafting will help until these posts are filled. A minimum ratio of officers to population, fixed by rule, would be a sensible starting point.

5.Link the penalty to the size of the business

A fine of five lakh rupees means something to a small shop and nothing to a large manufacturer. The design of the Act's penalties has already drawn scholarly criticism.80 Penalties for repeat offenders should be linked to turnover, so that the amount actually hurts. The present position, where only between two and five per cent of confirmed violations end in conviction,81 shows that the deterrent is not working. The Supreme Court has now issued notice on a petition seeking precisely this reform.82

6.Make recall the seller's own duty

In the European Union, a food business that has reason to believe its product is unsafe must withdraw it on its own and inform both the authorities and the consumers.83 India should adopt the same approach. At present recall usually begins after the regulator discovers the problem, by which time the food has already been eaten.

7.Amend the penal provision

Section 274 of the Bharatiya Nyaya Sanhita, 2023 (BNS) still punishes adulteration of food with six months' imprisonment or a fine of five thousand rupees,84 the same measure of imprisonment that was fixed in 1860. Ram Nath has held that the FSSA prevails where both apply, but the provision remains on the statute book, and a law that punishes adulteration with six months' imprisonment sends the wrong message. It should either be brought in line with Section 59 of the FSSA or omitted, so that food offences run through one statute alone.

8.Tell people what their rights are

Most consumers do not know that they can have a sample tested, or that compensation is available under the FSSA.85 A short, plainly worded notice displayed at licensed food premises, and a working complaint number, would do more in practice than another amendment.

8. Conclusion

This article began with three questions, and it may be useful to return to them. The first was whether the statutory framework governing food adulteration in India is adequate. The answer is that the statute is not the whole of the problem, but neither is it free of it. On paper the law is comprehensive, and in its penalties stricter than that of several countries with better food safety records. Yet much of it has remained on paper; deterrent provisions are seldom invoked, penal sections carried forward from the nineteenth century have never been revised to meet the scale of present-day adulteration, and the compensatory provisions sit largely unused. Where the statute does speak, it speaks in several voices at once: the same adulterated product may attract a criminal prosecution, an adjudication proceeding and a consumer complaint, each before a different authority and each unaware of the other. The difficulty is thus twofold; the law requires amendment in parts, and the machinery through which it is applied requires reorganisation as a whole.

The second question concerned the practical consequence of that fragmentation. The ordinary consumer, having bought a packet of spice or a litre of milk, has neither the means nor the inclination to work out which of several forums is the right one, and more often than not does nothing at all. The law records that silence as the absence of a complaint rather than as the failure of a remedy. Where a complaint is pursued, delay completes what confusion began; proceedings examined in this article survived two and three decades, by which time the sample had decomposed, the witnesses had scattered, and the punishment, if any, had lost all connection with the wrong it was meant to answer.

The third question was what might be learned from elsewhere. The comparative material suggests that the jurisdictions which perform better have not necessarily legislated more severely. They have organised themselves differently. They place the first duty of response on the business rather than on an overstretched regulator, they make the chain of supply traceable so that a contaminated product can be followed to its source, and in at least one instance they have brought every food-related function under a single authority. None of this requires a new offence or a heavier sentence. It requires better arrangement of what already exists.

That brings us to what we would urge. A single-window system for food adulteration matters is, in our view, the most important reform this subject needs. One authority that receives the complaint, tests the sample, imposes the penalty and awards compensation would spare the consumer the burden of choosing a forum, and would spare the State the waste of three proceedings over one loaf of bread. Alongside it, time limits must be written into the statute itself rather than left to directions issued case by case. A proceeding that outlives the evidence is not a remedy, and a conviction recorded thirty years after the sale protects nobody. Justice delayed, in matters of food, is not merely justice denied; it is

justice destroyed, because the harm has already been eaten.

Food safety is not an ordinary consumer grievance. It touches the right to life itself, and a legal system that offers many doors and no timetable cannot claim to protect that right. The reform required is not more law. It is a single door, and the discipline to keep it open.

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the Central Government, where it is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, to "provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein." India Code. (n.d.). The Essential Commodities Act, 1955. https://www.indiacode.nic.in/bitstream/123456789/5754/1/acc_comm_act_1955.pdf

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39. Municipal Corporation of Delhi v. Ghisa Ram, AIR 1967 SC 970 = (1967) 2 SCR 116 (decided 23 November 1966). The Supreme Court held that where, owing to the delay of the prosecution, the accused is deprived of his valuable right under the Prevention of Food Adulteration Act, 1954 to have his sample analysed by the Central Food Laboratory, the conviction cannot be sustained.

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45. Ram Nath v. State of Uttar Pradesh, 2024 INSC 138, Criminal Appeal No. 472 of 2012 (Supreme Court of India). The Court held that, by reason of Section 89 of the Food Safety and Standards Act, 2006, Section 59 of that Act overrides Sections 272 and 273 of the Indian Penal Code, so that simultaneous prosecution under both enactments does not arise. Section 89 reads: "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act."

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47. Law Commission of India, Report No. 264, supra note 19, recommending imprisonment for life where death results from the consumption of adulterated food. The recommendation was not adopted when the general penal law was re-enacted as the Bharatiya Nyaya Sanhita, 2023, Section 274 of which retains a maximum of six months' imprisonment.

48. Dr. K.A. Paul v. Union of India, 2026 LiveLaw (SC) 355 (Supreme Court of India, order dated 9 April 2026) (Vikram Nath and Sandeep Mehta, JJ.). The Court observed that "it is not for this Court to substitute its own wisdom for that of the statutory regulator, nor can it assume the role of a super-regulator in the absence of any demonstrated, systemic failure of the existing machinery." LiveLaw. (2026, April 10). 'FSSAI is there': Supreme Court dismisses

PIL seeking court-monitored committee to enforce food safety standards. https://www.livelaw.in/supreme-court/fssai-is-there-supreme-court-dismisses-pil-seeking-court-monitored-committee-to-enforce-food-safety-standards-529843

49. Dr. Aniruddha Narayan Malpani v. Union of India, Diary No. 29847 of 2026 (Supreme Court of India, notice issued 27 May 2026) (Vikram Nath and Sandeep Mehta, JJ.). The petition contends that the fixed monetary caps under Chapter IX of the Food Safety and Standards Act, 2006 bear no proportional nexus to the scale of operations of large food business operators, reducing non-compliance to "a mere cost of doing business". LiveLaw. (2026, May 29). Supreme Court issues notice to Union, FSSAI on plea seeking turnover-based penalty for sale of unsafe and adulterated food. https://www.livelaw.in/top-stories/supreme-court-issues-notice-to-union-fssai-on-plea-seeking-turnover-based-penalty-for-sale-of-unsafe-and-adulterated-food-536083
50. Food Safety and Standards Authority of India (FSSAI), established under the Food Safety and Standards Act, 2006, Sec. 4, supra note 24. While the Authority lays down standards, enforcement on the ground rests with the State Commissioners of Food Safety and the officers appointed by them.
51. Mitra, supra note 2, identifying the need for better coordination between central and state authorities, together with delays in setting and revising food standards, as areas of concern in the working of the Food Safety and Standards Act, 2006.
52. FSO: Food Safety Officer. Appointed under the Food Safety and Standards Act, 2006, Sec. 37, supra note 9, which empowers the Commissioner of Food Safety to appoint such officers for local areas as he thinks fit.
53. Data placed before the Rajya Sabha on 13 March 2026, as cited in the petition in Dr. Aniruddha Narayan Malpani v. Union of India, supra note 49.
54. Bar & Bench. (n.d.). FSS Act: Need for enforcement and accountability in India's food safety regime. https://www.barandbench.com/columns/fss-act-need-for-enforcement-and-accountability-in-indias-food-safety-regime
55. Department-related Parliamentary Standing Committee on Health and Family Welfare. (2018). One Hundred and Tenth Report on the functioning of the Food Safety and Standards Authority of India (FSSAI). Rajya Sabha. The Committee noted that of the 266 food testing laboratories in the country, many lack facilities to test essential parameters such as heavy metal, pesticide and bacterial contamination, and recommended a uniform procedure of testing across the country to obtain accurate results. Summarised in PRS Legislative Research. (n.d.). Functioning of the Food Safety and Standards Authority of India [Report summary]. https://prsindia.org/policy/report-summaries/functioning-of-food-safety-and-standards-authority-of-india
56. Sushila, supra note 1, observing that food testing laboratories across the country do not follow uniform procedures and methodology, with the result that test results are inconsistent, and that even accredited laboratories lack facilities to test food on all parameters.
57. ETV Bharat. (2024, April 29). FSSAI has increased its analysing capacity of food samples: Health Ministry. https://www.etvbharat.com/en/!bharat/fssai-has-increased-its-analyzing-capacity-of-food-samples-health-ministry-enn24042905947
58. Data placed before Parliament by the Ministry of Health and Family Welfare on the outcome of food safety enforcement. For 2021-22, of the non-conforming samples, 671 ended in criminal conviction and 19,437 in civil penalty; for 2022-23, 1,188 convictions out of 44,626 samples. For the financial year 2025-26, over 40,000 samples were found unsafe or substandard, 31,878 civil cases were decided with penalties, and 1,918 criminal convictions were recorded, the figures being stated as provisional and liable to change after further laboratory testing and court proceedings. As reported in The Print. (n.d.). Only 3% of food safety violations over last 5 years ended in convictions, Parliament data shows. https://theprint.in/health/only-3-of-food-safety-violations-over-last-5-years-ended-in-convictions-parliament-data-shows/3002070/; and The Tribune. (n.d.). Over 40,000 food samples found unsafe or below standards in FY26, only 1,918 convictions recorded: Govt. https://www.tribuneindia.com/news/fssai/over-40000-food-samples-found-unsafe-or-below-standards-in-fy26-only-1918-convictions-recorded-govt
59. Sushila, supra note 1, observing from the FSSAI's own data a huge gap between the number of cases filed and the number of convictions, so that operators supplying adulterated or misbranded food "get away easily without punishment".
60. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the

European Food Safety Authority and laying down procedures in matters of food safety, 2002 O.J. (L 31) 1 [hereinafter General Food Law]. "EC" denotes the European Community. The Regulation lays down the general principles governing food and feed, "in order to ensure a high level of protection of human health and consumers' interest in relation to food," and establishes "common principles and responsibilities as well as the means to provide a strong science base, the efficient organizational arrangements and procedures to support decision-making." https://eur-lex.europa.eu/eli/reg/2002/178/oj/eng

61. General Food Law, supra note 60, art. 14(1). The provision states: "Food shall not be placed on the market if it is unsafe." The expression "placing on the market" is defined in Article 3(8) as "the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves."

62. Ibid., art. 14(2). "Food shall be deemed to be unsafe if it is considered to be: (a) injurious to health; (b) unfit for human consumption."

63. Ibid., art. 14(4). In determining whether food is injurious to health, regard is to be had "not only to the probable immediate and/or short-term and/or long-term effects of that food on the health of a person consuming it, but also on subsequent generations," to "the probable cumulative toxic effects," and "to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers." Article 14(5) further provides that in determining whether food is unfit for human consumption, "regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay."

64. Ibid., art. 18. Article 18(1) requires that "[t]he traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution." Article 18(2) requires food business operators to "be able to identify any person from whom they have been supplied with a food," and Article 18(3) requires them to "have in place systems and procedures to identify the other businesses to which their products have been supplied." This is commonly described as the "one step back, one step forward" principle.

65. Ibid., art. 19(1). "If a food business operator considers or has reason to believe that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements, it shall immediately initiate procedures to withdraw the food in question from the market where the food has left the immediate control of that initial food business operator and inform the competent authorities thereof. Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal, and if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection." Article 19(3) adds that where there is reason to believe that food placed on the market may be injurious to health, the operator shall "immediately inform the competent authorities" of the action taken to prevent risks to the final consumer, and "shall not prevent or discourage any person from cooperating... with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food."

66. General Food Law, supra note 60, ch. III (arts. 22 to 49), establishing the European Food Safety Authority (EFSA). The Authority is charged with providing "scientific advice and scientific and technical support for the Community's legislation and policies in all fields which have a direct or indirect impact on food and feed safety." The risk analysis framework of the Regulation separates risk assessment, risk management and risk communication as three inter-related components, risk assessment being required to be "based on the available scientific evidence and undertaken in an independent, objective and transparent manner."

67. Ibid., ch. IV (arts. 50 to 57), providing the legal basis for the Rapid Alert System for Food and Feed (RASFF). Article 50(1) establishes the system "as a network" for the notification of "a direct or indirect risk to human health deriving from food or feed."

68. Sale of Food Act 1973, Act 12 of 1973, s. 11 (Singapore) [hereinafter SFA 1973]. The provision prohibits the sale of adulterated food without fully informing the purchaser, at the time of sale, of the nature of the adulteration. https://sso.agc.gov.sg/Act/SFA1973

69. SFA 1973, supra note 68, s. 15, which prohibits the sale of food unfit for human consumption. Allied provisions prohibit the sale of food containing a substance whose addition or use is prohibited by regulations made under the Act (s. 12); food containing a greater proportion of any substance than is permitted by such regulations (s. 13); food containing more than fifty parts per

million of methyl alcohol, isopropyl alcohol or denatured alcohol (s. 14); false labelling (s. 17); the sale of food not of the nature, substance or quality demanded by the purchaser (s. 18); and the sale of food prepared under insanitary conditions (s. 19).

70. SFA 1973, supra note 68, s. 20, read with the penalty provisions applicable to contraventions of Part III. A person who contravenes the relevant provisions is liable on conviction to a fine not exceeding $5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding $10,000 or to imprisonment for a term not exceeding three months or to both. Figures are in Singapore dollars. Penalty as stated in Singapore Food Agency, Two Food Products Found to Be Adulterated with Substances Not Allowed for Use in Food (2025). https://www.sfa.gov.sg/news-publications/newsroom/

71. Singapore Food Agency Act 2019, Act 11 of 2019 (Singapore), which established the Singapore Food Agency (SFA) as a statutory board with effect from 1 April 2019, consolidating the food-related functions previously exercised by the Agri-Food and Veterinary Authority (AVA), the National Environment Agency (NEA) and the Health Sciences Authority (HSA). https://sso.agc.gov.sg/Act/SFAA2019

72. Economist Intelligence Unit. (2019). Global Food Security Index 2019: Strengthening food systems and the environment through innovation and investment. The Economist Group. Singapore ranked first among 113 countries assessed, with an overall food security score of 87.4 out of 100, ahead of Ireland (84.0) and the United States (83.7). The Index measures food security across three principal categories, namely affordability, availability, and quality and safety.

73. Food Safety and Standards Act, 2006, Sec. 59(iv), supra note 28. Where the contravention results in death, the offender is punishable "with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees."

74. Food Safety and Standards Act, 2006, Sec. 68, supra note 9. The provision empowers the State Government to appoint officers not below the rank of Additional District Magistrate as Adjudicating Officers for holding inquiries into contraventions of the Act, and provides that such officer "may impose such penalty as he thinks fit in accordance with the provisions relating to that offence," after giving the person a reasonable opportunity of being heard. Sub-section (4) further provides that the Adjudicating Officer shall have the powers of a civil court, and that all proceedings before him shall be deemed to be judicial proceedings.

75. Food Safety and Standards Act, 2006, Sec. 65, supra note 29, under which compensation of not less than five lakh rupees is payable in case of death, and up to three lakh rupees in case of grievous injury.

76. Singapore Food Agency Act 2019, supra note 71, which consolidated the food-related functions of three separate agencies into a single statutory board with effect from 1 April 2019.

77. Department-related Parliamentary Standing Committee on Health and Family Welfare, supra note 55, noting that many of the 266 food testing laboratories lacked facilities to test for heavy metals, pesticide residues and bacterial contamination, and recommending a uniform testing procedure across the country.

78. Data placed before the Rajya Sabha on 13 March 2026, supra note 49, showing 2,997 Food Safety Officers in position against 4,208 sanctioned posts, leaving 1,211 posts vacant.

79. Bar & Bench, supra note 54, reporting 330 Food Safety Officers in position against 728 sanctioned posts in Uttar Pradesh, and nine against a requirement of 124 in Jharkhand.

80. Srikkanth and Pavan Kumar, supra note 3, examining by the doctrinal method the penalties proposed by amendment for operating without a licence or registration under the Food Safety and Standards Act, 2006, and concluding that the proposed offences are not in conformity with settled legal jurisprudence.

81. Ministry of Health and Family Welfare data placed before Parliament, supra note 58, recording 671 convictions in 2021-22, 1,188 in 2022-23 and 1,918 in 2025-26, against tens of thousands of non-conforming samples in each year.

82. Dr. Aniruddha Narayan Malpani v. Union of India, supra note 49, in which the petitioner seeks proportionate, turnover-linked penalties under the Food Safety and Standards Act, 2006.

83. General Food Law, art. 19(1), supra note 65, which obliges a food business operator to withdraw non-compliant food on its own initiative, inform the competent authorities and, where necessary, recall the product from consumers.

84. Bharatiya Nyaya Sanhita, 2023, Sec. 274, supra note 34. The provision reproduces, with only the fine revised, Section 272 of the Indian Penal Code, 1860.

85. Food Safety and Standards Act, 2006, Sec. 65, supra note 29, which empowers the

Adjudicating Officer or the Court to direct payment of compensation to the victim or the victim's legal representative.