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# UNIT 13 OTHER LAWS RELATED TO FOOD PRODUCTS

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## 13.0 OBJECTIVES

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The reading of this Unit shall provide you knowledge of the other laws related to food. We know the prominent role of Prevention of Food Adulteration Act, 1954 (popularly known as PFA Act) which in fact, is the existing Indian Food Act. The PFA Act, 1954 will be replaced by Food Safety and Standards Act, 2006 in near

future. You will now know that the other food related activities are regulated by Acts like; Standards of Weights & Measures Act; Insecticides Act; Consumer Protection Act, Customs Act; Water/Air Prevention & Control Acts etc. All these Acts also play important role in serving the consumer protection purposes.

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### **13.1 INTRODUCTION**

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You know Prevention of Food Adulteration Act 1954 (PFA Act), is the most relevant Food Act concerned with the consumer's food safety & wellness. It is governed by the Central Government and implemented by the State Governments and Local Bodies. At the national level, various other agencies are functioning in the Government with the programme of assuring quality of food commodities and protecting consumers from any health hazards as well as safeguarding the consumer against any fraud or deception. We are much concerned that these agencies should provide an effective legal basis for regulating the conditions such as packaging & handling, ill effects of surroundings & environment under which food is processed or manufactured, stored and sold, so as to safeguard overall public health & consumer's welfare. We shall now understand the activities undertaken by the various relevant Acts/ Rules and the related agencies governing these Acts. These Agencies are directly or indirectly involved in food safety measures or otherwise serve consumer protection purpose in different ways. The activities of these agencies are mostly governed by the Central Government and in certain cases implemented or administered by the State Governments and the Local Bodies.

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### **13.2 STANDARDS OF WEIGHTS & MEASURES ACT, 1976**

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The Standards of Weights & Measures Act was enacted during April, 1976 by the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India.

This Act ensures uniform enforcement of Standards and connected matters in Weights & Measures throughout the country. The Standards of Weights & Measures (Packaged Commodities) Rules, 1977 are notified under the Provisions of the Act. We need to pay particular attention to these Rules since these are the most important and of relevance to the packaged food commodities to protect the consumer interests.

#### **13.2.1 INTERSTATE TRADE OR COMMERCE IN WEIGHTS & MEASURES.**

The Standards of Weights & Measures Act, 1976 is an Act to establish standards of weights & measures to regulate inter-state trade or commerce in weights, measures and other goods which are sold or distributed by quantity, i.e., weight, measure or number, and to provide for matters connected therewith or incidental thereto. Weight is the mode of estimating the heaviness or mass of a substance; whereas a Measure is that by which, extent or dimension is ascertained i.e. length,

breadth, thickness, area or volume and Number determines the units or pieces of a commodity contained in a package or offered for sale individually. One of the consumer's concerns is the 'Quantity' of any commodity for which he has to pay. Weights & Measures are the instruments for reducing the quantity and price of saleable commodities including food to a certain extent to reduce chances of deceit or imposition. It curbs unfair trade practices too. However, a need had been felt that one uniform weight and one uniform measure only should be used in conducting trade to accomplish the object for being with the reformers in all times and countries. Hence realizing this need for a uniform system of weights & measures throughout the country; Govt. decided to adopt a uniform system of weights & measures based on the Metric System which has now become the international system of units. The Act prohibits the use of non-standard weight or measure and emphasizes to use compulsorily the standard weight, measure or numeral. Rules 32 & 36 of Prevention of Food Adulteration Rules, 1955 particularly describe the labelling requirements laid under Standards of Weights & Measures (Packaged Commodities) Rules, 1977 framed under The Standards of Weights & Measures Act, 1976.

The manufacturer, dealer and repairer of 'Weights & Measures' (W & M) and those dealing in 'Weights & Measuring Instruments', compulsorily need to obtain a licence as per requirements under these Rules and the Controller, W&M is the competent authority to grant this licence. Every W&M used by the dealer is stamped by the W&M Department after due verification, with a special seal indicating the identification of Inspector and quarter in which it is verified.

### **13.2.2 STANDARDS OF WEIGHTS & MEASURES (PACKAGED COMMODITIES) RULES, 1977**

In order to safeguard consumer's interests, regulations have been made under these Rules, for serving the purpose of pre-packing and sale etc of the commodities in packaged form. In accordance with the provisions contained under these Rules, every package should bear thereon or on a label securely affixed thereto; definite, plain and conspicuous following declarations:

- I. Name and Address of Manufacturer or Packer and for any imported package the name and address of the Importer.
- II. The common or generic name of commodity contained in the package.
- III. Net-quantity in terms of standard unit of weight, measure or number (as the case may be) of the commodity contained in the package;
- IV. Month & year of Manufacture/Packing/Import of the commodity.
- V. The maximum retail sale price of the package as MRP Rs. \_\_\_\_\_ (inclusive of all taxes). 'Inclusive of All taxes' means that this Price is inclusive of any local taxes and any tax of State or Central Govt.
- VI. "BEST BEFORE..... DAYS/MONTHS FROM MANUFACTURE/PACKAGING" shall be applicable when a package contains a food commodity. This date determines that the Food contained in the package shall remain in almost same condition as it was packed. The storage conditions under which the package is placed; should be mentioned.

Provided that if a commodity specified in the Third Schedule\* [Commodities to be Packed in Specified Quantity- as defined hereunder] of the Packaged Commodities Rules, is packed in a size other than that prescribed in that Schedule, a declaration as prescribed in the Rules - 'Not a standard pack size under the Standards of Weights & Measures (Packaged Commodities) Rules, 1977 OR 'Non standard size under the Standards of Weights & Measures (Packaged Commodities) Rules, 1977' shall be displayed prominently on the label of such package.

- In case of Packages with more than one product, the name and number or quantity of each product shall be specified on the Package;
- Every Package shall bear the name, address, telephone number, E-mail address (if available), of the person who can be or the office which can be contacted, in case of consumer complaints;
- It shall **not** be permissible to affix individual stickers [label] on the package for altering or making declarations required under these rules;
- Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same should not cover the MRP declaration that was already made by the manufacturer or the packer, on the label of the Package.

\*[“Third Schedule [Commodities to be packed in Specified Quantities] - Certain commodities like; Baby Food, Weaning Food, Biscuits, Bread, Cereal & Pulses, Coffee, Tea, Edible Oils, Ghee, Butter, Milk Powder & Mineral Water etc. shall be packed in such quantities by weight, measure or number as are specified in the corresponding entries against them under the Schedule III of Rule 5 of Standards of Weights & Measures (Packaged Commodities) Rules, 1977. (e.g.: Biscuits should be packed in 25g, 50g,75g, 100g, 150g, 200g,250g, 300g and thereafter in the multiple of 100g up to 1kg)]

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### Check Your Progress Exercise 1

- 1) What was the purpose for enacting Standards of Weights & Measures Act, 1976 ?  
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- 2) Mention two important declarations to be made on a package as per Standards of Weights & Measures (Packaged Commodities) Rules, 1977 ?  
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- 3) How shall you describe 'Non-standard size' under these Act/Rules?  
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- 4) What is 'MRP' and how it is declared on the package?  
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### **13.3 THE INSECTICIDES ACT, 1968**

This Act was enacted by the Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India during the year 1968.

This is an Act to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith. Many incidents associated with food contaminated with pesticides have been reported in different parts of the country, e.g.:

- a) When several persons died as a result of food poisoning arising from foods contaminated with insecticides,
- b) Persons were crippled with paralysis or c) fell seriously ill though not fatally on account of food poisoning by consumption of insecticides contaminated foods. Several reports have been received about the cases of poisoning due to indiscriminate use of Insecticides, particularly type of "Organo-Chlorine" & "Organo-Phosphorous" compounds in food crops/grains.

Central Insecticides Board is constituted as per the provisions of the Act. The Board advises the Central Government & State Governments on technical matters arising out of administration of this Act which may include matters relating to

- a) The risk to human beings or animals involved in the use of insecticides and the safety measures necessary to prevent such risk;
- b) the manufacture, sale, storage, transport and distribution of insecticides with a view to ensure safety to human beings or animals.

#### **13.3.1 USE OF INSECTICIDES IN PUBLIC PREMISES AND FOOD CROPS**

The Govt. has permitted the use of Insecticides in prescribed limits for safe guarding food crops and public premises against menace of insects/ pests. ["Pests" means any insects, rodents, fungi, weeds and other forms of plant or animal life not useful to human beings;]. Pest Control Operations are permissible under this Act. 'Commercial Pest Control Operation' means any application or dispersion of Insecticides including fumigants in household or public or private premises or land and includes pest control operations in the field including aerial applications for commercial purposes. However, no person should himself or by any other person on his behalf, sell, stock or exhibit for sale, distribute or use; (a) any insecticide which is not registered under this Act, (b) any insecticide the sale, distribution or use of which is prohibited under the Rules, (c) any insecticide in contravention of any other provision of this Act/Rules. No person can sell stock or distribute or use any insecticide for commercial pest control operations except in accordance with the conditions of the prescribed License.

### **13.3.2 EXPERT COMMITTEE ON USE OF INSECTICIDES**

Government of India had set up an Expert Committee with a view to reviewing the continued use of pesticides that are either banned or restricted for use in other countries. In accordance with recommendations of the Expert Committee, and in consultation with the Registration Committee the Government, in context to the Insecticides Act, 1968, issued the following order:

- (1) Chlorobenzilate has been banned for use in agriculture. If required it can be imported by government/semi-government organizations and prepare folbex strips for making it available to bee keepers for controlling mites of honeybees.
- (2) Dibromo-Chloropropane (DBPC) has been banned and the registration certificates issued by the Registration Committee to various registrants shall stand cancelled.
- (3) Taxaphene (Camphechlor) has been banned and the registration certificates issued by the Registration Committee to various registrants has been cancelled.
- (4) The use of Sodium cyanide has been restricted for fumigation of cotton bales by Plant Protection Adviser to the Government of India under expert supervision.
- (5) Penta-Chloro-Nitro-Benzene (PCNB) has been banned and the registration Certificates issued by the Registration Committee to various registrants has been cancelled.
- (6) Captafol shall be used only as seed dresser. Its use as foliar spray has been banned.
- (7) All the holders of the registration certificates for manufacture and import of these insecticides were directed to return their registration certificates.

### **13.3.3 RESTRICTION ON USE OF INSECTICIDES UNDER PFA ACT/ RULES**

Rule 65 - Restriction on the use of insecticides of PFA Rules, 1955 prescribes the maximum tolerance limits (in mg/kg or ppm) for various insecticides as indicated in a Table under this Rule. Largely, these insecticides are toxic to human beings if consumed beyond the specified tolerance limits. The food articles of mass consumption are the common targets of Insecticides contamination. They include; Food grains, Milled food grains, Milk & Milk Products, Fruits & Vegetables, Meat, Poultry & Eggs, Fish and Spices. Any Food article detected with pesticide/insecticide, exceeding tolerance limits are treated adulterated and injurious to health under the Act. Stringent penalty provisions have been laid under the PFA Act/rules to deal with such type of adulteration/contamination.

There are presently 143 Insecticides for which tolerance limits have been prescribed vide a Table contained under Rule 65 of the PFA Act which may be referred for details.

An illustration has been cited to enable you to understand the tolerance limits of certain Insecticides. As related to 'Food Grains' the amount of insecticides mentioned in the relevant column of the 'Table' should not exceed the tolerance limits prescribed in the Table under Rule 65 of PFA Rules, 1955.

**TABLE for Maximum Tolerance limit of some common Insecticides in Food Grains**

S. No.	Name of Insecticide	Tolerance limit ppm (mg/kg)
1.	Carbaryl	1.5
2.	Chlordane	0.02
3.	Aldrin, Dieldrin Hydrogen Phosphide	0.01
4.	Inorganic Bromide (determined and expressed as total bromide from all sources)	25.0
5.	Malathion (combined residues of Malathion & Malaxon)	4.0
6.	Phosphamidon Residues (Phosphamidon and its desethyl derivative)	0.05
7.	Diazinone	0.05

*[In accordance with provisions contained under Rule 49 (15) of PFA Act, 1954, [Insecticides]: No person shall store, expose or permit the sale of any insecticide in the same premises where articles of food are stored, manufactured or exposed for sale. However this sub-rule shall not apply to the approved household insecticides, which are registered as such under the Insecticides Act, 1968].*

**Check Your Progress Exercise 2**

5) What does 'Commercial Pest Control Operation' mean?

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6) What are the main targets of insecticides contamination?

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7) What do you understand by Maximum Residue Limits for insecticides?

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**13.4 CONSUMER PROTECTION ACT, 1986**

This Act was enacted by the Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public distribution, Govt. of India during the year 1986.

The Consumer Protection Act, 1986 was enacted in order to protect the consumer;

- (a) from any deception or fraud as related to manufacturing defects or imperfections;
- (b) from shortcomings in the quality, quantity and the purity of the products; and
- (c) for any deficiency in the services rendered.

Though the Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) and the Prevention of Food Adulteration Act, 1954 (PFA Act) have provided relief to the consumers, yet it became necessary to protect the consumers from any exploitation and to save them not only from adulteration and sub-standard food items but also from services provided, so as to safeguard the overall interests of the consumers. Undoubtedly, this Act provides ample protection by providing a very wide range of relief measures.

#### **13.4.1 Consumer Protection under PFA Act**

The PFA Act, 1954 since its very inception has been providing relief to consumers from any exploitation and to save them from adulteration and misbranding of food products.

‘Adulteration’ is broadly defined- (a) “If the article of food sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, (b) not of the nature, substance or quality which it purports to be or is represented to be; (c) if the article of food contains any other substance which affects its nature, substance or quality; or (d) if the article of food is so processed as to affect, injuriously the nature, substance or quality thereof.”

‘Misbranded’ is broadly defined as-“An article of food shall be deemed to be misbranded-a). If it is an imitation of or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, b) is not plainly and conspicuously labeled so as to indicate its true character. c). If it is falsely stated to be the product of any place or country. d).If the package containing it or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular; or e) if the package is otherwise deceptive with respect of its contents; f).If false or exaggerated claims are made upon the label and g) is not labeled in accordance with requirements of this Act/Rules: Very stringent penalty provisions have been laid under this Act for violation of rules in respect of adulteration or misbranding as well as any misrepresentation through advertisements.

#### **13.4.2 Basis of Complaint under the Act**

A consumer or any Recognized Voluntary Consumer Association\*, a group of consumers or Central/State Govt. can lodge complaint under this Act.



“Complaint” means any allegation in writing made by a complainant to the effect that

- (I) an unfair trade practice\*\* or a restrictive trade practice\*\*\* has been adopted by any trader or service provider;
- (II) the goods bought by him or agreed to be bought by him; suffer from one or more defects;
- (III) the services hired or availed of or otherwise so agreed, suffer from deficiency in any respect;
- (IV) A trader or service provider, as the case may be, has charged for the goods or for the services mentioned in the complaint, a price in excess of the actual price:
  - (a) Fixed by or under any law for the time being in force;
  - (b) Displayed on the goods or any package containing such goods;
  - (c) Displayed on the price list exhibited by him, by or under any law for the time being in force;
  - (d) Agreed between the parties.
- (V) Goods which will be hazardous to life and safety when used are being offered for sale to the public;
- (VI) Services which are hazardous to life and safety of the public, when used, are being knowingly offered by the service provider.

***\*Recognized Voluntary Consumer Association means an association recognized by the State or Central Government subject to the prescribed guidelines and registered under the Companies Act, 1956***

***\*\*Unfair trade Practices under this Act means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice amounting to false representations about the quality grade, standard, composition or model etc. or any misleading representations or claims orally or in writing or by visible representations.***

***\*\*\*Restrictive trade practice means a trade practice which tends to bring about manipulation of price or conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include— (a) delay beyond the period agreed to by a trader in supply of such goods or in providing the services which has led or is likely to lead to rise in the price; (b) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as condition precedent to buying, hiring or availing of other goods or services.***

### **13.4.3 ESTABLISHMENT OF CONSUMER PROTECTION COUNCILS.**

For the purpose of providing adequate protection to the consumers' interests, the Consumer Councils and other authorities have been established for the settlement of consumers' disputes and matters connected therewith.

The Central/State/District Consumer Protection Councils: The objectives of the Councils are to promote and protect the rights of consumers such as –

- (a) the right to be protected against the marketing of the goods and services which are hazardous to life and property;
- (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices;
- (c) the right to be assured, wherever possible, access to a variety of goods and services at competitive prices;
- (d) the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate level
- (e) the right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and
- (f) the right to consumer education.

In addition to the establishment of Consumer Protection Councils; “Consumer Disputes Redressal Agencies” are also established at Central, State & District level for providing remedial measures. The duties & functions of these Councils are defined under the Rules.

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### **Check Your Progress Exercise 3**

- 8) What are the functions of Consumer Protection Councils ?  
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- 9) What is meant by Unfair Trade Practices?  
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- 10) What does “Complaint” mean under this Act?  
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- 11) What do you understand by Recognized Voluntary Consumer Association?  
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### **13.5 CUSTOMS ACT, 1962**

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The Customs Act was enacted by the Central Government during the year 1962. This Act is controlled by the Department of Revenue, Ministry of Finance, Government of India.

As contained under Section 46 of Customs Act, the entry of goods on importation is permitted subject to certain conditions laid under this Act. The importer of any goods, other than goods intended for transit or transshipment, should present to the proper officer a bill of entry for home consumption or warehousing in the prescribed form. However if the importer makes and subscribes to a declaration before the proper officer, to the effect that for want of full information he is unable to furnish all the particulars of the goods as required under the relevant Section, the proper officer may consider his request in accordance with rules in force.

- The importer while presenting a bill of entry has to make and subscribe to a declaration about the truth of the contents of such bill of entry. In support of such declaration, he should produce to the proper officer the invoice, if any, relating to the imported goods.
- If the proper officer is satisfied that the interests of revenue are not prejudicially affected and that there was no fraudulent intention, he may permit substitution of a bill of entry for home consumption or for a bill of entry for warehousing or vice versa.

["Prohibited goods" means any goods (here food) the import or export of which is subject to any prohibition under this Act or any other law for the time being in force but does not include any such goods in respect of the conditions subject to which the goods are permitted to be imported have been complied with];

### **13.5.1 APPLICATION OF LAW RELATING TO SEA CUSTOMS AND POWERS OF CUSTOM OFFICERS**

Section 5 of PFA Act, 1954 [Prohibition of import of certain articles of Food] stipulates:

No person shall import in to India for sale or store, sell or distribute:-

- (i) Any adulterated food, (ii) any misbranded food, (iii) any article of food for the import of which a licence is prescribed except in accordance with the conditions of the licence, (v) any article of food in contravention of any other provision of this Act or of any rule made there under,]

As contained under Section 6 of PFA Act, 1954:

(1) The Law for the time being in force relating to Sea Customs and to goods, the import of which is prohibited by Section 18 of the Sea Customs Act, 1878 (8 of 1878) shall, subject to the provisions of Section 16 of this Act, apply in respect of articles of food, the import of which is prohibited under Section 5 of PFA Act, and officers of Customs and officers empowered under that Act to perform the duties imposed thereby on a Commissioner of Customs and other officers of Customs shall have the same powers in respect of such articles of food as they have for the time being in respect of such goods as aforesaid.

(2) Without prejudice to the provisions of sub-section (1) the Customs Collector, or any officer of the Government authorized by the Central Government in this behalf, may detain any imported package which he suspects to contain any article of food the import of which is prohibited under section 5 of this Act and shall forthwith report such detention to the Director of the Central Food Laboratory and, if required by him, forward the package or send samples of any suspected article of food found therein to the said Laboratory. Further action shall be decided on receipt of report of the Lab.

### **13.5.2 VALUATION AND ASSESSMENT OF CUSTOMS DUTY**

The Valuation of goods for purpose of assessment is conducted in the following manner:

(1) For the purposes of the Customs Tariff Act, 1975 (51 of 1975) or any other law for the time being in force where-under a duty of customs is chargeable on any goods by reference to their value. The value of such goods shall be deemed to be the price at which such or like goods are, ordinarily sold, or offered for sale or for delivery at the time and place of importation in the course of international trade;

"provided that such price shall be calculated with reference to rate of exchange as in force on the date on which a bill of entry is presented under section 46, or a shipping bill or bill of export as the case may be, is presented under section 50;]

(2) If the Central Government is satisfied that it is necessary to do so, it may, by notification in the Official Gazette, fix tariff values for any class of imported goods or export goods, having regard to the trend of value of such or like goods, and where any such tariff values are fixed, the duty shall be chargeable with reference to such tariff value.

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#### **Check Your Progress Exercise 4**

12) What do you understand by 'Prohibited Goods' under this Act?  
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13) What is the power of Customs Officer?  
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14) What do you understand by Valuation and Assessment of Customs Duty?  
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## **13.6 THE INFANT MILK SUBSTITUTES, FEEDING BOTTLES & INFANT FOOD (REGULATION OF PRODUCTION, SUPPLY & DISTRIBUTION) ACT, 1992 & RULES, 1993**

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This Act was enacted by the Central Government during the year 1992 and Rules were framed during the Year 1993. The Act & the Rules are controlled by the Department of Women & Child Development, Ministry of Women and Child Development, Government of India.

This is an Act to provide for the regulation of production, supply and distribution of Infant Milk Substitutes, Feeding Bottles and Infant Foods with a view of protection and promotion of breastfeeding and ensuring the proper use of infant foods and other connected or incidental matters. The most relevant definitions contained under this Act:

- "Feeding bottle" means any bottle or receptacle used for the purpose of feeding infant milk substitutes, and includes a teat and a valve attached or capable of being attached to such bottle or receptacle;
- "Health care system" means an institution or organization engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health worker in private practice, but does not include a pharmacy or drug store;
- "Infant food" means any food (by whatever name called) being marketed or otherwise represented as a complement to mothers milk to meet the growing nutritional needs of the infant after the age of four months;
- "Infant milk substitute" means any food being marketed or otherwise represented as a partial or total replacement for mothers milk, whether or not it is suitable for such replacement; However, certain prohibitions have been laid in relation to Infant Milk Substitutes, feeding bottles and infant foods: No person shall-

- (a) advertise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant milk substitutes or feeding bottles;
- or
- (b) give an impression or create a belief in any manner that feeding of infant milk substitutes is equivalent to, or better than, mothers milk; or
- (c) take part in the promotion of use or sale of infant milk substitutes or feeding bottles or infant foods otherwise than in accordance with the provisions of this Act.

### **13.6.1 HEALTH CARE SYSTEM**

- (1) No person shall use any health care system for the display of placards or posters relating to, or for the distribution of, materials for the purpose of

promoting the use or sale of infant milk substitutes or feeding bottles or infant foods:

- (2) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall make any payment to any person who works in the health care system for the purpose of promoting the use or sale of such substitutes or bottles or foods.
- (3) No person, other than a health workers, shall demonstrate feeding with infant milk substitutes or infant foods to a mother of an infant or to any member of her family and such health workers shall also clearly explain to such mother or such other member the hazards of improper use of infant milk substitutes or feeding bottles or infant foods.
- (4) No person, other than an institution or organization, engaged in health care for mothers, infants or pregnant women shall distribute infant milk substitutes or feeding bottles to a mother who cannot resort to breast-feeding and who cannot afford to purchase infant milk substitutes or feeding bottles.

### **13.6.2 STANDARDS OF INFANT MILK SUBSTITUTES, FEEDING BOTTLES OR INFANT FOODS**

Following are the Standards of infant milk substitutes, feeding bottles or infant foods:

- (1) No person shall sell or otherwise distribute any infant milk substitute or infant food unless it conforms to the standards, specified for such substitute or food under the Prevention of Food Adulteration Act, 1954, and the rules made there under and the container thereof has the relevant Standard Mark specified by the Bureau of Indian Standards established under Section 3 of the Bureau of Indian Standards Act, 1986 to indicate that the infant milk substitute or infant food conforms to such standards;

[Provided that where no standards have been specified for any infant milk substitute or infant food under the Prevention of Food Adulteration Act, 1954, no person shall sell or otherwise distribute such substitute or food unless he has obtained the approval of the Central Government in relation to such substitute or food and the label affixed to the container thereof under the rules made under the Act].

- (2) No person shall sell or otherwise distribute any feeding bottle unless it conforms to the Standard Mark specified by the Bureau of Indian Standards referred to in sub-section (1) for feeding bottle and such mark is affixed on its container, information on containers and labels of infant milk substitutes or infant foods. --Without prejudice to the provisions of the Prevention of Food Adulteration Act, 1954 and the rules made there under, no person shall produce, supply or distribute any infant milk substitute or infant food unless every container thereof or any label affixed thereto indicates in a clear, conspicuous and in an easily readable and understandable manner, the words "IMPORTANT NOTICE" in capital letters in such language as may be prescribed for indicating there under the following particulars in the same language, namely:-

- (a) A statement "MOTHERS MILK IS BEST FOR YOUR BABY" in capital letters;
- (b) A statement that-Infant Milk Substitute or Infant Food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;
- (c) A warning that- Infant Milk Substitute or Infant Food is not the sole source of nourishment of an infant;
- (d) The instructions for its appropriate preparation and a 'Warning' against the health hazards of its inappropriate preparation; and-
- (e) the ingredients used;
- (f) the composition or analysis;
- (g) the storage conditions required;
- (h) the batch number, date of its manufacture and the 'BEST BEFORE ...MONTHS FROM MANUFACTURE' before which it is to be consumed, taking into account the climatic and storage conditions of the country;

- **No container or label** referred to in sub-section relating to Infant Milk Substitute shall-

- (a) have **pictures of an infant or a woman or both**; or (b) have pictures or other graphic material or phrases designed to increase the salability of infant milk substitute; or (c) use on it the word "humanized" or "materialized" or any other similar word; or (d) bear on it such other particulars as may be prescribed.

- **Every educational or other material**, whether audio or visual, dealing with pre-natal or post- natal care or with the feeding of an infant and intended to reach pregnant women or mothers of infants shall include clear information relating to--  
 (a) the benefits and superiority of breast-feeding; (b) the preparation for, and the continuance of, breast-feeding; (c) the harmful effects on breast-feeding due to the partial adoption of bottle feeding; etc.

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**Check Your Progress Exercise 5**

15) What do you understand by 'Health Care system'?

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 .....  
 .....

16) What do you know about standards of "Feeding Bottles"?

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 .....  
 .....

17) What is 'IMPORTANT NOTICE' under this Act?

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 .....  
 .....

18) What does the 'Warning' mean under this Act?

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## **13.7 ENVIRONMENT (PROTECTION) ACT, 1986**

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Environment (Protection) Act under the Ministry of Environment and Forests (Department of Environment, Forest and Wildlife) was enacted by the Central Government during the year 1986. It is an Act to provide for the protection and improvement of environment and for matters connected therewith. 'Environment' includes water, air and land and the inter relationship which exists.

We are well aware that environment and surroundings of a food industry, warehouses or outlets have bearing on the quality and safety of food products. The emissions or discharge of environmental pollutants in an area, from industries, operations, process, automobiles and domestic sources in the form of gaseous, liquid or solid substances may be the causative factors to deteriorate the food and render it injurious to health besides environments in general. The most relevant functionaries under this Act which play vital role in controlling and protecting the citizens from pollution are:

"Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;

"State Board" means a State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 or a State Pollution Control Board constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981;

"Prohibited Substance" under this Act have been defined as: the substances prohibited for handling & "Restricted substance" means the substance restricted for handling;

### **13.7.1 STANDARDS OF EMISSIONS OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS**

- (1) The standards are framed for the purpose of protecting and improving the quality of the environment and preventing and abating environmental pollution. The standards for emission or discharge of environmental pollutants from the industries, operations or processes have been specified under relevant Schedule of this Act.
- (2) The Central Board or a State Board may specify more stringent standards from those provided in the above Schedules in respect of any specific industry, operation or process depending upon the prevailing situation.
- (3) The standards for emission or discharge of environmental pollutants as specified under clauses (1) or (2) above should comply with by an industry, operation or process;



(3A) Emission or discharge of environmental pollutants from the industries, operations or processes should not exceed the relevant parameters and standards specified in related schedule.

Provided that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefore in writing;

(3B) The combined effect of emission or discharge of environmental pollutants in an area, from industries, operations, process, automobiles and domestic sources, shall not be permitted to exceed the specified concentration in ambient air as also specified against each pollutant in the Schedule.

### **13.7.2 PROHIBITIONS AND RESTRICTIONS ON THE LOCATION OF INDUSTRIES**

In public health interest, the Central government may take into consideration the following factors while prohibiting or restricting the location of Food industries and carrying on of processes and operations in different areas-

- (i) Standards for quality of environment in its various aspects laid down for an area.
- (ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) or an area.
- (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
- (iv) The topographic and climatic features of an area.
- (v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.
- (vi) environmentally compatible land use.
- (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

### **13.7.3 ECOMARK SCHEME**

The Ministry of Environment & Forests, Government of India has instituted a Scheme on labelling of Environment Friendly Products through a Gazette Notification. The Scheme is known as "ECOMARK". Any product which is made, used or disposed of in a way that significantly reduces the harm it would otherwise cause to the environment, are categorized as environment friendly products. The Ecomark label is awarded to consumers goods which meet the specified environmental criteria and the quality requirements of Indian Standards.

#### **Objectives of the Scheme**

- To provide an incentive for manufacturers and importers to reduce adverse environmental impact of products.
- To reward genuine initiatives by companies to reduce adverse environmental impact of their products.

- To assist consumers to become environmentally responsible in their daily lives by providing information to take account of environmental factors in their purchase decisions.
- To encourage citizens to purchase products which have less harmful environmental impacts.
- Ultimately to improve the quality of the environment and to encourage the sustainable management of resources.

The Scheme is voluntary and invites participation from common citizens and concerned industrial sectors in the larger interest of environment. Some of the food products identified under the ECOMARK Certification are Tea, Coffee, Refined Vegetable oils, Vanaspati, Food Additives/Preservatives, Processed Fruits and Vegetable Products, Infant Foods and Beverages. The Scheme of Ecomark is being implemented by Bureau of Indian Standards.

### **GENETICALLY MODIFIED FOODS (GM FOODS)**

Genetically modified (GM) foods, more accurately called genetically engineered foods, are foods that have had their DNA altered through genetic engineering. Unlike conventional genetic modification that is carried out through conventional breeding and that have been consumed for thousands of years, GE foods were first put on the market in the early 1990s. The most common modified foods are derived from plants: soybean, corn, canola, and cotton seed oil.

Controversies surrounding GM foods and crops commonly focus on human and environmental safety, labeling and consumer choice, intellectual property rights, ethics, food security, poverty reduction, and environmental conservation.

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#### **Check Your Progress Exercise 6**

19) What do you mean by 'Environmental Protection'?

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 .....  
 .....

20) What do you understand by 'Emission & Discharge' under this Act?

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21) What are the important factors for Prohibiting or Restricting location of industries?

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 .....  
 .....

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## 13.8 THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974

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Water is the main source of consumption and invariably an important constituent of cooked or processed foods. It may be a carrier of pollutants both chemical and microbiological which are largely responsible for food deterioration and render it unsafe for human health. We have become now aware of the menace of insecticides and other pesticides. Toxicity due to the contamination of pesticides and other chemicals in water and foods have been victimizing significant section of population.

The Water (Prevention & Control of Pollution) Act under the Ministry of Environment & Forests was enacted by the Central Government in consultation with Central Board for the Prevention & Control of water Pollution during the Year 1974. This is an Act to provide a) for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, b) for the establishment of Boards, with a view to carrying out the purposes aforesaid, c) for the prevention and control of water pollution.

Whereas in pursuance of clause (1) of Article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law. Hence it applies in the first instance to all the above States and Union Territories. It shall apply to such other State which adopts this Act by resolution passed in that behalf under the said clause. The important definitions to help understand activities under this Act are:-

-“Occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premise, and includes, in relation to any substance, the person in possession of the substance;

-“Outlet” includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes or is likely to cause, pollution;

-“Pollution” means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;

-“Sewage effluent” means affluent from any sewerage system or sewage disposal works and includes sullage from open drains;

- “Stream” includes; River, Water course (whether flowing or for the time being dry); Inland water (whether natural or artificial); Sub-terranean waters; Sea or tidal

waters to such extent or, as the case may be, to such point as the State Government may notify.

-“Trade effluent” includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage.

### **13.8.1 THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION**

(1) The Central Government in relation to the aforementioned States and in the Union Territories or any other States/U T appoints/ constitutes ‘Central Board’ to be called the ‘Central Pollution Control Board’ to exercise the powers conferred and perform the functions assigned to that Board under this Act.

(2) The State Government appoints/ constitutes a “State Pollution Control Board”, to exercise the powers conferred and perform the functions assigned to that Board.

The following are the functions of State Pollution Control Board:

- (a) Advise the Central Government on any matter concerning the prevention and control of water pollution;
- (b) Co-ordinate the activities of the State Boards and to resolve disputes among them;
- (c) Provide technical assistance and guidance to the State Boards carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (d) Plan and organize the training of persons engaged or to be engaged in programmers for the prevention, control or abatement of water pollution;

### **13.8.2 MEASURES FOR CONTROL OF WATER POLLUTION**

The Board may establish or recognize laboratories to enable the Board to perform its functions efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

It demarcates each water pollution, prevention and control area in a suitable manner.

A State Board gives directions to any erring person who is discharging sewage or trade effluent into any such stream or well;

A State Board or any officer shall have power to take samples of water for the purpose of analysis from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream /well.

22) What is meant by “Sewage effluents”?

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.....  
.....

23) Why does ‘State Board’ (under this Act) take sample of water/sewage etc.?

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24) Describe an important function of State Pollution Control Board

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### **13.9 THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981**

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We also know that Air Pollution through emission of any air pollutant is derogatory to human health. It is worthwhile to know about the term "Emission": It means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet. These chemically loaded emissions may contaminate raw materials and processed foods including air inhalation to a substantial degree to prove hazardous to human beings.

The Air (Prevention & Control) of Pollution Act under the Ministry of Environment & Forests was enacted by the Central Government in consultation with Central Board for the Prevention & Control of Water Pollution during the Year 1981. The provisions of this Act are aimed at : a) for the prevention, control and abatement of air pollution, b) for the establishment of Boards with a view to carrying out the aforesaid purposes, and c) conferring and assigning powers and functions relating thereto and other related matters to the Boards.

[In this context, it is worthwhile to mention that in the past certain decisions were taken at the United Nations Conference on the HUM, an Environment event held in Stockholm in June, 1972: to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of Air and control of air pollution. India had participated in this Conference.]

Some important definitions to help understand provisions of this Act are:-

- "Air pollution" means any solid, liquid or gaseous substance or other pollutant in the atmosphere including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or environment;

- "Control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

- "Industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

### **13.9.1 FUNCTIONS OF CENTRAL AND STATE BOARDS**

The main functions of the Central Board are to improve the quality of air and to prevent, control or abate air pollution in the country. The Central Board may -

- (a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;
- (b) plan and execute a nationwide programme for the prevention, control or abatement of air pollution;
- (c) co-ordinate the activities of the State Boards and resolve disputes among them;
- (d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air-pollution and prevention, control or abatement of air pollution;

Similarly the functions of a State Board are: (a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof; (b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution; (c) to collect and disseminate information relating to air pollution; (d) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, such directions to such persons as it may be necessary to take steps for the prevention, control or abatement of air pollution; (e) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

A State Board or any officer empowered by it have power to take samples of air or emission from any chimney, flue or duct or any other outlet for the purpose of analysis in such manner as may be prescribed to assess the level of Air pollution. Stringent penalty provisions have been laid for any violation of prescribed standards.

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#### **Check Your Progress Exercise 8**

25) What is "Control Equipment" described under this Act?

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26) Describe an important function of Central Board under this Act?

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27) Why does State Board take sample of air or emission?

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### **13.10 LET US SUM UP**

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The aforementioned Acts/Rules contribute significantly to serve consumer protection. Awareness is being continuously created in consumers' mind for safeguarding their rights and protecting against health hazards, deception or fraud. Consumer is also cautioned on continuous basis via media for his/her food protection from consumption of any toxic substances like chemical pollutants including insecticides/ pesticides. The pollutants emanating as a result of Water pollution or Air pollution have been identified as being potent health hazards, which have been affecting large population of our country. Through these Acts/Rules we have been made well aware of our rights and provided shields to firmly protect ourselves from deception, adulteration, unfair trade practices and restrictive trade practices in our day to day life. All these 'Agencies' in coordination with PFA Act/Rules are directly or indirectly involved in Food Safety measures and other consumer protection aspects.

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### **13.11 SUGGESTED FURTHER READING**

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The Standards of Weights & Measures Act, 1976; The Standards of Weights & Measures(Packaged Commodities) Rules, 1977 [Website: [www.fcamin.nic.in](http://www.fcamin.nic.in)],

The Insecticides Act, 1968 [Website:[www.agri.coop.nic.in](http://www.agri.coop.nic.in)],

The Consumer Protection Act, 1986 [Website: [www.fcamin.nic.in](http://www.fcamin.nic.in)],

The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 as Amended in 2003 (IMS Act) [Website: <http://wcd.nic.in>];

Customs Act, 1962 [[www.commin.nic.in](http://www.commin.nic.in)].

Environmental Protection Act [Website:<http://envfor.nic.in>];

The Water (Prevention and Control of Pollution) Act, 1974,

The Air (Prevention & Control of Pollution) Act, 1974; ECOMARK [website:[envfor.nic.in/cpcb/ecomark](http://envfor.nic.in/cpcb/ecomark)]

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### **13.12 KEY WORDS**

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- Electronic Balance** : Electronically operated Balance having inbuilt system of weighing.
- Pesticides** : The agents to destroy insects, rodents, fungi, weeds and other forms of plants or animal life not useful to human beings;
- M.R.T.P. Act** : Monopolies and Restrictive Trade Practices Act,
- Misbranded** : Misrepresented or deficient in certain labeling declarations;
- Tariff Value** : The rate of custom duty chargeable on category of goods
- Infant Milk Substitute** : Any Infant Food which is partial or total replacement of mothers milk.
- Pollutants** : Emission or discharge of foul or toxic substances; gas, liquid or solid;
- Exaggerated Claim** : Misleading, hyper or irrelevant claim
- Restrictive Practices** **Trade** : A trade practice which leads to manipulation of price or condition of delivery etc to impose on consumer un justified costs;
- Contravention:** : Contrary to or in violation to the rules or provisions;
- Biological Diversity** : (or Biodiversity): Existence of variety of living Beings on earth and their interaction with environments;
- Water Pollution** : Contamination of water by discharge of any sewage, trade effluents, or any other substances to render water harmful or injurious to public health;
- Trade Effluents** : It includes any liquid, gaseous or solid substances discharged from any operational treatment and disposal system of an industry;
- Industrial Plant** : It means any plant used for any industrial or trad purposes and emitting any air pollutant into the



atmosphere

**Air Pollution** : It means any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants.

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### **13.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES**

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Your answer should include the following points:

Ans 1 : The Standards of Weights & Measures Act, 1976 is an Act to establish standards of Weights & Measures to regulate inter-state trade or commerce in weights, measures and other goods which are sold or distributed by quantity that is; weight, measure or number, and to provide for matters connected therewith.

Ans 2 : The two declarations may be (1) The common or generic name of the commodity contained in the package and (2) Net quantity in terms of standard unit.

Ans 3: As contained under Schedule III of Standards of Weights & Measures (Packaged Commodities) Rules, certain commodities like; Biscuits, Bread, Coffee, Tea etc. are required to be packed in specified quantities say 100g, 200g, 500g .... However if packed in a size other than that prescribed in that Schedule, it shall be a 'Non standard pack size'

Ans 4: As contained under the Rules, the maximum retail sale price of the package shall be declared as MRP Rs. \_\_\_\_\_ (inclusive of all taxes).

Ans 5: Commercial Pest Control Operation means any application or dispersion of insecticides including fumigants in household, public or private premises;

Ans 6: The main targets of insecticides contamination are: food grains & milled grains, milk & milk products, meat, poultry and eggs;

Ans 7: Tolerance limits are the prescribed limits of insecticides which can generally be tolerated by the human system. These are specified in Prevention of Food Adulteration Rules, 1955.

Ans 8: The consumer protection councils promote and protect the rights of consumer from any deception, shortcomings in purity and quality or deficiency in service;

Ans 9: Unfair methods or deceptive practices amounting to false representation about quality, standards and composition of the product;

Ans 10: “Complaint” under Consumer Protection Act means any allegation in writing made by a complainant against adoption by someone, of unfair trade practices or restrictive trade practices;

Ans 11: Recognized Voluntary Consumer Association means an association Recognized by the State or Central Government subject to the prescribed guidelines and registered under the Companies Act,1956;

Ans 12 : Any goods the import or export of which is subject to any prohibition under Customs Act or any other law for the time being in force subject to any relaxation

Ans 13: Custom officer may detain any imported package which he suspects to be the goods or food, import of which is prohibited under law;

Ans 14 : Customs duty chargeable on any goods by reference to their value, the price at which such like goods are sold or offered for sale;

Ans 15: Health Care System means any institution or organization engaged directly or indirectly in health care of mothers, infants or pregnant women;

Ans 16: The feeding bottles should conform to standards specified by B.I.S;

Ans 17 : The important Notice under ‘The Infant Milk Substitute, ... (Regulation, Supply & Distribution) Act’ is- “MOTHERS MILK IS BEST FOR YOUR BABY”

Ans 18: The warning under ‘The Infant Milk Substitute, .... Act’ is – Infant Milk Substitute or Infant food is not the sole source of nourishment of an infant;

Ans 19: ‘Environmental Protection’ means protecting and improving the quality of environment from industries or other operations;

Ans 20: The emissions or discharge of environmental pollutants in an area, from industries, operations, process, automobiles and domestic sources in the form of gaseous, liquid or solid substances may be the causative factors to deteriorate the food and render it injurious to health and environments in general.

Ans. 21: The important factors while prohibiting or restricting the location of industries are concentration of various environmental pollutants and the likely emission or discharge of environmental pollutants from an industry, process or operation;

Ans 22 : ‘Sewage Effluents’ means the effluents from any sewerage system or sewage disposal works and includes garbage from open drains;

Ans 23 : The State Board takes samples of water or sewage etc. for the purpose of determining presence of poisonous, noxious or polluting matters in water;

Ans 24: An important function of State Pollution Control Board is to advise the Central Govt. on any matter concerning the prevention and control of water pollution;

Ans 25 : "Control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

Ans 26: The Central Board for Prevention & Control of Air Pollution may advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution.

Ans 27: A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed to assess the level of Air pollution. Stringent penalty provisions are laid for any violation of prescribed standards.