4.1 INTRODUCTION

Consumer Protection Act is not the only redressal agency available to the consumers for redressal of their grievances. Many other legislations have been enacted in India from time to time which help the common person in dealing with the violation of his rights vis-a-vis the goods and services being availed of by him.

Some of the major Acts, providing for and relating to consumer interest, have been discussed in this chapter. The discussion of the provisions is as far as possible, non-legalistic and comprehensive without going into all minute details. The researcher has taken care of discussing some of the major legislations in India relating to protection of consumer interest and consumer awareness.

<table>
<thead>
<tr>
<th>The Sale of Goods Act, 1930</th>
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</thead>
<tbody>
<tr>
<td>The Prevention of Food Adulteration Act, 1954</td>
</tr>
<tr>
<td>The Monopolies and Restrictive Trade Practices Act, 1969</td>
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<td>The Competition Act, 2002</td>
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<td>The Bureau of Indian Standard Act, 1986</td>
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<td>The Standards of Weights and Measures Act, 1976</td>
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<td>The Drugs and Cosmetics Act, 1940</td>
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<td>The Drugs and Magic Remedies (Objectionable Advertisement Act, 1954)</td>
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<tr>
<td>The Essential Commodities Act, 1955</td>
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<td>The Environment Protection Act, 1986</td>
</tr>
</tbody>
</table>

4.2 SALE OF GOODS ACT, 1930

The law relating to the sale of goods or movables in India is contained in the Sale of Goods Act, 1930. Before the passing of the present
Act, the law relating to the sale of goods was contained in Chapter VII of the Indian Contract Act, 1872. The provisions of Chapter VII were found to be inadequate and the present Act was passed with the main object of making the provisions more clear. The Act came into force on July 1930. It contains 66 sections and extends to the whole of India except the state of Jammu and Kashmir.

4.2.1 Nature & Scope

Like any other contract, the contract of sale is the result of offer and acceptance by two different parties. The parties to the contract enjoy unfettered discretion to agree to any terms they like relating to delivery and payment of price. The Sale of Goods Act does not restrict or limit this discretion of the parties to the contract. According to Section 4, a sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a price. A contract of sale may be absolute or conditional. In an absolute sale, the property in the goods passes from the seller to the buyer immediately and nothing remains to be done by seller. In a conditional contract of sale, the property in the goods does not pass to the buyer absolutely until a certain condition is fulfilled. The term 'contract of sale' is a general term and comprises of - (1) sale; and (2) agreement to sell

Where the seller transfers the property in the goods immediately to the buyer, there is a sale. But where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled, the contract is called an agreement to sell.

4.2.2 Salient features

Sale of Goods has the following features:

Contract: The word contract means an agreement enforceable by law. It presumes free consent on the part of the parties who should be competent to contract. Thus, a compulsory transfer of goods is not a sale. All the essential elements of a valid contract must also be present in a contract of sale.
Two Parties: There must be two persons, one the seller and the other the buyer. The seller and the buyer must be two different persons. The parties must be competent to contract.

Transfer of property: There should be a transfer or agreement to transfer the absolute or general property in the goods sold or agreed to be sold. It contemplates the transfer of the ownership in the goods. Though passing of the title in the goods is an essential ingredient of sale, physical delivery of goods is not essential.

Goods: Contract of sale must be for the goods and the property which is to be transferred from the seller to the buyer. Goods of any kind except immovable goods may be transferred. It does not include money and other actionable claims. The seller must be the owner of the goods, the ownership of which is sought to be transferred.

Price: To constitute a valid contract of sale, consideration for transfer must be money paid or promised. Where there is no money consideration the transaction is not a contract of sale.

Condition and warranty:

A stipulation in contract of sale with reference to goods which form its subject matters may be either a condition or a warranty. According to Section 12(2) of the Sale of Goods Act, "A condition is a stipulation essential to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated." Where a stipulation in a contract of sale forms the basis of a contract, i.e., essential to the main purpose of the contract, it is a condition. These stipulations go directly to the root of the contract.

A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages but not to a right to
reject the goods and treat the contract as repudiated. [Section 12(3)]. Where the fulfilment of the main purpose of the contract depends on the fulfilment of the stipulation it is a condition and where it is not so, the stipulation is only a warranty.

Whether a stipulation in a contract is a condition or a warranty depends in each case on the construction of the contract. No special words are necessary to create warranty in the contract. The same phrase in two different contracts may in one case amount to a condition and in the other to a warranty.

Express and implied conditions and warranties:

In a contract of sale, conditions and warranties may be expressed or implied. Expressed conditions and warranties are those which are entered in clear words in the contract. They are expressly provided in the contract of sale. Implied conditions and warranties are those which the law incorporates into the contract unless the parties agree to the contract. Implied conditions and warranties are enforced on the ground that the law presumes that the parties have incorporated them into their contract though they have not put them into it in express words. Thus, stipulation relating to title, merchantability, etc. are considered to be so important that they are treated as implied conditions.

4.3 THE PREVENTION OF FOOD ADULTERATION ACT, 1954

The Prevention of Food Adulteration (PFA) Act, 1954, as its name suggests is an act to prevent adulteration of food in order to protect the health of the public. However, the manner in which the Act has worked, or come to be implemented by the authorities over the last 50 years, made it quite ineffective. At the same time it is important to remember that it contains some excellent provisions for consumer interest and undoubtedly it covers a very wide area, making provisions for all things, connected with 'food' and
'adulteration'. The provision that lessens the efficacy of the Act, may be removed with persistent consumer effort.

4.3.1 Meaning and Scope

The Act contains important definitions (Sec.2). Adulterated food means any food which is not of the quality demanded by the consumer, or as it is represented to be; or contains something that affects the quality of the food, or is stored in conditions that have affected the quality; or the food is rotten or decayed and otherwise unfit for human consumption, or if the article is obtained from a diseased animal.

'Food' has also been defined to mean any food or drink used for human consumption. But it does not include 'drugs' or water, but flavouring substance spices, are included. Thus ice, chewing tobacco (Zarda) have been held to be foods.

4.3.2 Salient Features

The most important feature of this Act is that it is a 'strict liability' statute. 'Means real', or necessity to prove a 'guilty mind' on the part of the offender is not necessary, provided it is proved that the offender has done something contrary to the provisions of the Act.

Under the Act, it is true that an individual or a consumer organisation may take a sample of food suspected to be adulterated, and get it tested (Sec. 12). But the elaborate procedure prescribed under the Act for Food Inspectors (Sec. 11) must also be followed by the consumer. Worse, while taking the sample, the consumer must inform the seller beforehand that he has taken the sample for testing purposes. (Sec. 12). This means that if an unsuspecting purchase finds the foods adulterated after he has taken it away from the shop,
he has no remedy. Except that, he may go and give the sample to the Food Inspector, or the Public Analyst who will test the sample, and may be persuaded to go back to the seller and take fresh samples in order to comply with the procedure under the Act. By that time the original sample may not be available with the seller, or having been put on guard, the seller may deliberately destroy the adulterated foodstuff in his possession.

Among other powers, a food inspector also has the power to get medically examined any seller or manufacturer of food, if the later is suffering from any infectious disease according to the inspector. On medical examination, if the presence of disease is confirmed the inspector shall prohibit that person from manufacturing or selling any food article (Rule 13, PFA Act).

Section 12 contains another serious limitation in so far as individual consumers or consumer organizations are concerned. Even if the sample submitted to the Public Analyst under the Act is found to be adulterated after testing, only the Food Inspector may prosecute the seller. The consumer or consumer organization can only get a refund of the testing fees, but cannot initiate prosecution.

Under this Act, any person who directly sells an adulterated misbranded food article, contrary to provisions of this Act is punishable (Sec.7). Even if he keeps such adulterated/misbranded article for the purpose of manufacturing of food articles is also punishable.

Manufacturers, distributors and dealers of food articles must give a written warranty regarding its quality and nature to the vendor. A bill, cash memo, invoice are all deemed warranties under section 14, and on demand by the Food Inspector, a vendor is bound to disclose the name of person from
whom he purchased the food article for the purpose of resale (sec.14-A). This is another self-defeating provision so far as consumers are concerned. Only a food inspector can demand this information, not a consumer. In reality it would be a consumer who is affected, by sale of adulterated, misbranded or otherwise harmful to him.

Because of certain other provisions in this Act (Sec.19, 20), successful prosecution under this Act, by a consumer, or a consumer organization is difficult, if not impossible. Any vendor is not guilty if he can prove that he purchased goods from the manufacturer, dealer or distributor who had a valid licence, or gave a warranty. Further no prosecution under the Act is possible without the written consent of the Central and State Government. However, if the sale of adulterated food is proved and it is further proved that such adulterated food could have caused death, or grievous bodily harm, the offender can be punished with life imprisonment, or in any case imprisonment for minimum 3 years and a fine of five thousand rupees.

Under Sections 23 & 24, the Central and State Government have very wide powers. These powers, illustratively, cover classification of food articles, defining standards, control over production, distribution & sale of food packages, licensing & conditioning thereof.

It would be advisable to look into rules under this Act. In particular, Rule 23, Part VI onwards contain detailed provisions regarding colouring matter, labelling and packaging information, prohibition of use of certain words, devices and size. It is useful to know that every food package must be labelled and must carry on it, the name, and description of the food inside. The names of ingredients must also be mentioned in the descending order of their composition, (whether by weight or volume – Rule 32). The same rule also specifies that the quantity or weight mentioned on the label, must exclude the
weight of wrappers or materials used in the package. When it is claimed that a food is enriched with nutrients, the quantity of such nutrients must be specified on label (Rule 32. A). The information must be provided either in English or Hindi (Devnagri Script).

Rules 34 to 37 provide for size and types to be used for declaration, and prohibit false and misleading statement on labels. It must not use words, indicating that the food has been recommended by the medical profession (Rule 39). Also any syrup, juice, squash which does not contain the prescribed amount of juice, must carry the word 'SYNTHETIC,' on the label. Further, the label cannot carry any picture, device of any fruit on it, nor can the word 'fruit' be used on the label (Rule 40).

Any drink alleged to be fortified with vitamin C, must contain at least 40gm of ascorbic acid per 100 gm. of the product. The use of carbide gas is prohibited for artificial ripening of fruits (R 44- AA). A number of fruits like papayas, and mangoes are artificially ripened by use of the gas. So even though the fruit appears golden and ripe, because the chemicals have not been converted in the fruit, it will taste sour. Other important provisions which may be mentioned are those on preservatives (Part X), Poisonous Metals (Part XI), Crop Contaminants & Naturally Occurring Toxic Substance (Chap XI- A), Flavouring Agents (Part - XIII), Insecticides and Pesticides (Part – XIV). These are pointed out because it is felt that they would be invaluable to any consumer group working specifically in the area of food adulteration and related consumer problems.

4.4 THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969


4.4.1 Scope and Objective of the Act

The principal objectives of the Act are:

(i) Prevention of concentration of economic power to the common detriment, and

(ii) Prohibition of monopolistic, restrictive and unfair trade practices which are prejudice to public interest.

The preamble of the Act and Article 39(b) and (c) of the Constitution say that it was enacted to provide for the operation of the economic system which did not result in the concentration of economic i.e power to the common detriment. We need not strike at concentration of economic power as such should not do so only when it becomes a menace to the common detriment (best production and fair distribution). Thus, it was ‘Common good’ and “Common detriment” that was the objective in this interpretation. In 1991, the provisions against monopolies were swept vide MRTP (Amendment) Act, 1991. Prior to the amendment, the purpose of the MRTP Act was to limit the size of Corporations, so that they do not become giant powers which could be detrimental to consumer interest. Its purpose was to restrict monopolies if they include to common detriment. Two policy instruments were discretely used. The Industries (Development and Regulation) Act with split capacities, ostensibly to create competition and the MRTP Act which was against the large business houses whereby a large business house could not become large without the sanction from the Government.
4.4.2 Salient features of the Act

4.4.2.1 Jurisdiction and Power of the MRTP Commission

The Commission is empowered with powers to conduct an inquiry into

i) any restrictive trade practice.

ii) any monopolistic trade practice, and

iii) unfair trade practice.

In the case of restrictive and unfair trade practices the commission may conduct an inquiry

i) upon receiving a complaint from any trade or consumer association having a membership of not less than twentyfive persons / twenty-five or more consumers

ii) upon a reference made to it by the Central Government or a State Government

iii) upon an application made to it by the Director General of Investigation

iv) upon its own knowledge or information.

In the case of monopolistic trade practices, the commission is empowered to conduct an inquiry

i) upon a reference made to it by the Central Government

ii) upon its own knowledge or information.

4.4.2.2 Powers of the Commission

i) For the purpose of any injury under this Act, the commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters:

• Summoning and enforcing the attendance of any witness and examining him on oath,

• Discovery and production of any document or other material object as evidence

• Receipt of evidence of affidavits and

• Requisition of any public record from any court or office.
ii. The Commission shall have the power to require any person:

- to produce the books of accounts or other documents in his custody or under his control, relating to any trade practice and allow to be examined by an officer of the Commission specified for the purpose of this Act.
- To furnish to an officer so specified such information in respect of the trade practice as may be in his possession relating to the trade carried on by other person.

iii. For the purpose of enforcing the attendance of witness, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.

iv. Section 12-A of the Act empowers the Commission to grant temporary injunction restraining an undertaking or person from carrying on any monopolistic, restrictive or unfair trade practices until the conclusion of an inquiry or until further orders.

v. Section-12-B empowers the Commission to award compensation for the loss or damage caused to the applicant by reason of any monopolistic, restrictive unfair trade practice carried by an undertaking.

vi. The orders passed by the Commission under Section 12-A or 12-B may be enforced by the Commission in the same manner as if it were a decree or order made by a court.

vii. Section 13 of the Act, empowers the Commission to make its orders conditional or subject to such provisions as may be necessary. But such orders should not be inconsistent with the purpose of the Act.

viii. Section 13-A empowers the Commission to cause an investigation to find out whether or not the orders made by it have been complied with.

ix. The Commission has power to regulate the procedure and conduct of business inquiry. Further, the Commission may, by notification, make regulations for efficient performance of its functions under this Act.
As stated earlier, the MRTP Act is now only concerned with the control of monopolistic, restrictive and unfair trade practices. Hence, a brief mention of the above said practices has been made here.

4.4.3 Monopolistic Trade Practices

A monopolistic trade practice is a trade practice which has, or is likely to have the effect of:

i) Maintaining prices at a reasonable level by limiting, reducing or otherwise controlling the production, supply or distribution of goods of any description or the supply of any services.

ii) Unreasonably preventing or lessening competition in the production, supply or distribution of any goods or services.

iii) Limiting technical development or capital investment to the common detriment.

iv) Allowing the quality of goods produced, supplied or distributed or any services rendered in India.

The Act empowers the Central Government to control and prohibit those monopolistic trade practices that are prejudicial to the public interest. The underlying idea is to safeguard public interest from any injury that may be caused as a result of such practice.

4.4.4 Restrict Trade Practices

A restrictive trade practice means a trade practice which has or may have the effect of preventing, distorting or restricting competition in any manner and in particular:

i) tends to obstruct the flow of capital or resources into the stream of production;

ii) tends to bring about manipulation of prices or conditions of delivery or supply of goods or services in such manner as to impose on consumers unjustified costs or restrictions;
A trade practice which merely regulates and thereby promotes competition, cannot be regarded as a restrictive trade practice even though it may be, to some extent, in restraint of trade.

Section 37 of the MRTP Act empowers the MRTP Commission to conduct an inquiry into any restrictive trade practice, whether registered or not under Section 35. The Commission may conduct an inquiry into any restrictive trade practice either on its own or intuitive upon a reference made to it by the Central Government or State Government or in response to specific complaints by the consumers or consumer association or on a complaint made by the Director General of Investigation. The purpose of the inquiry is to find out whether the said trade practice comes under the definition of the restrictive trade practice and if so, whether the practice is prejudicial to public interest. If the Commission is of the opinion that practice is prejudicial to public interest, it may, by order, direct that:

b) the practice shall be discontinued or shall not be repeated (Cease and Desist Order)

c) the agreement relating to the said practice shall be void or shall stand modified thereof in such manner as may be specified in the Order.

4.4.5 Unfair Trade Practices

The MRTP Amendment Act, 1984 provides for the control of unfair trade practice. Section 36-A of the Act defines an unfair trade practice as follows:

"An unfair trade practice means a trade practice which, for the purpose of promotion of the sale, use or supply of goods or of the provision of any services, adopts one or more of the following practices and thereby cause loss or injury to the consumers of such goods or services, whether by eliminating or restricting competition or otherwise."
The various unfair trade practices are listed below:

1. The practice of making any statement, whether orally or in writing or by visible representation.

2. Permits the publication of any advertisement, whether in any newspaper or otherwise, for the sale at a bargain price of goods or services that are not intended to be offered for sale, supply at the bargaining price.

3. Permits the
   a) Offering of gifts, prizes or other items with the intention of not providing them as offered or creating the impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction as a whole
   b) Conduct of any contest, lottery, game of chance or skill, for the purpose of prompting, directly or indirectly, the sale, use or supply of any product or any business interest.

4. Permits the sale or supply of goods intended to be used or are of a kind likely to be used by customers, knowing or having reason to believe that the goods do not comply with the standards prescribed by the competent authority relating to performance, composition, contents, design, etc.

5. Permits the hoarding or destruction of goods, or refusal to sell the goods or to make them available for sale, or to provide any service, if such hoarding or destruction or refusal raises or tends to raise the cost of those or other similar goods or services.

4.5 THE COMPETITION ACT, 2002

The Competition Act, 2002, which was passed by both Houses of Parliament during the Winter Session of 2002-03, will in due course supersede
and replace the (MRTP Act). The Competition Act, has been designed as an omnibus code to deal with matters relating to the existence and regulation of competition and monopolies.

4.5.1 Objectives

The Act seeks to curb negative aspects of competition through the medium of a quasi-judicial body to be called Competition Commission of India (CCI). It aims at repealing the Monopolies and Restrictive Trade Practices (MRTP) Act, 1969 and dissolution of the MRTP Commission.

The Competition Act, 2002 seeks to ensure fair competition in India by prohibiting trade practices which cause appreciable adverse effect on competition in markets within India. The CCI would undertake competition advocacy for creating awareness and imparting training on competition issues.

4.5.2 Salient Features

- Repeal of MRTP Act, dissolution of MRTPC.
- Establishing Competition Commission.
- Creation of Competition Fund.
- Pre-merger notification made optional.
- Prohibition of abuse of dominant position.
- Pending cases before MRTP to be transferred to Competition Commission
- Pending unfair trade practices cases to be under Consumer Protection Act, 1986.

The Act, in its preamble states that the Competition Act, 2002 is to provide for the establishment of a Commission, to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected there with or incidental thereto.
The Act, also states that the CCI may, upon its own knowledge or information relating to certain "combinations", enquire as to whether such a combination has caused or is likely to cause an appreciable adverse effect on competition in India. In the case of an acquisition, merger or amalgamations the regulation of such a combination would arise where (i) the parties to the acquisition, being the acquirer and the enterprise, whose control, shares, voting rights or assets have been acquired or having acquired jointly have - (a) either, in India, the assets of value of more than Rs.1,000 crore or turnover more than Rs.3,000 crore; or (b) in India or outside India, in aggregate, the assets of the value of more than $500 million or turnover more than $1,500 million; or (ii) any group or an enterprise belonging to such group whose control, share, voting rights or assets have been acquired or being acquired jointly have - (a) either, in India, the assets of value of more than Rs.4,000 crore or turnover more than Rs.12,000 crore; or (b) in India or outside India, in aggregate, the assets of the value of more than $2 billion or turnover more than $6 billion.

The Act also seeks to create a fund to be called the 'Competition Fund'. The grant given by the Central Government, costs realised by the Commission, and the application fee charged will be credited to the fund.

On the composition of the CCI, the Act states that the Commission will consists of a chairperson and not less than two and not more than 10 other members to be appointed by the Central Government. In the first year of its establishment the Central Government shall appoint the chairperson and the member.

The chairperson and every other member shall be appointed by the Central Government on the recommendation of the selection committee consisting of the Chief Justice of India or his nominee (chairperson), the Union Finance Minister, Union Minister in-charge of the Department dealing with this Act, RBI Governor and Cabinet Secretary (members).
4.6 THE BUREAU OF INDIAN STANDARDS (BIS) ACT, 1986

BIS is a statutory, autonomous body set up under BIS Act, 1986 on 1st April 1987. The Bureau of Indian Standards Act, 1986 has taken over all functions whichever were performed by ISI with effect from 1st April 1987. This was done because a need was felt that the National Standards Body of the country should keep pace with the changing socio-economic scenario, industrial progress, technological advancement and rising expectation of the consumers at home for quality goods. With the enactment of this Act, the Indian Standards Institution (Certification marks), Act, 1952 stands repealed.

4.6.1 Objectives and Scope

The BIS Act, 1986 *inter alia* provides for the following objectives:

a) Harmonious development of the activities of standardization & certification marking of goods.

b) Empowers the Government to introduce mandatory certification of any article or process of any scheduled industry in the public interest.

c) The right of complaint regarding quality of products to the consumer and recognized association of consumers.

d) More stringent penal provisions against misuse of certification marks; and

e) Empowers the Central Government to issue direction to the Bureau on questions of policy so that it may align its programme and functions with national priorities.

4.6.2 Salient Features of the Act.

Large number of interest groups are representing to the Bureau : viz., producers, consumers, consumer associations, government, academic institutes and other organizations and bulk consumers like railways and defence, and also small scale producers. Basically the standardization movement is a voluntary phenomenon. It is up to the producer to decide whether to opt for conformity with the standards and obtain certification marks.
Those who obtain certification marks can stamp the ISI mark on their products. This voluntary character of certification is a universal phenomenon. The role of BIS is to lay down standards and specifications which will assure safety of the products of reasonably good quality. It also evolves the standards for test methods and procedures and testing equipment.

*Standard Formulation*

BIS is formulating need-based Indian Standard in line with the national priorities as a time-bound programme. The Bureau has taken a decision to harmonise national standards with regional and international standards in order to facilitate adoption of international standards by all segments of business and industry. The progress on activities relating to formulation of Indian standard is given in Table 4.1.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Activities</th>
<th>Progress during</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>New and revised standards formulated</td>
<td>488</td>
</tr>
<tr>
<td>2.</td>
<td>Sectional Committee meetings</td>
<td>172</td>
</tr>
<tr>
<td>3.</td>
<td>Draft Standards Finalized</td>
<td>424</td>
</tr>
<tr>
<td>4.</td>
<td>Draft Standards sent for wide circulation</td>
<td>260</td>
</tr>
<tr>
<td>5.</td>
<td>Standards in Force</td>
<td>17830</td>
</tr>
<tr>
<td>6.</td>
<td>Review of Standards</td>
<td>3818</td>
</tr>
</tbody>
</table>

Source: [http://fcamin.nic.in/annualrep04.htm](http://fcamin.nic.in/annualrep04.htm)

There is an exception to the voluntary character of standardization. They are products of mass consumption or products having concerns for safety of health hazards. In those cases standards have been made statutory and certification compulsory. These products so far are as follows:

- Food Additives (Food Grade).
- Milk Products like Milk Powders.
• For Miners – Leather Boots and Shoes, Safety Helmets, Lamp, Batteries, Flame Proof, Electrical Equipment, Wire Ropes, etc.
• Cement, Ordinary and Portland.
• LPG Cylinders.
• Steel Tubes for Water Walls.
• Steel and Products like structural steel, galvanized steel sheets (plain or corrugated).
• Vanaspati, Vanaspati Containers.
• Pressure Stoves; Burners.
• Dry Cell Batteries, Electric Lamps, Electric Appliances like Irons, Immersion Water Heaters, radiators, stoves, switches for domestics and similar purposes, 2-Amp Switches, three pin plugs, and socket outlets, etc.
• Mineral water in pet bottles

4.6.3 Functions
Section 10 of the Act provides for the functions of the BIS. The Bureau has been given the powers to:

a) establish, publish, and promote in such manner as may be prescribed by the Indian standards to any article or process;

b) recognize as an Indian standard in such manner as may be prescribed by any standard established by any other institution in India or elsewhere in relation to any article or process;

c) specify a standard mark to be called the Bureau of Indian Standards Certification Mark which may be of such design and contain such particulars as may be prescribed to represent a particular Indian Standard;

d) grant, renew, suspend, or cancel a licence for the use of the standard mark;

e) levy fees for the grant or renewal of any licence;
f) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the standard mark has been used conforms to the Indian standard or whether the standard Mark has been improperly used with or without a licence:

g) recognise the Bureau and the Indian standards outside India on terms and conditions which may be mutually agreed upon by the Bureau with corresponding institution or organization in any country;

h) establish, maintain, and recognize laboratories for the purposes of standardization and quality control;

i) undertake research for the formulation of Indian standards in the interest of the consumers and manufacturers;

j) recognize any institution in India or outside which is engaged in the standardization of any article or process, or in the improvement of the quality of any article or process;

k) provide services to manufacturers and consumers of articles or processes on mutually agreed upon terms and conditions;

l) appoint agents in India and outside for inspection, testing and such other prescribed purposes;

m) establish branches, offices, or agencies in India or outside;

n) inspect any article, or process in relation to which the Standard Mark is used.

Section 11 prohibits the improper usage of the Standard Mark. Except under a licence, no person shall, use in relation to any article or process or in the title or any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof.

Section 14 empowers the central Government to modify any article, process or any schedule industry which can be produced only under the licence from the Bureau.
Sec 26 empowers the inspecting officer the entry into and search a place, premises or vehicle where article or process are secreted in contravention of sec 11 or 12. It further empowers inspecting officer to search such articles. Sec 28 provides for supply of information to Bureau by the Licences.

Sec 30 provides that information obtained by 1st inspecting officer or the Bureau under the provisions of this Act shall be kept confidential except for the purposes of Prosecution of any person under this Act.

Section 33 provides for penalty for improper use of the Standard Mark. The complaint for the offences under the Act may be made by or under the authority of the Government or the Bureau or by any other officer appointed in this behalf by the Government or the Bureau, or any consumer association recognized by the Central or State Government.

There is a single mechanism to identify quality without going into technical details of the product. It is the ISI-mark certification given by Bureau of Indian Standards. BIS (Erstwhile ISI) is a third party assurance of quality which ensures that the product conforms to certain Indian Standards and is on a product tested under well-defined Quality Control System governed by BIS rules and regulations.

4.6.4 Promotional Activities

4.6.4.1 State level committees on standardization and quality systems

State level committees on standardization and quality systems have been established in 28 States and Union Territories for strengthening standardization, quality systems and testing facilities in the States.

Keeping in view the consumer interest and market demand, gold jewellery certification (popularly known as Hallmarking of Gold Jewellery) was
started on a voluntary basis. This scheme is operated through BIS network of regional and branch offices all over the country. As on 31st December 2003, 14 Hallmarking Centres have been recognized for this purpose.

Keeping in view globalization of trade, BIS started two schemes for certification of imported goods. Under certification scheme for foreign manufacturers, licence to use the Standard Mark is granted after ascertaining their capabilities to manufacture, test and ensure conformity of the product to the relevant Indian Standard. Over 26 licences have been granted under the scheme in countries viz., UAE, France, Bhutan, South Korea, and Nepal.

Keeping in view the importance of purity of natural and packaged mineral water, BIS has published two Indian Standards, IS 13428:1998 (Packaged Natural Mineral Water) and IS 14543:1998 (Packaged Drinking Water).

4.7 THE STANDARDS OF WEIGHTS AND MEASURES ACT, 1976

The Standards of Weights and Measures Act, 1976 establishes and regulates the standard of weights and measures in trade and commerce. It is a central Act and extends to the whole of India.

4.7.1 Nature and Scope

The Standards of Weights and Measures Act was enacted to establish uniform standard of weight and measures, to regulate inter-state trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith.

The standards of weights and measures laid down in the Act which conform with the International Bureau of Weights and Measures. A “person” is defined to include every department, office, local authority, co-operative society and every other society. All units of weights and measures are to be
based on the metric system. Therefore, it is illegal to sell goods by pounds or ounces after the enforcement of this Act. Further, it is also illegal to manufacture non-standard weights and measures (Sec. 22).

4.7.2 Salient features

The Act provides for the procedure for verification of and stamping standard equipment, weights and measures. The Director of Legal Metrology (more commonly known as the Director of Weights and Measures) is the authority under the Act to enforce its provisions. The Director is appointed by the notification issued by the Central Government (Section 28). The Additional, Joint, Deputy/Assistant Director of legal metrology assist the director in enforcing the provisions of this Act. They all have the power to enter and search any premises for violation of the provisions of this Act and may confiscate (Section 29 and 30).

Common examples of false and non standard weights and measures include measuring cans with false bottoms that reduce the volume of content and weights with scooped out bottoms. In case of doubt, it is a good idea to turn the weight upside down and look for the official stamping made by the Department of Metrology which carry the month and year on which the weights were last inspected.

4.7.2.1 The Standards of Weights and Measures (Packaged Commodities) Rules, 1977

The Standards of Weights and Measures (Packaged Commodities) Rules, 1977 were formulated under the above Act. These Rules extend to the whole of India and apply to all packaged commodities for sale and distribution. The rules prescribe and define various terms like “Combination Package”, “Group Package”, “Drained weight”, “Fancy Package” Retail Package”, etc.
Every package must carry a label with information about the manufacturer, his address, the common or generic name of the commodity, the net quantity, the date of packing, unit sale price and the sale price of the package.

Every declaration on a package must be legible, prominent and clear and in such a colour that it is conspicuous by contrast against the background (Rule-9). All quantity declared on the label must be in mass (if the commodity is solid) and number (if it is sold by number). If it is necessary from the nature of the commodity to communicate any additional information to the consumer, it shall appear on the same panel along with other information. Thus for example, in the case of soft drink concentrates like Rasna, the dilution ratio of the concentrate must be stated. In case of a commodity like Gulab Jammuns mix, the number of Gulab Jammuns that can be obtained from the mix and their weight must be mentioned. In the case of an electric bulb, the voltage, wattage and illumination power must be mentioned on each bulb. Words or expressions that create an exaggerated, misleading impressions are prohibited. Thus, words like “Jumboo”, “Giant”, “Economy”, “King”, “Queen”, “not less than”, “approximately” are all prohibited on packaged commodities (Rule 13 (6)). If the package is too small, the declaration must be made on a separate tag, card, which cannot be removed from the package without opening the container.

Packages and Commodity Rules, 1977

Rules 24 specifies the procedure for examination and determination of quality and error in packages at the premises of the manufacturer of packer. Under the rule the director or any authorised person can examine the packages and carry out tests at the premises of the manufacturer or packer.

Rules 25 provides for an action to be taken on completion of examination of packages at the premises of manufacturer or packer. If an error
is found, then the director or authorised person shall take punitive action against the manufacturer or the packer as the case may be.

The following amendments have been carried out in the provisions of the Rules during 2003-04.

a) Exemption was given to packages containing bidis and incense sticks from declaration of month and year of packing on their labels.

b) Declaration of MRP on bidi packages has been exempted for a period of 1 year w.e.f. 17.6.03.

c) Packs containing seeds permitted to declare months and year as per Seeds Act.

d) Exemption given to bottles containing alcoholic and spirituous liquor from the declaration of MRP has been withdrawn.

e) Information to be given in dual languages.

f) 40 kg of white cement packing permitted.

4.8 THE DRUGS AND COSMETICS ACT, 1940

Drugs and Cosmetics form important items of human consumption and application. Hence there are several laws that regulate the production, supply and distribution of these two items. They are as follows:

a) The Dangerous Drugs Act, 1930;

b) The Drugs & Cosmetics Act, 1940;

c) The Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954;

d) The Drugs (Control) Act, 1950;


The meaning of "drug" is a substance used as a medicine for curing of disease. It does not include heroin, lemp LSD, etc.

4.8.1 Nature and scope

The Drugs and Cosmetics Act, 1940 regulates import, manufacture,
distribution and sale of drugs and cosmetics. It is a Central Act and applies to the whole of India. The Act provides separately for the three systems of medicines, viz. the indigenous system (Aryuvedic, Unani), Homeopathic system and the Allopathic system. There is a separate technical Advisory Board for each of these systems. Cosmetic is defined as any article which is used for cleansing, beautifying, promoting attractiveness, or altering the appearance (Sec. 3a). Thus in an interesting decision, several High Courts in the country have held that guddaku or tobacco preparations used for cleansing of the teeth is a cosmetic within the meaning of the Act because it ultimately promotes the attractiveness of a person. This interpretation has been confirmed by the Supreme Court. The definition of 'drug' is an illustrative one. Thus bleaching powder has been held to be a drug within the meaning of Section 3b.

The Drugs and Cosmetics Act, 1940 was amended in 1964 which includes the following:

a) Ayurvedic, unani drugs were brought within the purview of the Drugs and Cosmetics Act, 1940 by this statute.

b) It includes "all medicines intended for internal or external use or in the diagnosis, treatment, mitigation or prevention of disease in human being" as processed and manufactured in accordance with the formula described in the ayurvedic and any systems of medicine.(Sec 3b)

c) Section 33 makes the same provisions for and definitions of misbranded, adulterated and spurious drugs as related to allopathic drugs. It also regulates the manufacture, storage and sale of these drugs.

d) If the Government is satisfied that any of these drugs involve any risk to human beings or animals or that it does not have the therapeutic value claimed, the Government may ban it.
4.8.2 Salient Features

Under Sec 7.a Drugs Consultative Committee has been formed. It advises the Central, State Government as well as the Drug Technical Advisory Board. The Act lays down the standards of quality for drugs (Second Schedule to Act). It also prohibits the import of misbranded, spurious and adulterated drugs. (Secs 9, 9 – A&B) and cosmetics (Sec 9 C 9D). The Central Government has the power to prohibit import of spurious, misbranded, adulterated, or inferior quality drugs and cosmetics (Sec. 10). It also has the power to prohibit import of drugs and cosmetics in public interest (Sec 10 A). Under this provision several voluntary organisations had urged the Government of India to prohibit the import of certain contraceptives which had proved carcinogenic and unsafe in the West. Chapter IV of the Act regulates the manufacture, sale and distribution of spurious, substandard, adulterated and misbranded drugs and cosmetics.

The Central Government also has the power to prohibit manufacture, sale of any drug or cosmetic in public interest (Sec. 26 a). A complainant can have the facility of analysing the drug or cosmetic on payment, at the central Drug Laboratory. Generally the report of Government analyst is taken as conclusive evidence, though it is open to the complainant to have it privately tested and submit that report also. But then it will become necessary to get it examined by the analyst as otherwise his report is likely to be challenged. In practice, the Drug Controller of India, and the Directorate of Health Services in each state are good forums to first approach in case of a complaint of a public nature. The consumer should know:

i) that in respect of patent or proprietary medicines, there must be a list of ingredients of formula displayed in the prescribed manner on the label or container. Vaccines, etc., must comply with World Health Organisation standards (set out in the Second Schedule to the Act)

ii) that the misbranding of drugs is illegal. This includes branding which
makes the product look better or more therapeutic than it is or makes a false claim regarding the drugs (Section 17)

iii) that drugs are adulterated if they contain any "filthy, putrid or decomposed" substance or they have been stored or packaged in insanitary conditions or contain toxic substances (Section 17A)

iv) that drugs are spurious if imported under the wrong name or have the wrong label or have been substituted by a different drug (Section 17B)

v) that there are similar provisions relating to cosmetics (Sections 17C & D)

vi) that the importing of the above categories of drugs are prohibited and it is an offence to manufacture, sell, exhibit or offer for sale or distribute drugs and cosmetics which are not of standard quality, or fall within categories as mentioned above or which have been imported or manufactured without a licence. This is an offence of strict liability.

4.9 THE DRUGS & MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954

The Drugs & Magic Remedies, (Objectionable Advertisements) Act, 1954 is an interesting law.

4.9.1 Nature and scope

Its basic object is to control the advertisement on drugs, to prohibit advertisement of remedies for certain diseases for which no cure is normally possible and to prohibit advertisement of remedies which are supposed to be magical cures.

The Drugs and Cosmetics Act regulates the import, manufacture, sale and distribution of drugs and cosmetics. Its main aim is to protect the consumer from sub-standard drugs and cosmetics.
The Act defines advertisement to include notice, circular, label, wrapper, and even an announcement made orally or by any means of producing or transmitting light, sound or smoke (Sec.2).

Drug includes medicine (internal or external), any substance or article other than food.

Magic remedy is defined to include talisman, mantra, kavacha or any charm supposed to possess a miraculous power to cure. While deciding whether an advertisement is prohibited or not under this Act, the advertisement must refer to a drug, substance, article offered for diagnosis, cure or treatment etc. of the disease as in Sec. 2.

4.9.2 Salient features

The Act lists at least 54 diseases for which no cures can be advertised. Among these are leucoderma obesity, sexual impotence, insanity, small pox, sterility, cancer, etc. It extends to the whole of India except Jammu & Kashmir. The Act prohibits any person from taking any part in advertising a drug for cure of menstrual disorders, abortions, prevention of conception, and diseases specified in the second schedule.

Section 3 sets out the diseases and disorders in respect of which advertising is banned.

However, the provisions of the Act are not applicable to sign boards/notices displayed by registered medical practitioners on their premises, any treatise dealing with subjects specified in Sec. 3, any advertisement published by the Government and any advertisement published with the previous sanction of the Government.
A criminal complaint can be filed for violation of this Act, with the Magistrate of first class. In practice, however, it is better and quicker to approach the Drugs Controller of the State (each State has one) and ask that authority to issue notices to the erring party.

Section 3 sets out the diseases and disorders in respect of which advertising is banned.

a) the procurement of miscarriage in women or prevention of conception in women
b) the maintenance or improvement of the capacity of human beings for sexual pleasure
c) the correction of menstrual disorders in women
d) the diagnosis, cure, mitigation, treatment or prevention of any disease specified in the Schedule (54 disease are listed, for example, appendicitis, deafness, diabetes, cancer, epilepsy, pneumonia, typhoid and leprosy)

Section 4 states that no person shall take part in the publication of any advertisement relating to a drug if it contains matter which:

a) directly or indirectly gives a false impression regarding the true character of the drug or
b) makes a false claim for the drug, or
c) is otherwise false or misleading in any material particular

4.10 THE ESSENTIAL COMMODITIES ACT, 1955

Essential commodities are those that the Central Government may notify and declare to be an essential commodity for the purpose of this Act. The Act extends to the whole of India including the State of Jammu & Kashmir. It came into force on 1.4.1955.
4.10.1 Nature and Scope

The main purpose of the Essential Commodities Act is to ensure that the common man gets the essential commodities without hindrance on the part of the trade. The Act seeks to achieve the following objectives:

i) To control production, supply and distribution of essential commodities.

ii) To check the inflationary trends in prices.

iii) To ensure equitable distribution of essential commodities.

4.10.2 Salient features

Essential commodities are divided into two categories, viz., the items of industrial consumption and the items of general consumption. The first type consists of coal, textile, iron and steel etc. and the second type consists of food-stuffs, cattle feed and others.

The definition of the term 'essential commodity' as given in the Act is inclusive. It includes certain items of commodities as mentioned in Section 2(a). Exercising the powers delegated under the Act, the State Government/UT Administration have issued a number of Control Orders to regulate various aspects of trading in essential commodities such as foodgrains, edible pulses, kerosene, sugar etc.

The list of commodities declared as "essential" under the Essential Commodities Act, 1955 is reviewed from time to time in the light of changes in the economic situation and particularly with regard to their production and supply. Keeping in view production and demand of some of the commodities, it was felt that these could be removed from the list of essential commodities. With effect from 15.2.2002, Government removed 11 classes of commodities in full and one in part from the list of commodities declared as essential under the Essential Commodities Act, 1955. Number of such commodities, which stood at 70 in the year 1989, reduced to 18 through periodic reviews till the year 2002. However, special efforts initiated by this Department during 2003-
2004 has reduced the items further to 16 after deletion of two items viz. 'Exercise books' and 'Insecticides, fungicides, weedicides and the like' by notification dated 31.3.2004. Efforts are underway to reduce the number of essential commodities further to facilitate free trade and commerce.

4.10.2.1 Powers of Central Government

As stated earlier, the object of the Essential Commodities Act, is to control the production, supply and distribution of essential commodities. The central government is responsible for achieving the objectives of the Act. For this purpose, the Central Government is given wide powers. These powers are mentioned here briefly.

Power of making order: Section 3(1) of the Act empowers the Central Government to issue orders providing for regulating or prohibiting the production, supply and distribution of any essential commodity and trade and commerce therein under one or more of the following circumstances:

(i) where the Central Government is of the opinion that it is necessary or expedient to do so for maintaining or increasing supplies of any essential commodity,

(ii) for securing their equitable distribution and availability at fair prices, and

(iii) for securing any essential commodity for the defence of India or for the efficient conduct of military operation.

This is a comprehensive provision and various orders have been issued by the Central Government from time to time, as also by the State Government under authority delegated to it under Section 5 of the Act. The powers conferred upon in this Section are only to regulate or prohibit the production, supply and distribution of the essential commodities in the interest of the general public. The interest of the general public necessarily means the interest of the consuming public and not the interest of the dealers.
The Government under Section 3(1) can fix the quantity which one can keep, sell or store without a licence or fix the commission on the quantity of stock bought and sold.

- **Power to fix prices**: The various modes of fixing prices to be paid for essential commodities which have been prescribed deal with the following matters:

  The broad principles as to the payment of prices for the sale of commodities directly to be sold to the Central Government or a State Government have been embodied in Section 3(3) of the Act, where the Government orders the sale of essential commodities to Central or State Government or its agent or any person, the price to be paid by the seller will be decided on the following basis:

  (a) *Agreed price* — where the price can be agreed upon by the government and seller, consistently with the controlled price, if any fixed under this Section, the agreed price is to be paid.

  (b) *Controlled price* — where no agreement as to the price is reached, the price calculated with reference to the controlled price, is to be paid.

  (c) *Market price* — where there is neither an agreed price nor a controlled price, the price calculated at the prevailing market rate is to be paid.

- **Power to appoint authorized controller [Section 3(4)]**

  The Central Government is empowered to authorize any person to exercise with respect to any undertaking engaged in the production and supply of essential commodities, such functions of control as may be provided by the order and which are necessary for maintaining or increasing the production and supply of the commodity. Such a person shall be called the authorized controller. The authorized controller shall exercise his function in accordance with any instruction given to him by the Central Government.
Power to recover certain amounts as arrears of land revenue (Section 7-A)

Section 7-A inserted by the Amendment Act, 1984 empowers the Central Government to recover certain amounts as arrears of land revenue. It provides that a person is liable to:

(i) Pay any amount in pursuance of any order made under Section 3, or
(ii) Deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,

Imposition of duties on State Government (Section 4)

Section 3 of the Essential Commodities Act, 1955 confers upon the Central Government the power of issuing orders which may provide for regulation or prohibition in the manner of production, supply and distribution of any essential commodity. Section 4 lays down that an order made under Section 3 may confer powers and impose duties upon the Central or State Government or officers and authorities of the Central or State Government and may contain directions to any State Government or officers and authorities thereof, as to the exercise of any such power or the discharge of such duties.

Delegation of powers (Section 5)

Section 5 of the Act empowers the Central Government to delegate powers to State Government or any officer etc, to make orders or issue notifications in respect of the matters provided under Section 3. The Central Government can make such a delegation by a notified order giving necessary directions and specifying matters and also subject to certain conditions.

Supremacy of the order of the Central Government (Section 6)

Section 16 provides that any order made under Section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act. In other words, any order issued by the Central
Government in exercise of its powers under Section 3 of the Essential Commodities Act shall override any other law contrary to the Essential Commodities Act.

**Appeal against confiscation order (Section 6-C)**

Any person aggrieved by an order of confiscation under Section 6-A may within one month from the date of communication to him of such order, appeal to any judicial authority appointed by the State Government concerned. The judicial authority shall after giving an opportunity to the appellant to be heard, pass such order as it may think fit confirming, modifying or annulling the order appealed against.

**Penalties**: Section 7 provides for the imposition of penalties where any provisions of the Act or orders passed under Section 3 are violated. These penalties are as follows.

*Imprisonment and fine*: Section 7 lays down that if any person contravenes any order under Section 3(2) (h) and Section 3(2) (i), he shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

*Forfeiture of property*: If any person contravenes any order made under Section 3 any property in respect of which the order has been contravened shall be forfeited to the Government.

*Non-compliance with the direction*: Where any person to whom a direction is given under Section 3(4) (b) fails to comply with the directions, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine provided that the Court may for any adequate or special reasons impose a sentence of imprisonment for a term less than three months.
Repetition of offence: If any person convicted of an offence under this Act, is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years, and shall also be liable to fine.

4.11 THE ENVIRONMENT PROTECTION ACT, 1986

In the wake of the Bhopal Gas tragedy, the Government of India enacted the Environment (Protection) Act 1986 under Article 253 of the constitution. The purpose of the Act is to implement the decisions of the United Nations Conference on Human Environment of 1972, in so far as they relate to the protection and improvement of the human environment and the prevention of hazards to human beings, other living creatures, plants and property. The Act come into force w.e.f. 19.11.1986 and extends to the whole of India.

4.11.1 Definitions

"Environment" includes water, air and land and the inter-relationship which exists among the water, air and land, and human beings, other living creatures, plants, micro-organisms and property. [Section 2(a)]

"Environment pollutant" means any solid, liquid or gaseous substance present in such concentration as may be or tend to be, injurious to environment. [Section 2 (b)],

"Handling" in relation to any substance, means the manufacture, processing, treatment, package, storage transportation, use, collection, destruction, conversion, offering for sale, transfer etc. of such substance. {section 2(d)].

"Hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties is hazardous to the safety of life and property [Section 2(e)].
“Occupier” in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes, possession of the substance. [Section 2 (f)].

4.11.2 Nature and Scope

The Act is an umbrella legislation designed to provide a framework for central Government and coordination of the activities of various central and state authorities established under previous laws such as the Water Act and the Air Act.

The Act fixes responsibility on persons carrying on industrial operations or handling hazardous substances to comply with certain safeguards for the prevention, control, and abatement of environmental pollution and also it ensures them to furnish certain information to the authorities in certain cases. The central Government has been granted general powers under the Act for taking all necessary measures for protecting the quality of environment, for laying down standards for emission or discharge of environmental pollutants, for prevention of accidents and in respect of handling hazardous substances, requiring persons to furnish certain information, issuing directions to persons, planning nationwide pollution control programmes, co-ordination of the actions of various agencies and authorities under the Act etc. The central Government may also notify rules, orders, directions, guidelines etc. under the Act.

Although various existing legislations dealt with several environmental matters, their focus was either on specific type of pollution or on specific categories of hazardous substances some major environmental hazards were not covered by these enactments. Moreover, control mechanism against build up of hazardous substances and linkages in handling matters of industrial and environmental safety were inadequate. Therefore the need was felt for a general legislation for environmental protection.
4.11.3 Objectives

The objectives of the Act are as follows:

i) To co-ordinate the activities of the various regulatory agencies already in existence.

ii) Creation of an authority or authorities with adequate powers for environmental protection.

iii) Regulation of discharge of environmental pollutants and handling of hazardous substances, and

iv) Speedy response in the event of accidents treating environmental and deterrent punishment to those who endanger human environment safety and health.

4.11.4 General Power of the Central Government

i. Coordination of actions by the state Governments, officers and other authorities, (a) under this Act, or the rules made thereunder: or (b) under any other law for the time being in force.

ii. Planning and execution of a nationwide programme for the prevention, control and abatement of environment pollution;

iii. Laying down standards for the quality of environment in its various aspects;

iv. Laying down standards for emission or discharges of environmental pollutants for various sources whatsoever.

v. Restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

vi. Laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
vii. Laying down procedures and safeguards for the handling of hazardous substances;
viii. Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
ix. Carrying out and sponsoring investigation and research relating to problems of environmental pollution;
x. Inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;
xii. Establishment or recognition of environmental laboratories and institutes to carry out the function entrusted to such environmental laboratories and institutes under this Act;

Section 3 gives powers to the Government to take measures to protect and improve the environment including the laying down of standards for emission or discharge of environment pollutants, restricting the operations of factories, etc. The Central Government may appoint officers with such designation as it thinks fit for the purpose of this Act and may entrust to them such powers and functions under this Act as it may deem fit (Sec. 4).
Sections 4, 5, 6 give the Government wide powers to appoint officers, give directions and make rules in order to effect a clean environment. Section 7 states that those carrying on industries shall not allow emissions to be discharged in excess of the standards laid down. Section 8 states that no person shall handle hazardous substances except in accordance with safeguards. Section 9-13 give the Government powers of entry and inspection, powers to take samples for testing, set up laboratories and appoint analysts of any matter which it suspects may be a pollutant.

REFERENCES