CHAPTER – IV

LEGAL PROVISIONS REGARDING RURAL MARKETS

There is no any specific Act made for the rural weekly market. It is found that, there are some Acts which are relating to the marketing activities. Rural weekly market is the place where marketing activities are taking place once in a week. Hence researcher decided to refer these Acts for the rural weekly markets.

The following are some of the Acts applicable to rural markets;

1. Prevention of Food Adulteration Rules, 1955
2. The Standards of Weigh and Measures, 1976
3. The Food Safety and Standards Acts, 2006

4.1 PREVENTION OF FOOD ADULTERATION RULES, 1955

The expression ‘Food” has generally been understood to mean nutritive material or taken into the body of an organism which serves for purpose of growth, work or repair and for the maintenance of the vital process.

Human beings consume fast food and prepared food. For increasing in sale of food and grains, vegetables, fruits sellers are using substance while preparing and processing the food. It is harmful to human body. It is duty of Government to protect the human life, for that all food sectors must be under control of the state or central government. Hence Government has made “Prevention of Food Adulteration Rules, 1955.”
### 4.1.1 The Central Food Laboratory:

In prevention of food adulteration, the Central Food Laboratory, Food Analyst and Food Inspector are playing significant role. On account of society they should perform their duty honestly. Central Government has established four central food laboratories for analysing food adulteration of samples submitted by concerned authorities. These are shows as under:

**Table No. 4.1.1**

**Central Food Laboratories**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Central Laboratories</th>
<th>State Areas covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Central Food Laboratory, Kolkata – 700 016.</td>
<td>Arunachal Pradesh, Assam, Chattisgrah, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, Uttranchal and Union Territories of Andaman and Nicobar, Islands and Lakshadweep</td>
</tr>
<tr>
<td>2.</td>
<td>Central Food Laboratory, Mysore 570 013.</td>
<td>Gujarat, Haryana, Himachal Pradesh, Maharashtra, Punjab, Uttar Pradesh, Union Territory of Chandigarh</td>
</tr>
<tr>
<td>3.</td>
<td>Central Food Laboratory, Pune 411001</td>
<td>Andhra Pradesh, Delhi, Jammu and Kashmir, Karnataka, Kerala, Rajasthan and Tamilnadu</td>
</tr>
<tr>
<td>4.</td>
<td>Central Food Laboratory, Ghaziabad – 201 001</td>
<td>Bihar, Goa, Jharkhand, Madhya Pradesh, West Bengal,. Union Territories of Dadara and Nagar, Haveli, Daman and Diu and Pondicherry.</td>
</tr>
</tbody>
</table>
4.1.2 Functions of Central Food Laboratory:
The functions of the Central Food Laboratory is as under:
a) To analyse the samples of food sent by any authority authorised by the Central Government for the purpose and submission of the certificate of analysis to the authorities concerned.
b) To investigate for the purpose of fixation of standards of any article of food.

4.1.3 Food Analysts:
The person, who analyses the submitted sample of food through scientific manner, and reports to concerned authority is called food analyst or food analyst means any analyst appointed under Section 45.

4.1.4 Functions of Food Analysts:
a) To see the sample sent by the Food Inspector which is sealed and noted the condition of the seals thereon.
b) To analyse the submitted sample and sent the result to the authority concerned within forty day from the date of receipt of any sample for analysis.

4.1.5 Food Inspector:
The person who collects the samples from the area assigned to him at the various food sellers and sent to food analysts for analysing is called Food Inspector.

4.1.6 Functions of Food Inspector:
The functions of Food Inspector are as under:
a) To visit frequently to the area assigned to him and inspect the storage or sale of an article of food.
b) To check the licenses.
c) To investigate any complaint, which may be made to him in writing in respect of any contravention of the provisions of the Act.
d) To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking samples and the seizure of stocks and send copy to the authorities concerned.

e) To stop any vehicle suspected to contain any food intended for sale for human consumption.

f) To perform such duties having jurisdiction in the local area concerned.

Above three authorities perform their duties assigned to them and prepare result of submitted sample. They send the copy of the result to the authorities concerned. After that, action is taken according to the nature of the offence.

It is observed by the researcher that in the rural markets that number of items of food either fresh food or food packed by the local sellers were sold. But the quality of such food was not seen satisfactory by any standard also there is no provision of punishment in the rural market. The provisions of the act are very strict; but not implemented strictly.
Table No. 4.1.6
Quantity of Samples to be sent to the Public Analysts

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Article of Food</th>
<th>Approximate quantity to be supplied</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dahi</td>
<td>200 gm.</td>
</tr>
<tr>
<td>2.</td>
<td>Ice cream/ Kulfi/ Ice-kandy</td>
<td>300 gm.</td>
</tr>
<tr>
<td>5.</td>
<td>Gur/ jaggery</td>
<td>250 gm.</td>
</tr>
<tr>
<td>7.</td>
<td>Fruit juice</td>
<td>400 gm.</td>
</tr>
<tr>
<td>9.</td>
<td>Oil seeds/ Nuts/ Dry fruits</td>
<td>250 gm.</td>
</tr>
<tr>
<td>11.</td>
<td>Foodgrains and pulses (whole/ split)</td>
<td>500 gm.</td>
</tr>
</tbody>
</table>

It is found that in rural markets, out of the above items several items are sold in the weekly markets, but no seller was punished under these provisions.

4.1.7 Colouring Matter:

4.1.7.1 Sec. 23 Unauthorised addition of colouring matter is prohibited:

It is explained that, the addition of a colouring matter of any article of food except as specifically permitted by those rules is prohibited.
4.1.7.2 Sec. 24 Colouring matter should be mentioned on the label:

Colouring matter which has been added to any article of food, must be displayed in capital letters on the label attached to any package of food so coloured.

i) CONTAINS PERMITTED NATURAL COLOUR (S)

or/

ii) CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(s)

or/

iii) CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD COLOUR (S)

4.1.7.3 Sec. 27 Addition of inorganic matter and pigments prohibited:

Inorganic colouring matter and pigments shall not be added to any article of food unless otherwise provided in Appendix B and C.

4.1.7.4 Sec. 30 Maximum limit of permitted synthetic food colours:

The maximum limit of permitted synthetic food colours or mixture thereof which may be added to any food article enumerated in Rule 29 shall not exceed 100 parts per million of the final food or beverage for consumption, except in case of food articles mentioned in Clause (c) of the Rule 29 where the maximum limit of permitted synthetic colours shall not be exceeded; 200 Parts per million of the final food or beverage for consumption.

4.1.7.5 Sec. 31 Colours to be pure:

The colours specified in Rule 29 when used in the preparation of any article of food shall be pure and should not from any harmful impurities.
4.1.8 Sec. 44 Prohibition and Regulations of Sales:

In this Act, in Part VIII under Section 44, it is mentioned that sale of certain admixtures is prohibited:

No person shall either by himself or by any servant or agent sell:

a) Cream which has not been prepared exclusively from milk, or which contains less than 25 percent of milk fat.
b) Milk contains and added water.
c) Ghee which contains any adder matter not exclusively derived from milk fat.
d) Skimmed milk i.e. fat abstracted milk.
e) A mixture of two or more edible oils as an edible oil.
f) Turmeric containing any foreign substance.
g) Mixture of coffee and any other substance except chicory.
h) Curd not prepared from boiled, pasteurised or sterilized milk.

Sec. 44 A cleared that sell or offer or expose for sale, or have in his possession for the purpose of sale under any description or for use as an ingredient in the preparation of any article of food intended for sale.

a) Kesari gram and its products
b) Kesari dal and its products
c) Kesari flour and its products
d) Mixture of Kesari and Bengali gram and any other grams
e) Mixture of Kesari dal flour and Bengal gram flour or any other flour

4.1.9 44 AA Prohibition of use of carbide gas in ripening of fruits:

No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas.
4.1.10 Sec. 44 AAA- Prohibition of use of mineral oil for coating of good articles:

No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, food articles which have been coated with mineral oil, except where the addition of mineral oil is permitted in accordance with the standards.

4.1.11 Sec. 44-F Restriction on sale of irradiated food:

Irradiated food shall be sold or offered for sale only in prepackaged conditions.

4.1.12 Sec. 44-G Conditions for sale of flavoured tea:

Flavoured tea shall be offered for sale only by those manufacturers who are registered with Tea Board Registration. Number shall be mentioned on the label.

4.1.13 Sec. 44-I Restriction on sale of common salt:

No person shall sell or offer or expose for sale or have in his premises for the purpose of sale, the common salt, for direct human consumption unless the same is iodized.

4.1.14 Sec. 44-J Product not to contain any substances which may be injurious to health:

Tobacco and nicotine shall not be used as ingredients in any food products.

4.1.15 Sec. 46 - Sale or use for sale of admixtures of ghee or butter prohibited:

No person shall sell or have in his possession for the purpose of sale or for use as an ingredient in the preparation of an article of food for sale a mixture of ghee or butter and any substance (a) prepared in imitation of or as a substitute for ghee or butter, or (b) consisting of or containing any oil or fat which does not conform to the definition of ghee.
4.1.16 Sec. 48 – Use of flesh of naturally dead animals or fowls prohibited:

No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or foul which has died on account of natural causes.

4.1.17 Sec. 48-E  Sale of fresh fruits and vegetables:

The fresh fruits and vegetables shall be free from rotting and free from coating of waxes, mineral and colours.

4.2 THE STANDARD OF WEIGHTS AND MEASURES ACT, 1976

This act is related to selling commodities of agricultural produce which are sold or distributed by weight, measure or number and to provide for matter connected there with. This act extends to the whole of India.

The researcher has considered this particular act for selling commodities in rural weekly markets.

4.2.1 Standard Unit of Standard Weights and Measures:

Every unit of weight and measure shall be based on the units of the metric system.

1. **Base unit of Length:** Base unit of length shall be metre. This unit is used for counting, cloth, rope, etc.

2. **Base unit of Mass:** The base unit of mass shall be the kilogram. This unit is used in the majority of transactions which were occurred in weekly markets.

3. **Base unit of Liters:** The base unit of liters, is used for counting of liquid materials such as milk, oil, etc.

4.2.2 Standard of Weights or Measures:

In this act in Chapter III explained that standard weight or measure means –
1) Any weights or measures with conforms to the standard units of such weight or measure and also conforms to such of the provisions of sections 15 to 19 (with inclusive) as are applicable to it shall be the standard weights or measures.

2) Any numeral which conforms to the provisions of Section 13 shall be the standard numeral.

4.2.3 Power of Inspector:

State Government has made a provision of post of weights and measures inspector, for the verification and stamping of standard weights and measures.

4.2.4 Power of Weights and Measures Inspector:

1. He can enter at any reasonable time into any such premises and search for and inspect any weights and measures, where marketing activities are taken place (i.e. rural weekly markets) as well as he can prepare record, register or other documents relating thereto.

2. Weights, measures, goods and any records, register documents or article which has reason to believe may furnish evidence indicating that an offence punishable under this act.

3. Any seized goods natural decay, such goods dispose in such manner as may be prescribed under the control of the Director of Weight and Measure, under sub-Section (1).

4. Every search, seizure made under this section shall be carried out in accordance with the provisions of the code of criminal procedure, 1973 (2 of 1974), relating to searches and seizures made under that code.

4.2.5 Forfeiture (Section 29):

Every false or unverified weight or measure and every false package, used in course of or in relation to any marketing activities shall be seized under Section 29.

Under this act in Part VI offences and their trials and penalties are noted.
4.2.6 **Penalty for use of non-standard weights or measures:**

Whoever uses any weight or measure or makes any numeration other than the standards of weight or measure or the standard numeration, as the case may be established by this act, shall be punished with imprisonment for a term which may extend to six months, or with fine of one thousand rupees or both.

If it happened second or subsequent offence by the same person. He will be punished with imprisonment for a term which may extend to two years and also with fine.

4.2.7 **Penalty for contravention of Sec. 18:**

Whoever tempers with, or alters, in any way, any reference, standard, secondary standard, or working standard except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with imprisonment for term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

4.2.8 **Penalty for contravention of Sec. 32:**

Whoever makes any transactions, deal or contract in contravention of the provision of Sec. 32 shall be punished with fine which may extend to two thousand rupees, and for second or subsequent offence, with imprisonment.

4.2.9 **Penalty for contravention of Sec. 39:**

Whoever sells, distributes, delivers any commodity in a packaged from which does not conform to the provisions of this act, shall be punished with fine with may extent to five thousand rupees or second or subsequent offence, with imprisonment for a terms which may extend to five years and also fine.

4.2.10 **Penalty for contravention of Sec. 35:**

Whoever omits or fails any record or register required to Director or authorised officer to produce any record for his inspection with any reasonable excuse shall be punished with fine which may extend to one
thousand rupees and for second offence or subsequent offence, with imprisonment for a term which may extend to six months and also fine.

4.3 THE FOOD SAFETY AND STANDARDS ACT, 2006

An Act to consolidate the laws relating to food and to establish the food safety and standards Authority of India laying down science based standards for articles of food and to regulate their manufacture storage, distribution, safe and import, to ensure availability of sale and wholesome food human consumption and for matters connected therewith or incidental thereto on the other word food safety means, there are many authorities are working assurance that food is acceptable working for human consumption according to its intended use.

It is duty of the Government to provide safety and standard food to the Indian people. For that specific purpose, Government made The Food Safety and Standards Act 2006. With the help of that Government is keeping control on sellers, manufacturer, and also buyers, by their appointed authority. In this process Food Analysts and Food Inspector plays important role.

4.3.1 Sec. 38 - Power of Food Safety Officer :

In Clause 38 explained the details about the power of the Food Officer.

1. He has got power to taking of a sample of any article of food.
2. Power to enter and inspect any place where article of food is manufactured or stored for sale.
3. Power to size any article of food which appear to the food safety officer to be in contravention of this act.
4. Power to keeping shed any article of food in the safe custody after taking a sample.
5. Power to size any back of account and document which those are useful or relevant to any investigation under this act.
6. Power of submitting collected sample of any article of food or sized article of food for analysis to Food Analyst.

**Offences and Penalties:**

4.3.2 **Sec. 50 Penalty for selling food not of the nature or substance or quality:**

It provides that any person, who sells to the purchasers prejudice any food which is not in compliance with the provision of this act and the regulation made thereunder of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees.

4.3.3 **Sec. 51 Penalty for sub-standard food:**

Any person who whether by himself, or by any other person on his behalf manufactures for sale or stores or distributes any article, food for human consumption which is sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

4.3.4 **Sec. 52 Penalty for misbranded food:**

Any person or seller who whether by himself or by any other person on his behalf manufactures for sale or stores sells or distributes any article of food for human consumption which is misbranded, shall be liable to a penalty which may extend to three lakh rupees.

4.3.5 **Sec. 53 Penalty for misleading advertisement:**

Any person who publishes an advertisement which gives false information about any food or mislead or to the nature of quality or substance of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.

If a salesman in such weekly market is found guilty of mal practicing in the case of weights and measures in goods, he is merely panelized in the form of financial penalty not arrested and filed suit against him. Here, the researcher claims that the hypothesis number two is proved.
4.4 MUMBAI GRAMPANCHAYAT ACT, 1958

With the view to promote development of democratic institutions and to secure greater measure of participation by the people in development plan and in local and governmental affairs by decentralisation of power and functions.

In 1956, the National Development council appointed a Committee under “Balavant Rai Mehta”, which submitted its report in 1957, in which it was recommended that –

i) A three-tier structure consisting of Zilla Parishad at the District level, Panchayat Samiti at the Block Level and Grampanchayat at Village Level.

ii) Genuine transfer of power and responsibility to these institutions.

iii) Adequate resources to them.

iv) All social and economic development programmes channelised through these institutions.

This three-tier system of Panchayat Raj was first adopted by Rajestan (Nagapur District) on 2 Oct., 1959. In Maharashtra it was adopted in 1962.

1. To establish and develop agriculture as an ideal sector.
2. To bring infertile land under cultivation which is owned by Grampanchayat.
3. To establish nursery, take care of it and encourage people for using improved seeds.
4. To encourage the people for taking crops on an experimental basis. To give protection to the crops.
5. To prepare organic fertilizers (compost) from the collected waste and sell it to the people.
6. To establish grains depot.
7. To help the people for developing their cultivable land under the guidance of agricultural assistance appointed by Government.
8. To increase in village forest and grazing-land.
9. To propagate the education.
10. To develop school.
11. To propagate the adult education.
12. To make improvement about health.
13. To prevent propagation of epidemics and implement its measures properly.
14. To control on shops by giving licence.
15. To build public roads and gutters.
16. To collect the waste and dump away from the residential area.
17. To build public toilets.
18. To build slaughter-house, to keep it clean and keep it under control.
19. To provide water for cattle.
20. To plant trees on both sides of the village road and also in the weekly market place.
21. To provide place for the playground and for parking.
22. To provide lighting facility. To establish credit co-operative society and multi-purpose society.
23. To protect the cottage and village industries.
24. To keep watch on the village.
25. To establish volunteer force.
26. To provide facility for extinguish fire.
27. To keep check on troublesome and dangerous occupation and trade.
28. To prepare village development plan and it’s financial particulars.
29. To help the people for increasing agricultural production.
30. To settle wandering cattles.
31. To keep village clean.
32. To receive grants from central and state government and spend it as per prepared plan.
33. To keep continue fairs and festivals and control on the situation.
34. To establish weekly market and control on it.
35. To help the people at the time of natural disaster.
CONCLUSION

It was observed that, in sample weekly markets, farmers were using small stones as a weight, e.g. (250 grams). Some were set up small stone in piece of clothes. Similarly some were selling vegetables on heaps instead of weight. Oil sellers were using pressed measures of liters. Cut piece of clothes were not proper in measure.

According to “Weights and Measures Act” it was punishable offence. It was found that, “No Acts and Rules of Market were observed in Sample Rural Weekly Market” was true.

It was seen that, village Grampanchayat did not control on that situation. Officers of the Weights and Measures Departments were visiting occasionally. If someone was caught while offending, they were warned the seller or fined on the spot. After conducting enquiry, it was seen that, not a single offender was punished by imprisonment.

According to Mumbai Grampanchayat Act, 1958 (revised), Grampanchayat has got some rights and duties. It is the duty of Grampanchayat to perform its duty properly as per the act. While studying the weekly markets, majority of Grampanchayats Committee did not care about their right and duties. They are administrating as a political party. On account of village development, it is not fair still Grampanchayats are far away from their duties.
REFERENCES
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