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MADRAS RECORD OFFICE.

Government of Madras.

MUNICIPAL DEPARTMENT.

G.O. No. 1091

Press
Mis.

Dated 28-10-1886.

Not to be folded or roughly handled

18TH OCTOBER 1886, No. 2815, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From A. P. MACDONNELL, Esq., C.S., Officiating Secretary to the Government of India, Home Department (Municipalities), to the Chief Secretary to the Government of Madras, dated Simla, 21st September 1886, No. 2—120.

With reference to the accompanying copy of a letter from the Government of Bengal * on the subject of the introduction into the local Legislative Council of a Bill to amend Act IV (B. C.) of 1876, with a view to more effectively checking the sale of adulterated articles of food within the limits of the town of Calcutta, I am directed to suggest, for the consideration of His Excellency the Governor in Council, whether it would not be desirable to undertake legislation with a similar object for the Madras Presidency.

2. In making the suggestion, I am to explain that, although, so far as is known, the necessity for legislation of this nature has only been actually experienced in Calcutta, the Governor-General in Council, as at present advised, is disposed to think that, in view of the complications which might, under certain circumstances, be caused if a similar state of affairs should arise in any large centre of trade and population elsewhere, it is desirable that power should be taken to enforce similar measures if necessary, not only in the case of the Presidency towns, but also in that of other municipalities and local areas in all provinces. From this point of view it appears to His Excellency in Council that, although it is unnecessary that any general measure should be framed by the Government of India, it would be well if legislation on the lines adopted in Bengal were undertaken in the several local Legislative Councils, the measure being restricted to any municipalities or specified local areas to which the Local Government may see fit to apply its provisions, and a similar enactment being framed by the Government of India for those provinces which possess no Legislative Council of their own.

The Governor-General in Council has not, however, arrived at any definite conclusion as to the particular form which legislation should take, and would be glad to be favored with suggestions on this point, *e.g.*, whether new sections should be inserted in the existing Municipal Acts, or whether a separate enactment should be framed to meet the object in view.

ENCLOSURES.

From R. H. WILSON, Esq., Officiating Secretary to the Government of Bengal, Municipal Department, to the Secretary to the Government of India, Home Department, dated Calcutta, 5th August 1886, No. 2254.

With reference to the enclosed copy of a letter, No. 1045, dated 2nd August, from the Chairman of the Corporation of Calcutta, I am directed to submit, for the approval of His Excellency the Governor-General in Council, the accompanying draft of a Bill to amend Act IV (B.C.) of 1876, with a view to more effectively checking the sale of adulterated articles of food within the limits of the town of Calcutta. This draft has been prepared by the Chairman of the Corporation in consultation with the Advocate-General and the Assistant Secretary in the Legislative Department, Mr. G. Leith.

2. The discovery recently made, that much of the ghee sold in Calcutta is extensively adulterated with animal fats, has caused considerable excitement and induced many consumers to abstain altogether from that article of diet. The Lieutenant-Governor has discussed this matter in interviews which he has had with several Bengali gentlemen, and it is in accordance with their

wish, as well as his own opinion, that legislation is now proposed to extend the provisions of the existing law so as to reach cases in which articles of food have been fraudulently adulterated, though it cannot be proved that they have been thereby rendered injurious to health. Such cases cannot at present be dealt with under the provisions of either the Penal Code or the Municipal Act.

3. If the accompanying draft should meet with the approval of the Government of India, the Lieutenant-Governor would propose to introduce the Bill in the Bengal Legislative Council early in November, and in the meantime to give publicity to his intention of doing so.

From the Hon. H. L. HARRISON, Chairman of the Corporation of the Town of Calcutta, to the Secretary to the Government of Bengal, Municipal Department, dated Calcutta, 2nd August 1886, No. 1045.

The Commissioners of the Town of Calcutta have had under consideration the measures that should be adopted for preventing the adulteration of ghee which has of late been much discussed in some of the daily journals. The question was brought forward at the special general meeting of the Commissioners, held on the 29th ultimo, and after considerable discussion it was resolved that the Commissioners strongly recommend that early measures be taken to make the adulteration, not only of ghee, but of other articles of food, penal.

2. I am, therefore, requested to ask that, with the permission of His Honor the Lieutenant-Governor, the subject may receive early attention. The discovery of the fact that much of the ghee sold in the town is adulterated with fat has caused perfect consternation among the ordinary consumers of that article of food, and public opinion is unanimous in concluding that if such adulteration is not, as seems to be the case, penal under the existing law, it ought, as speedily as possible, to be made penal.

A Bill to amend Act IV (B.C.) of 1876.

Preamble.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

New section for section 292.

38 & 39 Vic.,
c. 63, s. 6.

"No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser under a penalty not exceeding one hundred rupees: Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

(1) Where any matter or ingredient not injurious to health has been added to the food, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferior quality thereof;

(2) Where the food is unavoidably mixed with some extraneous matter in the process or collection or preparation."

The term "food" shall include every article used for food or drink by man other than drugs or water.

In any prosecution under this section it shall be no defence to allege that the purchaser, having bought, only for analysis, was not prejudiced by the sale.

New sections to follow section 292.

"292A. No proceedings shall be instituted under the last preceding section except with the permission of the Commissioners granted under the advice of the Health Officer for the time being."

Act IV (B.C.)
of 1876, s.
292.

"292B. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale or storage of articles intended for food, and may examine any such articles which may be therein, and if, upon examination, such articles, or any of them, appear to be unfit for food, may seize the same."

292C. Upon the seizure of any article of food under the last preceding section, the same may, if the owner or the person in whose possession the same is found consents, be forth-

Power to destroy unwholesome articles.

with destroyed or so disposed of as to prevent used as food; but if the owner or the person in whose possession the same is found do ent, then, if it appear to a Magistrate upon sufficient evidence that the same is unfit for shall order the same to be destroyed or so disposed of as to prevent it being used as food, y impose a penalty not exceeding one hundred rupees upon the owner or person in ssession the same was found, such person not being merely a carrier or bailee thereof."

292D. If the Commissioners or any person authorized by them in that behalf shall apply to purchase any article of food exposed to sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the

of analysis, and the person exposing the same for sale shall refuse to sell the same, such shall be liable to a penalty not exceeding fifty rupees."

—dated 18th October 1886, No. 2815, Judicial.

dered that copies of the foregoing letter and its enclosures be communicated to honorable the Judges of the High Court, the Honorable the Advocate-General, itary Commissioner, and President of the Municipality of Madras, who will be ed to favor the Government, at an early date, with their opinions as to the y of a measure for checking the sale of adulterated articles, such as is suggested Government of India, and as to the most convenient form of legislation for this ey. It is observed that a Bill to make provision for the sale of food and a pure state was introduced into the Legislative Council in August 1881, but ck off the list of business in 1885. Copies of this Bill and Statement of and Reasons will also be communicated to the officers named above.

(True Extract.)

Ag. Chief Secretary.

honorable the Judges of the High Court, with C.L.,
overnment Solicitor,
inancial Department,
unitary Commissioner for Madras,
} with copy of Bill, &c.

Raitt.

CURRENT No. 1786

Govt. of (1886) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 18th October 1886, No. 2815.

27-10-86

OCTOBER.

Bills—Legislative.

Requesting the Honorable the Judges of the High Court and certain officers to favor the Government, at an early date, with their opinions as to the necessity of a measure for checking the sale of adulterated articles and as to the most convenient form of legislation for this Presidency.

Order of 28th Oct/86 No. 1091

Comptroller to the President, Madras

- a/pal

22/6/98 ✓
9-2-99 ✓
19.4.05 ✓
12.4.12 ✓

Miscellaneous.

FINANCIAL DEPT.
G.O., DATED 28 th Oct. /86
No. 1091 M _{is.}

When given for copying

[Despatch Abstract.]

Articles of food. Comf.
to the Presid^t Munt.
Com^d Madras, G.O. just
recd^t requesting the opi-
-nion of the Honble the
judges of the High Court
- of other officers as to
the necessity of a mea-
- sure for checking the
sale of adulterated
— & as to the conve-
- nient for legis-
-lation

STANDARD No. 1186

Govt. of (1886) Madras.

JUDICIAL

Issued

Recd.

Encl.

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27-10-86

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Order of 28th Oct/86 No. 1091

Comman. to the President, P.

- a. p. l. 1091