



## **HARYANA STATE LAW COMMISSION**

### **FIFTH REPORT**

#### **Recommendation to amend Sections 272 and 273 of Indian Penal Code (Provisions Dealing with Food Adulteration) Consolidation Of Laws Regarding Adulteration Of Food Stuffs**

**Government of Haryana**

**HARYANA STATE LAW COMMISSION**

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Chairperson**

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**Government of Haryana**

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#### **INTRODUCTION**

Food is one of the basic needs for every living being and is very important aspect for life. But now a day's foods are affected by different adulterants which are harmful to human health. Adulteration in food is the most important concern, as it not only decreases the quality of food products but also results in a number of ill effects on health. Synonyms like admixture and substitution helps to define the word adulteration. Food adulteration can be defined as lowering the quality of food by intentional or unintentional substitution of food with some inferior foreign particle or by removal of some value added food substitute from main food item.

2. Foodborne diseases (FBDs) have an enormous public health impact as well as significant social and economic consequences. Each year millions of people worldwide suffer from FBDs due to consumption of contaminated and adulterated food which is one of the most widespread health problems in the contemporary world.
  
3. The problem of adulteration of food stuff is rampant and widespread in India. Nearly 28% of the food samples tested for quality were found to be adulterated, according to the 2018-2019 annual report of The Food Safety and Standards Authority of India (FSSAI).
  
4. Although most housewives who cook food for their families and consumers of foodstuffs are aware of the common adulterants in foodstuffs, they think that alerting the regulatory authorities in case of adulteration is not a useful or effective option for them because most of them lack confidence in the efficacy and honesty of the

regulatory and law-enforcing authorities. This scenario has created a psyche amongst the consumers that consumption of adulterated food stuff is an unavoidable evil.

5. In India, the above noted complacent attitude of the general public due to illiteracy, ignorance and dejection because of indifferent responses and corruption on the part of the regulatory authorities, has led to a state of mass inertia, with the result, the burden of controlling the quality of foodstuffs mainly rest with the regulatory and enforcement authorities. These regulatory and enforcement authorities should be proactive and create confidence in the mind of the general public about their efficacy in ensuring the quality of foodstuffs and punishing those who indulge in adulteration.
6. Looking from the angle of regulatory authorities, it is quite often complained that there is inadequate staff and general laxity of administration to deal with the

menace of adulteration. The government which is claiming to be a social welfare state should do everything at its command to solve these problems of administration engaged in controlling and eradicating adulteration. At the same time, even consumers cannot shirk from their responsibility in controlling and eradicating contamination and adulteration of foodstuffs because the global food supply, with the passage of every year, allows consumers to use and enjoy more and more foodstuffs in general and ready-to-eat (RTE) foodstuffs in particular. Such supplying of foodstuffs potentially exposes the consumers to new pathogens and consequent diseases. Consumers cannot afford to be more interested in convenience and saving time than in proper food handling and healthy and hygienic food preparation and consumption.

7. Adulteration in food is often present in its most crude form as prohibited substances are either added partially or wholly substituted. Contamination or adulteration in food is added for various reasons which include financial gain, carelessness and lack in proper hygienic condition of processing, storing, transportation and selling. The traders use it for their economic benefit without thinking about its effect on the common population of our country, which consumes it. Therefore, the consumer is either fooled or usually become victim of diseases. Food adulteration can lead to slow poisoning and various kinds of diseases, which can even result in death. Adulteration makes the food items used in our daily life unsafe and unhygienic for use.

**8. Few examples of food and drink adulteration are:**

Milk is adulterated by the addition of water, starch, skim milk powder and removal of cream. Ghee is

adulterated with vanaspati and animal fats such as pig's fat. In order to improve the flavor of adulterated ghee tributyrin is added. Rice and wheat are mixed with stones sand grit and mud to increase the bulk. Wheat flour is mixed with soapstone and Bengal gram flour is adulterated with Kesari dal or lathyrus flour. Adulterant called Metanil Yellow and Kesari Dal are added to turmeric and dals and pulses such as moong or Channa to brighten the yellow color. This adulterant is highly carcinogenic and if consumed for a continuous period of time, it can also cause serious stomach disorders. Edible oil is mixed with cheaper oil, toxic oil (e.g., argemone oil) and mineral oil. Artificial milk is prepared with the use of urea and other harmful chemicals which are very dangerous to human health. Starch is used as an adulterant to give thick, rich texture to paneer, khoya, condensed milk and milk, which is unhygienic. Unprocessed water and starch can also cause stomach disorders. Starch greatly reduces



the nutritional value of these food products. Adulterants such as pepperoni, ethyl acetate, butyraldehyde, Ethyl acetate, nitrate, washing powder are used in the preparation of ice-cream.

9. Food-preservatives have a very extensive use, which often constitutes adulteration. Salicylic, benzoic, boric acids, sodium salts, formaldehyde, ammonium fluoride, sulphureous acid and its salts are among the principal preservatives. Many of these appear to be innocuous, but there is danger that the continued use of food preserved by these agents is injurious to human health. Rapid urbanization and sociological changes had also increased the impact on the life-style of a large segment of the population due to enhanced demand for pre-packaged and RTE foodstuffs.
10. Although we can cite number of causes of food adulteration, dishonesty of the food traders and an urge, rather greediness, to make quick and easy money

is the major cause of food adulteration. This dishonesty and greed to earn quick and easy money is not only restricted to the food traders who commit crime of food adulteration but can also apply with equal force to the law-enforcer who might make an unholy alliance with the food-trader resulting in most disastrous and harmful results. The traders and law enforcing authorities being hand in gloves with each other are playing with the lives of innocent consumers.

11. The harmful effects of food adulteration noticed above would undeniably warrant prescription of more effective and deterrent punishment to those who are involved in contamination and adulteration of foodstuffs for private profits and risks of consumers. We are of the considered opinion that the punishment now provided under the food laws for the offences of adulteration of foodstuffs is neither adequate nor deterrent. Under the circumstance, Haryana State Law Commission thought it fit to take this topic for research

and making suitable report to the Government to amend the concerned law.

### **LEGISLATIVE BACKGROUND**

12. In the year 1954, the Central Government consolidated legal provisions by way of comprehensive legislation by enacting The Prevention of Food Adulteration Act, 1954 (for short, "the 1954 Act") to curb food adulteration and repealed all the laws thereto in force. The penalties for the offences in the Act were set out. Considering the gravity of the issue as well as in the larger public interest, legislative amendments were made from time to time.
13. In the year 2006, The **Food Safety and Standard Act, 2006** (for short, "2006 Act") was passed by Parliament which came into force in the year 2010. The 2006 Act repealed various laws including the 1954 Act, the Meat Products Order, 1973, the Milk and Milk

Product Order, 1992 etc. The 2006 Act, in Chapter IX, deals with offences and penalties which provide for punishment for contravention of the provisions of the 2006 Act. While Section 48 describes how an offence may be committed in regard to food adulteration, Sections 50 to 67 prescribe punishments in case an offence is committed. In particular, Section 59 prescribes punishment for unsafe food.

14. The growing sales of adulterated and synthetic milk in different parts of the country and the failure of the Central and State Governments to take effective steps to curb this menace, prompted one *Mr. Swami Achyut Anand Tirth and others* to file a petition in public interest in the Supreme Court against *Union of India and others* seeking directions to the Government to take effective steps to curb the menace. They relied upon the executive summary of National Survey of Milk Adulteration of 2011 to show that more than 68% of milk being sold in the country was adulterated and,

in some States, 100% milk sample was found to be adulterated with urea, detergent, refined oil, caustic soda, shampoo, starch and bloating paper.

15. Prior to the 1954 Act, the Indian Penal Code, 1860 had provisions (set out in Section 272 onwards) in relation to adulteration of food, drugs, drinks etc., where the offences were punishable to the extent of six months imprisonment and fine. The States like Uttar Pradesh and West Bengal considered it to be inadequate, insufficient and made appropriate amendments in 1970s to make the offences punishable up to life imprisonment and fine. This was followed by Orissa in 1999. It was after these amendments to Sections 272 and 273 by U.P and West Bengal, the Central Government amended the 1954 Act in 1976 where under few offences were made punishable with life imprisonment. The 2006 Act repeals all other provisions relating to adulteration of food items but does not specifically take away the penal provisions in

IPC. Therefore, by Order dated 11.5.2010, Government of U.P had directed all the Divisional Commissioners, District Magistrates, Deputy Inspector General of Police, Senior Superintendent of Police and Superintendent of Police to lodge FIR under Section 272/273 of IPC in case of adulteration of any food article or drink. This was challenged by M/s Pepsi Company India Holdings Pvt. Ltd., before the High Court of Judicature, Allahabad. The Main ground taken by M/s Pepsi Company was that Sections 272 and 273 IPC were repealed by the 2006 Act by necessary implication as the 2006 Act occupied complete field with regard to adulteration of food stuff. The said contention was accepted by the High Court of Allahabad which took the view that since the entire process of enquiry etc., has to be done under the 2006 Act, invoking Sections 272 and 273 of IPC for conviction and sentencing shall be wholly unjustified and non-est and accordingly State's action under IPC

was held to be non-est and thereby quashed the Government Order vide its order reported in (2010) 6 All. L. J 30. Against the said order of Allahabad High Court, State of Uttar Pradesh preferred Criminal Appeal before the Supreme Court, which is pending consideration in the Supreme Court.

16. During the pendency of the Writ Petition of Swami Achyut Anand Tirth, the Supreme Court was appraised of the steps undertaken by Government of India coming out with appropriate legislative amendment for enhancing the penalties in the 2006 Act. By way of interim direction, the Supreme Court had directed the Central Government to consider the amendments effected by States of Uttar Pradesh, West Bengal and Orissa to Sections 272 and 273 of the IPC. The petition filed by Swami Achyut Anand Tirth was finally decided by the Supreme Court vide its order dated 05.12.2013 reported in **(2016) 9 SCC 699** wherein the Supreme Court has observed that it would be appropriate if the

Union of India comes up with suitable amendment by making penal provisions of Sections 272 and 273 at par with the provisions contained in the amendments made by Uttar Pradesh, West Bengal and Orissa.

17. The Supreme Court in its judgment also highlighted about the urgent necessity for amendments by other States to Sections 272 and 273 IPC as done by States like Uttar Pradesh, West Bengal and Odisha on account of large-scale adulteration of milk and other foodstuffs and various modus operandi adopted by persons involved in adulteration of foodstuffs. As an example, it was pointed out that consumption of synthetic milk is hazardous to health as urea and caustic soda are harmful for heart, liver, kidney and also leads to cancer. The Supreme Court lamented that in spite of the fact that these types of offences are noticed all over the country, no steps are being taken by States to make it a serious offence by amending Sections 272 and 273 of IPC. Therefore, this



Commission thought it fit to take up this subject for research so as to recommend amendment of Sections 272 and 273 of IPC to enhance the punishment in order to curb food adulteration menace.

18. Food Adulteration and the Indian Penal Code:

The IPC in Chapter XIV (Of Offences Affecting the Public Health, Safety, Convenience, Decency and Morals) prescribes punishment for adulteration of food or drink intended for sale (Section 272) and sale of noxious food or drink (Section 273).

**Section 272** reads:

*"Adulteration of food or drink intended for sale. -  
Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine*

*which may extend to one thousand rupees, or with both."*

**Section 273** reads:

*"Sale of noxious food or drink. - Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."*

19. Sections 272 and 273 of IPC prescribe punishment of imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. Needless to say, that the punishment prescribed is inadequate which is definitely not commensurate with the gravity of the harm these offences cause to the health and well-being of the mankind. Rightly for the said reason,

States of Orissa, Uttar Pradesh and West Bengal amended Sections 272 and 273 of IPC to enhance the punishment. The amendments carried out by the States of Uttar Pradesh, West Bengal and Orissa are as under:

**AMENDMENTS TO SECTION 272 AND 273 OF IPC  
BY THE STATES OF ODISHA, UTTAR PRADESH AND  
WESTBENGAL.**

Provisions under IPC	Amendments made
<b>ODISHA</b>	
<p><b>272 -Adulteration of food or drink intended for sale-</b> Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>In Section 272 for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following, namely-</p> <p>"Shall be punished with imprisonment for life and shall also be liable to fine:"</p> <p><b>Provided</b> that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less</p>

**273.-Sale of noxious food or drink-** Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

than imprisonment for life."  
[Vide Orissa Act 3 of 1999]

In Section 273 for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", substitute the following, namely-

"Shall be punished with imprisonment for life and shall also be liable to fine:"

**Provided** that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life."

[Vide Orissa Act 3 of 1999].

## UTTAR PRADESH

### **272-Adulteration of food or drink intended for sale -**

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

In Section 272 for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", substitute the following, namely-

"Shall be punished with imprisonment for life and shall also be liable to fine:"

**Provided** that the Court may, for adequate reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life."  
[Vide U.P. Act No. 47 of 1975.]

**273-Sale of noxious food or drink.** —Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

In Section 273 for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, the following shall be substituted, namely—

"Shall be punished with imprisonment for life and shall also be liable to fine:"

**Provided** that the Court may, for adequate reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life." [Vide U.P. Act No. 47 of 1975].

**WEST BENGAL**

**272-Adulteration of food or drink intended for sale-**

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

In Section 272 for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", substitute the following, namely-

"For life with or without fine: **Provided** that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life." [Vide West Bengal Act 42 of 1973].



**273-Sale of noxious food or drink-** Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

In Section 273 for the words "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely-

"For life with or without fine: **Provided** that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life."  
[Vide West Bengal Act 42 of 1973].

20. Section 59 of The Food Safety and Standards Act, 2006 provides for punishment for unsafe food. It reads as under:

**"59. Punishment for unsafe food.**

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable, -

- i) Where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;
- ii) Where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;
- iii) Where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;
- iv) Where such failure or contravention results in death, with imprisonment for

a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.

21. While enacting the 2006 Act, Union of India while considering the alarming situation then prevailing took note of the amendments of Sections 272 and 273 of IPC made by the States of Odisha, Uttar Pradesh and West Bengal and prescribed higher punishment under Section 59 of the 2006 Act. However, despite the directions by the Supreme Court to the Union of India and the States in the case of Swami Achyut Anand Tirth to amend Sections 272 and 273 of IPC to enhance the punishment, neither the Union Government nor the other States ventured to amend Sections 272 and 273 of IPC so far. Of late, Law Commission of India has undertaken this exercise in its **Report No.264 - "The Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration)".** We do not know

when Government of India will comply with the recommendation made in the said report. As such, the Haryana State Law Commission has undertaken this exercise to recommend amendment of Sections 272 and 273 of IPC so as to enhance the punishment commensurate with the gravity of the offences keeping in mind the interest of the public at large. Under the circumstances, we intend to revisit Sections 272 and 273 of IPC. We have considered the amendments made by the States of Odisha, Uttar Pradesh and West Bengal. We have also considered the punishment prescribed under Section 59 of the 2006 Act, for unsafe food. The existing punishment under Sections 272 and 273 of IPC, in our considered opinion, is grossly inadequate and not deterrent. Undoubtedly, it has failed to curb the rising menace of adulteration of food. Therefore, we propose to recommend for amendment of Sections 272 and 273 of IPC so as to bring the penal framework in it on par with the existing

punishments scheme provided in the 2006 Act and the amendments carried out by Odisha, West Bengal and Uttar Pradesh to the IPC, referred to the above. The State amendments made to Sections 272 and 273 of IPC enhance the overall quantum of punishment from six months imprisonment to life imprisonment and fine. But the State amendments have not taken into consideration the degree of culpability and its impact on the consumers. But, the 2006 Act, has taken note of degree of culpability and its impact on the consumers/victims while prescribing punishment in Section 59 of the Act. We are of the opinion that the punishment essentially be graded with reference to the harm caused to the consumer due to consumption of adulterated food and drinks as is done under Section 59 of the 2006 Act. More the harm caused to the consumer more severe should be the punishment and vice versa. The punishment should not be disproportionately excessive. The gravity of harm

resulting from the offence ought to be the standard of differentiation. The governing principle is the principle of proportionality of punishment. The principle of proportionality should work side by side with the principle of deterrence while sentencing an accused involved in food crimes. The principle of just punishment is the bedrock of sentencing in respect of a criminal offence. The low quantum of punishment and uncertainty surrounding sentencing lends itself to and encourages the commission of food safety offences. Raising the overall limit of punishment as done by amendments to Sections 272 and 273 of IPC by Uttar Pradesh, West Bengal and Odisha may not appear to be just and proper. However, a graded framework as prescribed under Section 59 of The Food Safety and Standards Act, 2006 appears to be just proper and adequate. Hence, this Commission proposes to recommend amendment to Sections 272 and 273 IPC and consequential amendments to Cr.P.C. as under:

## RECOMMENDATIONS

### I. Amendment of Indian Penal Code:

**Substitution of new Section for Section 272.** In the Indian Penal Code (44 of 1860) (hereinafter referred to as the Penal Code) for Section 272, the following section shall be substituted, namely:-

**"272. Adulteration of food or drink intended for sale.-** Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished, -

- (i) Where such adulteration does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees.
- (ii) Where such adulteration results in non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees.

- (iii) Where such adulteration results in a grievous injury, with imprisonment for a term which may extend to seven years and also with fine which shall not be less than five lakh rupees;
- (iv) Where such adulteration results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.

Provided that the court may, for adequate reason to be mentioned in the judgment, impose a sentence of imprisonment which is less than imprisonment for life.

Provided further that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim.

Provided also that any fine imposed under this section shall be paid to the victim.

**Substitution of new section for section 273.** In the Penal code, for section 273, the following section shall be substituted, namely:



**"273. Sale of noxious food or drink-** Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished:

- (i) Where the sale, offer for sale or exhibition for sale of such food or drink, does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;
- (ii) Where the sale of such food or drink, results in non-grievous injury with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;
- (iii) Where the sale of such food or drink, results in a grievous injury, with imprisonment for a term which may extend to seven years and also with fine which shall not be less than five lakh rupees;
- (iv) Where the sale of such food or drink, results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees;

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim."

**AMENDMENT SUGGESTED TO THE CODE OF  
CRIMINAL PROCEDURE, 1973.**

**Substitution of new section for section 357-358-**

In the Code of Criminal Procedure, 1973 (2 of 1974) (hereinafter referred to as the Code of Criminal Procedure) for section 357-B, the following section shall be substituted, namely: -

***"357-8. Compensation to be in addition to fine under section 272, section 273, section 326-A or section 376-D of Indian Penal Code. -The compensation payable by the State Government under section 357-A shall be in addition to the payment of fine to the victim under section 272, section 273, section 326-A or section 376-D of the Indian Penal Code (45 of 1860).***

Explanation - For the purposes of this section, the

expression "victim" shall be construed as defined in clause (wa) of section 2."

Amendment of First Schedule. In the First Schedule to the Code of Criminal Procedure under the heading "I. - OFFENCES UNDER THE **INDIAN PENAL CODE** (45 of 1860)", for the entries relating to sections 272 and 273, the following entries shall be substituted, namely:

1	2	3	4	5	6
272	Adulterating food or drink intended for sale, so as to make the same noxious  (i) where such adulteration does not result in injury	Imprisonment which may extend to six months and with fine to be paid to the victim.	Cognizable	Bailable	Judicial Magistrate Ist Class
	(ii) where such Adulteration results in non-grievous injury	Imprisonment which may extend to one year and with fine to be paid to the victim.	Cognizable	Bailable	Judicial Magistrate Ist Class

	(iii) where the sale of such food or drink, results in a grievous injury	Imprisonment which may extend to seven years and with fine to be paid to the victim.	Cognizable	Non-Bailable	Judicial Magistrate Ist Class
	(iv) where the sale of such food or drink, results in death	Imprisonment of not less than seven years but which may extend to life and with fine to be paid to the victim	Cognizable	Non-Bailable	Court of Sessions
<b>273</b>	Selling any food or drink, as food or drink knowing the same to be noxious (i) where the sale, offer for sale or exhibition for sale of such food or drink, does not	Imprisonment which may extend to six months and with fine to be paid to the victim	Cognizable	Bailable	Judicial Magistrate Ist Class

	result in injury				
	(ii) where the sale of such food or drink, results in non-grievous injury	Imprisonment which may extend to one year and with fine to be paid to the victim	Cognizable	Bailable	Judicial Magistrate Ist Class
	(iii) where the sale of such food or drink, results in a grievous injury	Imprisonment which may extend to seven years and with fine to be paid to the victim	Cognizable	Non-Bailable	Judicial Magistrate Ist Class
	(iv) where the sale of such food or drink, results in death	Imprisonment of not less than seven years but which may extend to life and with fine to be paid to the victim	Cognizable	Non-Bailable	Court of Sessions".

**NOTE:**

Sections 272 and 273 of Indian Penal Code are central enactment as the subject falls in Concurrent List of seventh schedule to the Constitution of India. Therefore, Parliament as well as the State Legislature has concurrent power to enact laws to regulate Indian Penal Code. As the Parliament has already enacted the Indian Penal Code, 1860, Article 254 of the Constitution comes into play. It provides that where the law made by the Legislature of a State with respect to one of the matters enumerated in the concurrent list contains any provision repugnant to the provision of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for consideration of the President and has received his assent shall prevail in that State. It is, therefore, clear that the amendments proposed above can be passed by the Legislature and reserved for consideration of the President. After receipt of the assent of the President, the amendments can come into operation in the State of Haryana.

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