Report of the Comptroller and Auditor General of India

For the year ended March 2000

Union Government (Civil)
Performance Appraisals
No.3B of 2001

Price :

Inland : Rs 65.00

Foreign : US $ 5.00

(Including postage / air mail)

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PREFATORY REMARKS

This Report of the Comptroller and Auditor General of India contains reviews on:

Implementation of Environmental Acts relating to Water Pollution	(Ministry of Environment and Forest)
and	
Administration of the Prevention of Food Adulteration Act	(Ministry of Health and Family Welfare)

The Report has been prepared for submission to the President under Article 151 of the Constitution of India.

OVERVIEW

This Audit Report contains reviews on (i) Implementation of Environmental Acts relating to Water Pollution and (ii) Administration of the Prevention of Food Adulteration Act.

Ministry of Environment and Forest

Implementation of Environmental Acts relating to Water Pollution

The Water (Prevention and Control of Pollution) Act 1974 was enacted to address the issue of water pollution and to create appropriate regulatory mechanisms. The Act is intended to provide for prevention and control of water pollution and the maintaining or restoring of wholesomeness of water. Ministry of Environment and Forest is the administrative ministry and in the States, Department of Environment is responsible for control of water pollution. The Central Pollution Control Board and the State Pollution Control Boards are responsible for the implementation of the Act. The audit review has found that the objective of prevention and control of pollution of water bodies was not achieved even to a modest degree due to poor compliance with the various provisions of the act in several states.

- The major source of pollution of the water bodies was discharge of effluents by the industrial units and untreated domestic waste.
- Most industrial units in the States functioned without obtaining consent of State Pollution Control Board.
- Several states even failed to complete the process of identification of polluting units.
- State Pollution Control Boards failed to take effective action against the industries, which did not install the pollution control devices or did not operate these facilities.
- The inspections carried out by State Pollution Control Boards were far from satisfactory. There were significant shortfalls in actual inspection of the polluting units against the targets fixed for inspections, as directed by the Ministry of Environment and Forests.
- Antiquated and inadequate sewerage system and sewage treatment plants with the local bodies in the States were unable to cope with load of sewage generated. Consequently, untreated domestic waste was being discharged into the water bodies. Inadequate resources with municipal corporations was one factor responsible for the untreated domestic sewage.
- The drinking water supplied in towns did not meet the required parameters thereby exposing the residents to consequential health hazards.
- Despite embarking on several pollution abatement schemes on major rivers of the country the river water quality continued to deteriorate in terms of Bio-chemical Oxygen Demand and total coliforms.

Ministry of Health and Family Welfare

Administration of the Prevention of Food Adulteration Act

The Prevention of Food Adulteration Act was framed in 1954 with the objective of prevention of adulteration in food articles with the ultimate aim of protection of the general public and eradication of the social evil of adulteration. The implementation of the Act is with the State Governments and the Ministry performs an advisory role in the matter. Audit review of the administration of the Act brought out numerous instances of failure on different fronts. There should be a greater focus on regulating the standards of food establishments in order to provide a degree of assurance on hygiene and food safety standards to the consumers. The State Governments were not able to launch prosecution cases for most of the adulterated samples. The objectives of creating consumer awareness and imparting training to various functionaries of the Act also remained unachieved.

The Act failed to achieve the intended objectives due to the following reasons:

- The initial step in the implementation of the Act was conducting of baseline surveys to ascertain the number of food establishments operating in the State. This was to be followed by periodical surveys to update the database of food establishments. In almost all the States, even the baseline surveys were not carried out, leave alone the periodical surveys.
- Failure in carrying out proper survey and surveillance led to non-issue of licences to a large number of food establishments.
- The analysis of food samples suffered for want of adequate infrastructural facilities in the State Food Laboratories like inadequate testing facilities, vacancies in posts of Public Analysts, etc.
- Prosecution was not initiated in about one-third of the cases and even in those cases where prosecution was initiated, about 50 *per cent* ended in acquittal.
- Significant shortfalls in the deployment of Food Inspectors were noticed across all the States. This resulted in insufficient collection of food samples. Further, adequate attention was also not paid to lifting of samples of mass consumption/seasonal food items, which are more prone to adulteration.
- Creation of consumer awareness was also envisaged with the aim of educating the public about the hazards of consuming adulterated food. In seven States, no activity was undertaken under this component during 1995-2000.
- Despite forty-six years since its enactment, no Management Information System has been developed to monitor the implementation of the Act.

Ministry of Environment and Forest

Implementation of Environmental Acts relating to Water Pollution

CHAPTER-I: MINISTRY OF ENVIRONMENT AND FOREST

IMPLEMENTATION OF ENVIRONMENTAL ACTS RELATING TO WATER POLLUTION

The Water (Prevention and Control of Pollution) Act was enacted in 1974 to address the issue of water pollution and to create appropriate regulatory mechanism. Audit reviewed the implementation of the Act in several States and found that the objective of prevention and control of pollution of water bodies was not achieved mainly due to poor compliance with various provisions of the Act and the Rules made there under. The State Pollution Control Boards in several States did not complete the process of identification of polluting industries and most industrial units were functioning without consent from State Boards. A major such area was failure of State Pollution Control Boards to regulate and control the discharge of industrial effluents and domestic sewage into water bodies. The State Boards also failed to take effective action against defaulting industries. There was significant shortfall in inspection of polluting industries even with reference to the targets fixed for such inspection, which were already very low. Local bodies in the States discharged untreated domestic waste into the water bodies due to inadequate sewerage system and sewage treatment plants. Consequently, the water quality of the rivers continued to deteriorate in terms of Bio-Chemical Oxygen Demand and total coliforms. The drinking water supplied to big towns in various States did not conform to the parameters fixed. In summary, due to poor implementation of the Act, the objective of controlling water pollution was not achieved even to a modest degree.

Highlights

The State Pollution Control Boards of Andhra Pradesh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Punjab and Rajasthan did not complete the process of identification of polluting units.

Most of the industrial units in the States functioned without obtaining consent from State Boards in absence of a proper control mechanism.

Failure of the State Boards to take effective action against the industries, which either did not install the pollution control devices or did not operate these facilities, resulted in discharge of untreated effluents into water bodies and onto land.

The State Boards did not regularly conduct inspection of the polluting units as directed by the Ministry of Environment and Forests. There was considerable shortfall in actual inspection against the targets fixed for inspections.

The drinking water being supplied to big towns in the States did not conform to the parameters fixed for drinking water.

Inadequate sewerage systems and sewage treatment plants with the local bodies in the States led to discharge of untreated domestic waste into the water bodies and onto land.

Inadequate resources with municipal corporations to tackle sewage, led to discharge of domestic sewage and industrial effluents into rivers resulting in deterioration of water quality in terms of Bio-Chemical Oxygen Demand and total coliforms.

1. Introduction

The Water (Prevention and Control of Pollution) Act, 1974, is the first specific and comprehensive legislation to address the issue of water pollution. It also simultaneously created the regulatory agencies for controlling water pollution. The Pollution Control Board at the Centre and State Pollution Control Boards in the States, which are the regulatory authorities, came into being in terms of this Act. The Water (Prevention and Control of Pollution) Cess Act, 1977 was enacted in order to conserve this vital natural resource and to augment the finances of these regulatory agencies.

2. Main provisions of the Water Act

The act is intended to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water; for establishment of Boards for prevention and control of water pollution; for conferring on and assigning to such Boards power and functions relating to prevention and control of water pollution and for matters connected therewith.

Under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 the Central Government constituted the Central Pollution Control Board (CPCB), which functions under the Ministry of Environment and Forests (MoEF).

Similarly, under Section 4 of Water (Prevention and Control of Pollution) Act, 1974, the State Governments constituted State Pollution Control Boards (SPCBs) in order to perform the functions assigned to the Board under the Act.

Section 18 of Water (Prevention and Control of Pollution) Act, 1974, stipulates that where the Central Government is of the opinion that the State Board has defaulted in complying with the directions given by the Central Board, it may direct the Central Board to perform any of the functions of the State Board.

3. Main functions of the Central/State Boards under the Water Act

The following are the main functions of the Central/State Boards under the Water Act:

(i) Planning comprehensive programmes for prevention, control or abatement of pollution of streams and wells in the State and the execution thereof,

(ii) Collection and dissemination of information relating to water pollution and the prevention, control or abatement thereof,

(iii) Inspection of sewage/trade effluents plants for the treatment of sewage and

(iv) Laying down standards for treatment of sewage and trade effluents and evolving efficient methods for their disposal.

4. Audit Coverage

The principal aim of audit was to assess the degree of compliance shown in the enforcement of the law, rules and regulations governing pollution control. A test check of records in 20 States relating to survey, water quality and schemes undertaken for treating the water along with Central and State Schemes implemented for prevention, control or abatement of water pollution covering the period from 1995-96 to 1999-2000 was conducted in audit during 2000-2001.

Audit also assessed the mechanism of funding and monitoring and the linkages between the Centre and the States in implementing the schemes for abatement and control of water pollution.

5. Organisational setup

MoEF headed by a Secretary is the nodal agency for the prevention and control of pollution in the country. CPCB constituted by the Ministry has a full time Chairman, a Member Secretary, five members each representing the Central Government and nominated from among the members of the State Boards. Three non-official members represent the fields of Agriculture, Fisheries, Industries and two members represent Companies owned/controlled by Central Government.

In the States, Department of Environment, (in some States along with Forest, Science and Technology) headed by a Secretary is responsible for control of environmental pollution. State Governments have constituted SPCBs for the enforcement of environmental legislation.

6. Finance

A. Central Funding

MoEF has been funding CPCB for its Plan and Non-Plan activities. The Ministry also provides funds to the State Governments for implementation of Centrally Sponsored River Action Plans for abatement of pollution and conservation of water quality of the rivers. Funds are also released to SPCB,

Research Institutions, Universities, NGOs and Industrial Units for specific projects/schemes.

i) Assistance to Pollution Control Boards in the States for specific projects/schemes.

Financial assistance is provided to State Pollution Control Boards and Union Territory Pollution Control Committees (UTPCCs) for specific Projects/Studies. The projects/studies proposed by SPCBs/UTPCCs are examined in the Ministry in consultation with CPCB. Financial assistance is then provided to SPCBs/UTPCC's in instalments. The subsequent instalments are released only after verification of utilization certificates and expenditure statements received from them in respect of earlier instalments. Against the provision of Rs. 12.75 crore in the IX Five Year Plan towards assistance for abatement of pollution, only Rs. 3 crore was utilized up to March 2001.

Against provision of Rs 12.75 crore only Rs 3 crore was utilised up to March 2001.

MoEF also provides assistance to the Pollution Control Boards in the States of Gujarat, Maharashtra, Uttar Pradesh and Tamil Nadu to cover the procurement of equipment with the objective of strengthening the monitoring and enforcement abilities of Pollution Control Boards in these States.

ii) Funding for River Action Plans

Prior to 1 April 1997, funds for the implementation of River Action Plans viz. Ganga Action Plan Phase I and II and National River Conservation Plan were shared equally between Central and State Government. However, Cabinet Committee on Economic Affairs (CCEA) in 1998 approved 100 *per cent* funding of these schemes from 1 April 1997. The Action Plan involves interception and diversion schemes, construction of sewage treatment plants, construction of bathing ghats, electric crematoria, community toilets and other miscellaneous schemes. The Detailed Project Reports (DPRs) submitted by the implementing agencies through State Governments are examined by the experts at National River Conservation Directorate (NRCD) and MoEF and thereafter, administrative approval and expenditure sanction is accorded.

The total provision made, expenditure and unspent provisions for river action plans was as under: -

Rs in crore

Action Plan	Year	Total Provision	Actual expenditure	Unspent provision
Ganga Action Plan, Phase-I.	1997-98	5.30	3.30	2.00
	1998-99	8.73	2.50	6.23
	1999-2000	2.00	-	2.00
Ganga Action Plan, Phase-II	1997-98	86.00	82.30	3.70
	1998-99	165.00	87.43	77.57
	1999-2000	120.00	90.38	29.62
National River Action Plan	1997-98	14.00	10.74	3.26
	1998-99	14.00	14.00	-
	1999-2000	70.00	62.05	7.95

Only 63 *per cent* was spent out of a provision of Rs 485 crore made under River Action Plans.

The progress of the schemes was slow and utilization of funds was not satisfactory.

iii) Assistance for setting up Common Effluent Treatment Plant

A company or society constituted specifically to own, operate and maintain common facilities for treatment and disposal of solid, liquid and gaseous waste generated by small and medium scale units located in clusters is eligible for assistance under the scheme. The Government of India finances 25 *per cent* of project cost. 25 *per cent* is to be financed by concerned State government and 20 *per cent* is to be contributed by the promoter, and remaining 30 *per cent* may be obtained as loan from financial Institutions. The consent of SPCB is sufficient for a company to approach financial institutions for obtaining the loan component. The Central Government releases its matching share based on release by State Government.

As of March 2000, 89 Common Effluent Treatment Plants (CETPs) had been approved for providing financial assistance. The details of CETPs sanctioned are given below: -

Status of CETPs

S.No.	Name of the State/UT	GOI subsidy disbursed (Rs in lakhs)	No. of CETPs
1.	Andhra Pradesh	132.00	3
2.	Delhi	2300.00	15
3.	Gujarat	735.42	7
4.	Himachal Pradesh	12.60	4
5.	Haryana	11.89	1
6.	Karnataka	98.84	3
7.	Madhya Pradesh	96.00	3
8.	Maharashtra	267.43	9
9.	Punjab	19.95	4
10.	Rajasthan	100.00	2
11.	Tamil Nadu	1934.08	36
12.	Uttar Pradesh	95.75	2
Total		**5803.96**	**89**

B. State Funding

As per Section 35 of the Water (Prevention and Control of Pollution) Act 1974, the State Government may, after due appropriation as decided by the State Legislature make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions.

C. State Board's own receipts

The other main source of income of the State Board is its own receipts from share of Water Cess, consent fee, sample testing fee and sale proceeds of application forms, financial assistance from CPCB. The total amount released as central share of water cess was Rs. 43.32 crore during 2000-2001. It was observed in audit that though more than two-thirds of the total expenditure of the State Boards was on staff & administration, most of them had vacancies in technical and engineering cadres, rendering them weak in proper discharge of their assigned duties.

Failure of various State Governments in formulating the policies and programmes for meeting the statutory requirement regarding prevention of pollution resulted in non-utilisation of funds from time to time. Funds aggregating Rs 145.95 crore were lying unspent in 9 States as on 1 April 2000 as given below:-

Rs 145.95 crore was lying unspent with SPCBs as of April 2000.

Rs in crore

Name of States	Unspent Amount
Andhra Pradesh	34.32
Gujarat	19.95
Harayana	16.27
Jammu & Kashmir	0.71
Punjab	28.94
Rajasthan	10.50
Tripura	1.80
Uttar Pradesh	27.52
West Bengal	5.94
Total	**145.95**

7. Monitoring of the schemes/projects

In the Ministry, the pollution abatement schemes are reviewed and monitored through internal evaluation and also through the CPCB and SPCBs.

The implementation of various river action plans viz. Ganga Action Plan Phase-I & Phase II and National River Conservation Plan is monitored by an apex body, and National River Conservation Authority (NRCA) headed by Prime Minister, which was to meet at least once every year. NRCA, however met only twice during the period 1994 to March 2000. The implementation of the various schemes is also monitored by a Steering Committee headed by Secretary, MoEF with members from all concerned States, CPCB and also research organizations. The meetings of the Steering Committee are held once every three months. In addition, NRCD, MoEF also undertake field visits and review meetings with the implementing agencies. NRCD has also developed a format in which the physical progress of the various schemes is obtained from the implementing agencies every month.

As per provisions of Section 8 of Water Act, CPCB is required to meet at least once in every three months to monitor and review its own activities regarding laying of standards for streams and other water bodies, fixing emission standards for pollution from various sources and plan schemes for prevention, control or abatement of water pollution.

8. Survey for Identification of Polluting Industries

Section 25 of the Water Act as amended in 1988, stipulates that no person shall, without the previous consent of the SPCB:-

a) Establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; or

b) Bring in to use any new or altered outlets for the discharge of sewage.

Boards are to identify the polluting units and monitor them closely. Up-to-date information regarding the industries operating in the State was required to identify polluting units and to take remedial measures.

However, a large number of States were found wanting in carrying out adequate surveys for identification of polluting units. In Tripura, the information collected during the survey was at wide variance with the information available in the records of the Director of Industries and Commerce reportedly due to incomplete survey. It was, therefore, not possible for the Boards in these States to identify cases where licenses were issued to new industries by Industries Department without obtaining clearance from the Boards.

9. Municipal Bodies/Industries functioning without statutory consent

There was no mechanism in most States to ensure industrial units were operating after obtaining consent from the Board.

According to **Section 25(1)** of the Water Act 1974, no Municipal Body/industry shall, without the previous consent of the SPCBs, discharge sewage or trade effluent into a stream/ well or on land. The consent so granted had to be renewed after a period of two years on prescribed fees. The Pollution Control Board (PCB) could refuse consent already granted if the unit had not applied for renewal. The PCB could prosecute defaulting industrial units in terms of Section 25(5) of the Water Act 1974. The Supreme Court had also directed in 1997 that the CPCB and all SPCBs should ensure compliance with the provisions of the Water Act 1974 by everyone including the municipal bodies and the industries. Test check in various States revealed that there was no mechanism in most States to ensure that the units were functioning only after obtaining valid consent. Details of non-compliance of the said provisions in some of the States were as under:-

Gujarat

In 1380 cases consent was not given by the Board. The Board had no mechanism to check whether units were operating even after rejection of applications/non-renewal of consent and to initiate action for closure/penalty for such units discharging effluents. 30 textile mills and dye-manufacturing units were in operation without consent for six months to 16 years.

Haryana

Out of 2867 polluting units identified by the Board, 611 units were operating without applying for grant of consent.

Himachal Pradesh

Of the 58 Municipal Committees/Notified Area Committees, consent had been granted to only one Municipal Committee. In addition, there were 122 Government hospitals and public health centres but in none of the cases had the consent been applied for or granted. Two industrial units in Kangra district were operating for the last 10 and 16 years respectively without obtaining any consent from the Board.

Jammu & Kashmir

The Board granted consent to 357 out of 489 industrial units who had applied for it during 1995-2000. The consents were granted arbitrarily without conducting any analysis of trade effluents discharged by these units. Further test check revealed that 6 highly polluting industrial units and 4 distilleries in Jammu were operating without the consent of the Board.

Karnataka

Out of 9012 industries in the State, 6891 operating industries were identified as those requiring consent. However, 2169 industries out of these were found to be operating without the consent of the Board.

Maharashtra

Out of 15 Municipal Corporations and 219 Municipal Councils, 13 Municipal Corporations and 218 Municipal Councils did not hold a valid consent as of March 2000. Ten out of 15 Municipal Corporations had not even applied for the consent. Except for issuing notices to the Municipal Bodies, the Board had not initiated any other action.

Meghalaya

77 industries had not applied as of March 2000 for renewal of consent although validity of last annual consent had expired between September 1989 and February 1999.

The local bodies viz. 2 Municipalities at Shillong and Tura and town committees in other urban areas had not obtained the consent from the Board as of March 2000 .The Board had not ascertained the level of effluent discharge by these local bodies.

Orissa

As of March 1999 there were 102 urban local bodies in Orissa. But none of these had been granted consent by the State Board under Water Act.

Punjab

Out of 5745 industries, the Board identified 3317 as polluting as of March 2000, of which consent was granted to only 930 units during this period. Out of 4 Municipal Corporations, (Amritsar, Jalandhar, Ludhiana and Patiala) discharging the highest quantity of sewage and 125 Municipal Committees, only 32 had applied for consent during 1994-99. Only six were granted conditional consent.

The State Board did not take action against the local bodies that failed to apply for consent. Though renewal of consent was due in 773 cases, only 642 units applied for renewal. No action was initiated by the State Board against 131 units who did not apply for renewal.

Rajasthan

As against the identified 1670 highly polluting units, 1317 units are operating without consent. In case of other polluting units, 1326 units were running without consent. The Board had taken no action to bring these units under the consent mechanism.

Tamil Nadu

Out of 20532 units identified by the Board, 18229 units had applied for renewal of consent and as of March 2000, the consent had been issued to 15425 units. Consent for 198 large-scale highly polluting industries had not been renewed, even much after it was due for renewal. The industries continue to operate without consent.

Tripura

Out of 2422 industrial units identified by the Board, consent were given in respect of 1137 units and renewal was permitted in respect of 547 units during 1988-2000.

Consequent to issue of audit review to MoEF in July 2001, CPCB in August 2001 directed all SPCBs and Pollution Control Commitees (PCCs) to identify industries operating without valid consent and to take appropriate legal action against all such industries including immediate closure of the units wherever necessary.

10. Industries without Effluent Treatment Plants (ETPs)

Under Section 24 of Water Act no person shall knowingly cause or permit any poisonous or polluting matter to enter (whether directly or indirectly) into any stream or well or sewer or on land.

The State Boards did not take effective action against the polluting industries, which did not install effluent treatment plants or did not operate the installed plants.

In pursuance of the action plan formulated by MoEF, CPCB identified 1551 large and medium major polluting industries, which came into operation on or before 31st December 1991 in 17 categories. In terms of a notification issued in February 1992 by Government of India, highly polluting industries were to install ETPs by June 1994. The progress was reviewed by SPCBs/PCCs and data was compiled by CPCB and sent to MoEF. As of 30 June 2001, 1348 units had adequate pollution control facilities to comply with the standards, 176 units had been closed and 27 units were defaulters. The inventorisation of large and medium industries which came into operation on and after 1 January 1992 had been initiated. In pursuance of a decision taken by NRCA, CPCB at the instance of MoEF issued direction to all SPCB/PCCs in July 1997 requiring them to direct the defaulting industries (discharging their effluents into rivers and lakes) to take necessary action for effluent treatment within three months failing which closure notice shall be issued. As of 30 June 2001, 608 industries had provided the requisite treatment facilities, 236 units had been closed and in 7 units that had defaulted, action for closure was in progress.

In most of the states the Effluent Treatment Plants/Common Effluent Treatment Plants (ETPs/CETPs) were either not installed or the number installed was inadequate. The status of installation of ETPs in various States as revealed in test check was as under:

Andhra Pradesh

Government of India/Board had identified (September 2000) 237 highly polluting industries and 75 grossly polluting industries. However, no effective action had been initiated by the Board against any of these industries so far.

Forty highly polluting industries in Katedan Industrial Estate (Hyderabad) had been operating without ETPs. The effluents generated by these industries were being discharged either into the land within their premises or in open areas contaminating the surroundings. Apart from issuing show cause notices for non-compliance, no effective measures were taken by the State Board to control the pollution caused by these industries.

There are 240 industrial estates in the State but only 3 CETPs were set up with the assistance of Central Government in 3 Industrial Development Areas.

Bihar

The State Board had granted conditional consent to industries which did not comkp.ly with the statutory standards prescribed under the Act.

Thermal, steel, leather plants and various distilleries either had no ETPs or had installed ETP were not capable of treating the effluents of treating the effulent discharges, thereby polluting the rivers and other water bodies.

Gujarat

As against 170 developed and operational industrial estates, only 10 CETPs were in operation in the State. The Board had prescribed norms for both inlet and outlet effluent quality of CETP. Test-check of records revealed that the performance of CETPs in terms of treatment of industrial effluents was poor. The characteristics of inlet effluents at all CETPs were more than those prescribed by the Board indicating that individual members were not carrying out effective primary treatment before discharging the effluents into CETPs. None of the CETPs discharged the treated effluents as per the norms of the Board. However, no penal action, except issue of show cause notices, was taken by the Board.

Haryana

Although 1535 polluting industrial units were operating in the State as on 31 March 2000, ETPs had been installed only in 996 units. The remaining 539 units had either no treatment facility or had inadequate facilities. The Board launched prosecution against 7 units, issued closure orders against 100 units and issued show cause notices to remaining 432 units.

However to avoid industrial slow down and also unemployment in the State it was decided (May 1998) by the Board that no industry, even if polluting and unresponsive would be closed. Thus the powers of the Board to close down the non-complying units were used sparingly.

Haryana State Industrial Development Corporation (HSIDC) responsible for setting up of Industrial estates in the State constructed the CETP at Kundli with a capacity to treat 11.08-lakh litre of effluent per day. This was inadequate as additional 9-lakh litre of effluent per day was still being released untreated by various units in the estate. The Environment Department released Rs 21.64 lakh during 1997–98 to HSIDC as subsidy for construction of CETPs at Jind and Murthal for treatment of 4.63 lakh litres trade effluent per day. However, only first part of CETP at Jind was complete and no CETP at Murthal was constructed so far.

Himachal Pradesh

The Board had not identified total number of polluting industries, which required ETPs but had granted consent to 1401 industrial units as of March 1999.

Records in the regional offices at Baddi, Jassur, Parwanoo and Una revealed that ETPs provided in four large-scale units in Solan district were not working satisfactorily thereby polluting the water bodies. No ETP had been provided

by the Himachal Pradesh Road Transport Corporation in its seven workshops falling under the jurisdiction of Jassur and Una Regional Offices. No penal action had been taken against the defaulting units so far.

Karnataka

As of March 1999, of the 6891operating industries, 6120 (89 *per cent*) had installed ETPs. Out of 120 industries identified by the Board as highly polluting, 99 had installed ETPs as of March 1999. The Board had closed down 14 defaulting units during 1994-99. Work on ETPs in the remaining 7 industries had not been completed even six years after expiry of the time limit prescribed by Government of India. Subsequently, the Board had closed down three of these industries.

Kerala

Six industries, which were granted (1991-98) consent on condition of commissioning the ETPs by specific dates between May 1991 and June 2000, did not install ETPs till April 2000. All these units had been discharging untreated effluents into water bodies.

In respect of 15 units the ETPs installed were not working properly. The 11 units, where ETPs were found inadequate, did not implement the directions of the Board to augment the ETPs as of March 2000.

Meghalaya

The data available with the Board revealed that 12 industries had not taken any action for construction of ETP as of March 2000. The Board, however, had not initiated any action against these 12 industries although a considerable period of 7 to 38 months from the date of serving notice on them had already elapsed as of March 2000.

Madhya Pradesh

77 industries had not installed the (ETPs) at the end of 1998-99. During 1994-95 to 1999-2000, no proposal for establishment of CETPs was prepared. The Board stated (May 2000) that due to slow pace of industrialization the industrialists were not taking interest in setting up of CETPs.

Maharashtra

Out of 14 CETPs with an aggregate capacity of 78700 cubic meter per day in Maharashtra, only 6 plants with capacity of 25500 cubic meter per day could be commissioned as on March 1999. Even out of these 6 plants, the capacity of 3 plants could not be utilized fully due to non-laying of pipeline for collection of effluents from member industries.

Punjab

The Board had not maintained any data regarding installation of ETPs by the industrial units during 1994-98. Water pollution persisted even after installation of ETPs. Further, out of 3407 ETPs required to be installed during 1998-99, only 1951 (57 *per cent*) could be installed and only 1440 plants (42 *per cent*) inspected. The purpose of monitoring the installation of ETPs to check water pollution was thus largely defeated.

Tamil Nadu

Of the 6639 large and medium scale industrial units in the State as of March 2000, 1335 units had not installed ETPs so far.

The Board stated in November 2000 that it had ordered closure of 1199 units as per the directives of High Court. The remaining 136 units, which were at various stages of constructing the ETPs, had been addressed to expedite the construction.

Out of 939 tanneries, 132 had provided individual ETPs. Out of 26 CETPs required to be provided for 772 tanneries, 12 CETPs for 620 tanneries had been provided and were in operation. The remaining 14 CETPs at Tiruchirappalli and Vellore were under process of installation.

Similarly, out of 4173 textile bleaching and dyeing industries which were regarded as major polluting industries, CETPs had been provided in 537 units and the installation of CETP was under progress in 905 industries. Closure orders had been issued to 821 units, which had neither applied for consent of the Board nor had provided ETPs. Particulars for the remaining 1910 units were not available.

Tripura

Though the Board accorded consent to establish/operate 1137 units as of 31 March 2000, setting up of ETPs was not ensured before granting consent. Resultantly only 4 units had installed ETPs. The Board had not identified the total number of polluting industrial units that required installation of ETPs. The Board stated in April 2000 that due to lack of technical manpower, it was not possible to identify the actual number of polluting industrial units that required ETPs.

Uttar Pradesh

Government (Environment Department) had not identified the industrial units, which had not installed the required treatment plants. According to the Board, there were seven grossly polluting big industrial units, which had not installed treatment plants. Test-check, however revealed that there were many other big industrial units, which had not installed any treatment plants. At Mirzapur, there were 14 grossly polluting industries, of which 4 units had not installed proper ETPs.

West Bengal

In West Bengal, none of 31 industrial estates/growth centres with 1203 SSI units had any CETP. The Board, however, did not initiate any action for construction of CETP.

11. Inspections under Water Act

Section 23 of the Water Act lays down that any person empowered by State Board in this behalf shall have a right at any time to enter, as he considers necessary, any place:-

a) for the purpose of performing any of the functions of the Board entrusted to him,

b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made there under of any notice, order, direction or authorization served, made, given or granted under this Act is being or has been complied with.

There was a shortfall in the targets fixed by State Boards for the inspection of the industries.

Officers of the Board are required to visit industries/factories regularly and ascertain that the programmes for abatement of pollution are being implemented satisfactorily. MoEF, in September 1988 stipulated that all the consented industries should be categorised into red, (highly polluting) orange (moderately polluting) and green (least polluting) depending on pollution potential and should be inspected at monthly/six monthly/annual intervals. The Surveillance Squads of SPCBs and CPCB are also conduct the surprise inspection of the polluting industries. However, the number of such visits by SPCBs/PCCs was inadequate. The visits of CPCB squads revealed that the industries either did not have requisite facilities to comply the standards or did not operate the facilities.

The inspection carried out by State Boards was far from satisfactory. There were wide variation between the inspections targeted and the inspections actually conducted. The position as revealed in various States is as under:-

Andhra Pradesh

No norms and targets of inspection were fixed by the State Board. The Board did not maintain any record of inspections conducted by the field staff. Therefore, it had no reliable information, based on physical check, whether the pollution abatement programmes were being followed by the industries.

Gujarat

Test-check of inspections carried out revealed that out of 1985 red category units, 1321 were planned for inspection and only 880 (67 *per cent)* were actually inspected. Similar inadequate inspection was also noticed in green and orange category industries. Reasons for shortfall in inspection were not furnished.

Himachal Pradesh

Audit scrutiny revealed that based on the units presently identified and frequency for inspections fixed, 5450 inspections were required to be conducted against which only 3735 inspections were carried out by the Board during 1994-1999.

Kerala

The schedule fixed by the Board in 1994 provided for inspection of large, medium and small units at monthly, quarterly and annual intervals respectively. A test check of records relating to 418 industrial units for the period 1997-2000 in four regional offices and three district offices however, revealed that only 239 units were inspected by the Board. 79 to 82 *per cent* of the remaining 179 industries were not inspected at all.

Orissa

An evaluation report by NORCONSULT International A.S. regarding the progress of the project on " Strengthening of Orissa State Pollution Control Board" in 1994 recommended that the frequency of inspections be increased in respect of highly polluting industries to atleast 12 times a year. As of March 1999, there were 92 large and highly polluting industries and 106 highly polluting mines in the State. As per these recommendations, Board should have conducted at least 2376 inspections against which only 1370 inspections were conducted during 1998-99 resulting in shortfall in frequency of inspections to the extent of 1006 (45 *per cent)* during the year.

Pondicherry

The Pondicherry Pollution Control Committee categorized (December 1998) 623 industrial units (red-213, orange-172 and green-238) to be monitored every year, once in two years and once in three years respectively. However, only 99 units were monitored during 1999.

Punjab

The Punjab Pollution Control Board decided to inspect the large and medium highly polluting industries once in 6 months and small highly polluting industries once in a year. As against the required visits of 2500 in case of large and medium industries the actual visits were 815. As against the required visits of 17079 in case of small industries, the actual visits were 4224 during the year 1997-99. It indicates a shortfall of 67 *per cent* and 75 *per cent* respectively.

Tamil Nadu

There was a significant shortfall in inspection of large polluting industries in the 7 District Offices checked by the Audit. The shortfall ranged from 6 to 92 *per cent* in respect of red category and from 28 to 100 *per cent* in respect of orange category industries during 1995-1999.

West Bengal

The Board identified 2300 red, 4200 orange and 2500 green category industries. While the red category industries were inspected once a year, the Board fixed no periodicity for inspection of orange and green category industries. As against the required 10215 inspections in respect of red categories, the Board conducted only 8637 inspections.

12. Drinking Water

The drinking water supplied in big towns of the States did not meet the required parameters.

Potable water should be clear, odourless, neither very hard nor too soft and free from bacteria.

The drinking water being supplied in the various small and big towns of the states was in most cases polluted as detailed below:

Andhra Pradesh

Results of analysis reports of drinking water samples of Hyderabad and Secunderabad collected and analysed by Institute of Preventive Medicine during the period 1994-2000 revealed that the water supplied was chemically unsatisfactory due to hardness and high fluoride content. The underground pipes laid long ago had developed fissures and the drain water had been entering the water supply pipes.

Due to deficiencies in the quality of water supplied by Hyderabad Metropolitan Water Supply and Sewerage Board, the residents of the twin cities were exposed to unwholesome water with consequential health hazards. Analysis of bacteriological quality of water supplied in hotels revealed an alarmingly high incidence of 65-75 *per cent* contamination in the quality of water.

Bihar

State Government or the Bihar SPCB did not fix any desirable range / parameter of drinking water. Status of potable water in Ranchi, Patna and Purnea towns revealed that chemical and bacteriological parametric values of drinking water exceeded the desirable range and also the uppermost limits in many cases. Over 50 *per cent* of total urban population in Patna was being supplied bacteriologically polluted water through water supply system since 1998.

Gujarat

Gujarat Water Supply and Sewerage Board (GWSSB) was to develop reliable source for drinking water and provide potable water to the communities in rural areas where drinking water was a problem. Records of GWSSB revealed that number of identified problem villages for Total Dissolved Solids increased from 567 to 960, for high nitrates from 171 to 386 and for high fluoride content from 803 to 1304 from 1997-98 to 1999-2000. Further, in the same water sources salinity, nitrates and fluorides showed increasing trend.

GWSSB did not furnish information regarding remedial action taken by it to address the issue.

Punjab

The survey of underground water conducted by SPCB in 1993-94 at Ludhiana, Jalandhar, Amritsar, Ropar and Nangal revealed that ground water of these cities was contaminated in nearly all the areas and abandonment of these sources was recommended. As no effective action to supply potable water in these towns was taken by the Sewerage Board/MCs, the people of these towns were compelled to use and drink contaminated underground water.

Sikkim

The pH values of drinking water of certain areas of Gangtok like Lalmarket, Oldmarket and Baluwakhani localities showed variation from the prescribed standard because of contamination taking place through leakages. The water at Deorali was found to be acidic. Ammonia was found in the drinking water in Gangktok, which indicated lack of proper and sealed pipeline network.

Tamil Nadu

Out of the water sources in the State about 9 *per cent* were not potable due to excessive fluoride, about 10 *per cent* due to excessive nitrate, about 7 *per cent* due to excessive iron and about 18 *per cent* due to excessive total dissolved solids.

As per the details furnished (February 2000) by the Director of Public Health and Preventive Medicine, there were 1903 reported deaths from Cholera and acute Diarrhoea and other diseases during the period 1994-1999 due to major infection caused by leakage of pipeline, bore well, improper maintenance of overhead tanks and contamination of water sources like wells, streams and rivers.

Tripura

Dissolved iron ranged between 1.21 and 8.12 in the ground water of the State as against the permissible limit of 0.3 mg. per litre. The high concentration of iron in water not only contributes to incidence of amoebiasis but also is directly responsible for the high incidence of gall stone disease in the State. But no initiative was taken by the SPCB to reduce the dissolved iron in ground water to maintain the mandatory standard of drinking water quality.

West Bengal

School of Environmental Studies, Jadavpur University conducted studies on the bacteriological and physio-chemical quality of drinking water of 100 municipal wards supplied by Calcutta Municipal Corporation during 1993 to 1998. Test result of water samples indicated that calcium and sodium contents in water were much higher than the permissible limit of 24.04 *per cent* and 13.06 *per cent* cases respectively. Besides 27.37 *per cent* of samples indicated presence of residual chlorine, which is highly toxic being beyond the

permissible limit. Further, water in 32 wards was found bacteriologically contaminated due to leakages in pipelines.

13. Pollution due to domestic sewage from urban areas

Domestic sewage is a major sources of urban water pollution. In order to maintain the wholesomeness of water and to control and prevent natural water from being polluted, the Boards are required under the Water Act (i) to inspect sewage or trade effluents, works and plants for their treatment and disposal, (ii) to lay down effluent standards for the sewage and trade effluents and (iii) to evolve efficient methods of disposal of sewage and trade effluents on land or into any stream taking into account the minimum fair weather dilution available in that stream. Local bodies in towns were required to install STPs for controlling pollution caused by domestic sewage.

Inadequate sewerage system and Sewage Treatment Plants with the local bodies resulted in discharge of untreated domestic waste into water bodies.

Most urban local bodies did not have adequate sewerage system and STPs and were discharging untreated domestic wastes either into, water bodies or onto land. Test check of records in various states revealed the following shortcomings.

Andhra Pradesh

Out of 109 municipalities and 7 municipal corporations, only the municipal corporations of Hyderabad and Vijayawada had established STPs for treating domestic sewage. The other local bodies were discharging untreated domestic waste into water bodies.

Bihar

Five STPs were established between December 1993 and December 1999 under Ganga Action Plan to treat 115 million litres of sewage per day. However, only 50 mld of sewage was being treated in these STPs due to shortage of electricity and lack of maintenance. Thus, 79 mld sewage was being discharged into the Ganga untreated along with several other direct discharges through other sources.

Gujarat

(a) While the State has 6 municipal corporations and 110 other local bodies, only 27 local bodies had a drainage system.

(b) While five corporations and six local bodies had STPs, only three were operational.

(c) None of the effluent samples from any STP were as per the norms.

(d) Further, both Pirana and Vasna STPs of Ahmedabad Municipal Corporation had an unauthorised bypass, which was used for discharging effluent without treatment.

Haryana

82 local bodies in various towns of State were causing 65 *per cent* of

pollution. Of these, 12 towns identified under Ganga Action Plan were being covered for construction of STPs whereas there was no plan to construct STPs in the remaining 70 local bodies.

Himachal Pradesh

Municipal waste of 227 tonnes per day gets accumulated in the 8 principal towns of Himachal Pradesh and is dumped in various streams, rivers and hill slopes etc. thereby polluting water.

The existing sewerage system in Shimla laid down in 1880 consists of simple detention tanks where only sedimentation process takes place. It is incapable of handling the present load of sewage, the excess effluent of which is being discharged into natural water courses without any treatment.

Jammu & Kashmir

The city of Jammu had no proper system for disposal of solid wastes; municipal garbage and hospital wastes which were generally dumped along riverbeds.

Kerala

In Thiruvananthapuram, Kerala Water Authority has been maintaining a sewage system covering only 30-40 *per cent* of the present population. About 50 *per cent* of the sewage of the town overflowed and was directly discharged into the river Killy, Parvathy and Puthana. The water on the riverbanks used by public for drinking purpose disclosed high concentration of fecal coliform.

Madhya Pradesh

No municipal committee/corporation had set up any full-fledged sewerage system and STPs.

Maharashtra

The domestic effluents generated in Mumbai were 2562 mld, of which 929 mld. (36 *per cent*) was adequately treated and 1633 mld. (64 *per cent*) remained untreated as of March 2000. The untreated municipal wastes along with industrial effluents were being discharged into the Arabian Sea.

Most Untreated effluents in 14 Municipal Corporations as of March 2000 including Pune, Thane, Nashik and Kolhapur was discharged into the river bodies/creeks without treatment.

The Board did not maintain data on the effluents discharged by the 231 Municipal Councils in the State.

Meghalaya

There was no STP set up for treatment of domestic sewage even in Shillong.

Orissa

There was practically no complete sewage system in any of the urban settlements in the State barring a few industrial townships as of March 1999. As a result, raw sewage from these local bodies was being discharged into the valleys of Daya river, which in turn joins Chilka lake. The untreated sewage discharged from Bhubaneswar city and other urban local bodies significantly contributed to the pollution load of Chilka lake.

In Rourkela and Cuttack the untreated sewage flows in open drains leading to contamination of ground water. In Cuttack the drainage system installed long back to cover smaller population was not functioning well and the untreated sewage was being discharged into the Mahanadi river.

Pondicherry

Out of 50 mld. of wastewater produced in urban areas, only 8 mld. was treated and the balance was discharged into sea by means of open channel.

Punjab

Except the municipal committee of Naya Nangal, none of the 131 municipal corporations/committees had installed the STP as of June 2000.

Rajasthan

Out of 183 Municipal bodies, none except Jaipur had installed a STP as of May 2000.

Sikkim

The waste and garbage of Gangtok town till December 1998 was being disposed of through 'disperse and dilute' method in nearby streams. In January 1999 the Board permitted the garbage of Gangtok town to be thrown at Marchak, a riverbed, on an experimental basis for one month by using the abatement (chemical) techniques. However, the waste and garbage continued to be dumped at Marchak since then notwithstanding the complaints of the local people. The garbage of other towns in Sikkim was being disposed of in the hill slopes. In rainy seasons it entered the *p+3Xstreams, which joins the Teesta river resulting in water pollution.

Tamil Nadu

Only 7 of the 6 Municipal 10XCorporations and 102 Municipalities in the State had STPs to treat the effluents.

Tripur-1Xa

At Agartala, the average quantity of garbage generated was 80 tonnes per day. Of this, 60 tonnes was disposed of daily by the Agartala Municipal Council (AMC) at the site for municipal solid waste processing and disposal, resulting in accumulation of undisposed garbage of 20 tonnes daily at various road- side

garbage collection centres. This contaminated the ground water of these localities through the process of leaching. In spite of directions issued by the Board in November 1997 to the AMC to take remedial measures, the AMC did not take any measures. No action had been taken by the Board against AMC.

Uttar Pradesh

Out of 58 towns situated by the side of rivers, Ganga, Yamuna and Gomti, treatment of sewage of only 17 towns was taken up by UP Jal Nigam by June 2000.

West Bengal

Domestic and public sewage of different towns including Calcutta and Howrah on both banks of the Ganga are major sources of pollution of the river. The estimated sewage generation in 37 towns on both banks of the river covered under Ganga Action Plan (GAP) was 733.68 mld. The 15 towns under Phase-I of the GAP were generating 527.50 mld of sewage and capacity created for interception and diversion was only 371.60 mld (70.5 *per cent*). However, sewage actually diverted was only 215.98 mld (58 *per cent*) while that actually treated was only 181.98 mld allowing 75 *per cent* of estimated sewage to flow back into the Ganga. None of 125 local bodies in the State obtained consent from Board for discharging sewage into the rivers.

The position of dissolved oxygen, bio- chemical oxygen demand and total coliform count in water samples taken during March every year from 1996 to 2000 showed that water quality did not improve even after execution of the Ganga Action Plan Schemes.

The sewerage systems in most of the towns were designed more than half a century back for a limited population and were unable to cope with the growth in the towns in terms of area and the population.

14. Water Quality Management

According to Section 16 (g) of the Water Act, CPCB lays down, modifies or annuls, in consultation with the State Government concerned, the standards for a stream or well. Zoning and classification of water bodies was to be done through regular monitoring of water quality under the centrally sponsored projects of Global Environmental Monitoring System (GEMS) and Monitoring of Indian National Aquatic Resources (MINAR).

The CPCB has been monitoring water quality in collaboration with SPCBs in order to plan pollution control strategies to assess the nature and extent of pollution control needed in different water bodies and to evaluate the water quality trend over a period of time. The water quality monitoring is conducted at 507 stations. The monitoring is done for 22 physico chemical and bacteriological parameters. The data collected by SPCBs is sent for analysis to CPCB. Analysis of data for Bio-chemical Oxygen Demand (BOD) and

pathogenic bacteria (total and fecal coliforms) indicated that organic and bacterial contamination continued to be critical pollutants in Indian aquatic resources.

Inadequate resources with municipal corporations led to discharge of domestic sewage and industrial effluents into rivers.

Studies carried out by CPCB revealed that the municipal corporations at large had inadequate resources for ever-increasing load of municipal sewage. A large part of the municipal sewage was still flowing into the aquatic environment without treatment, thereby increasing the oxygen demand in shrinking water bodies and increasing the bacterial load of water, the main cause of water borne diseases.

The Ministry, on the basis of the studies carried out by CPCB, identified the polluted stretches for taking up pollution abatement programmes under National River Conservation Plan. The study on grossly polluted stretches in all major national rivers revealed that the critical parameters - BOD, DO and total coliforms have been violated and hence those stretches had not reached the desired class level. The Yamuna river was the most polluted river in the country having high BOD and coliform in the stretch of about 500 km, between Delhi and Etawah. Other severely polluted rivers were Sabarmati at Ahmedabad, Gomti at Lucknow, Kali, Adyar, Cooum (entire stretches), Veghal at Madurai, Musi down stream of Hyderabad. Similarly river stretches of Ganga, down stream of Kanauj, Kanpur, Allahabad, Varanasi and Trighat; Godavari, down stream of Nasik, Nanded and Rajahmundry; Cauvery, downstream of Srirangapatna KRS Dam, Satyamangalam Bridge; Krisna between Mahabaleshwar and Sangli; Tapti between Nepanager and Baranpur; Mahanadi downstream of Cuttack, Mahi between Badanvar and Vasad, Brahamani downstream of Rourkela, Talcher and Dharamshala, also showed high BOD and coliform for a considerable time during 1998-99.

A mention was made in the Report of the Comptroller and Auditor of General of India for the year ended March 2000 – Ganga Action Plan (Report No. 5A of 2000) that Ganga Action Plan was launched in 1985 with the objective of bringing water quality of river Ganga and its tributaries to bathing levels by treating domestic sewage. 110 towns were selected for pollution abatement along the banks of river Ganga and its tributaries. Phase I of the plan (in 25 cities) was not completed even after delay of over 10 years. Phase II (in 85 towns) was also far behind its schedule.. There were big shortfalls in the achievement of targets of creation of assets and facilities under the Plan. Only 13.7 *per cent* of the targeted sewage treatment capacity has been created till March 2000.

Ganga Action Plan failed to achieve the objective of controlling pollution.

Assets created in the scheme suffered impairment and closure because of technical design flaws, mismatch of the schemes and their components and lack of adequate maintenance. Sewage Treatment Plants could not adequately address the problem of reducing bacterial load in the river to the desired level. During 1999, in river Ganga BOD exceeded the permissible limit at 10 out of 27 sampling station as against only at one sampling station in 1993. The water quality of river Yamuna also did not improve over the period 1996-99. The coliform levels exceeded in 17 out of 60 stations sampled during 1999.

The significant observations about the Water Quality profiles in major rivers of the States are given below:

A. River Water Pollution

Andhra Pradesh

In River Godavari levels of DO & Total Coliforms were almost meeting the desired class in the entire stretch between up stream of Gangapur Dam and down stream of Rajahmundry.

Gujarat

Test-check of sample analysis done by the Board revealed that, five rivers (Damanganga, Khari, Kolak, Par and Sabarmati), were polluted mainly due to discharge of effluents from industrial estates.

The Board had not been able to reverse the trend for these highly polluted water bodies. The Board stated that monitoring of pollution in water bodies was done by CPCB and it was only responsible for collection and analysis of samples from specified stations. This was not tenable as control and abatement of pollution is the prime responsibility of the State Board.

Haryana

During 1996-99 average BOD at Agra canal at Madanpur Khadar ranged between 4.9mg /litre to 20 mg/litre which was higher than the acceptable BOD level of 3 mg/litre. The objective of cleaning the polluted water of River Yamuna was not achieved as of March 1999 as the river was continuously fed by untreated sewage and domestic/ industrial waste.

Quarterly sampling of water of River Ghaggar revealed that BOD value of water increased from4.5 mg/litre to 28 mg/litre during September 1998 to December 1999.

Himachal Pradesh

Three stretches on the bank of River Beas at Mandi, Kullu and Manali had been identified as polluted. The quality of water of the river at these stretches had deteriorated in respect of all the parameters i.e. total coliform, faecal and BOD. Direct flow of sewage, trade effluents and garbage etc. in the river were responsible for deterioration in the water quality.

Jammu & Kashmir

The drains of Jammu city had their outfall in River Tawi. The river water had shown increase of BOD from 2 mg./litre to 74mg/litre making it unsuitable for drinking and bathing purposes.

Kerala

The Board conducted water quality studies in respect of 12 out of the 44 rivers in the State that revealed high concentration of faecal and total coliform

bacteria in different stretches of all the rivers. In respect of remaining 32 rivers, even a water quality assessment was not undertaken as of April 2000.

Madhya Pradesh

Scrutiny of test reports of water samples collected during 1994-99 showed that the water of rivers and major water bodies fell below the normal standards. Water of Rivers Tapti, Narmada, Chambal, Khan and Kshipra at 6 points were highly polluted. In River Narmada total coliforms were higher at the bathing places throughout the river viz. Sethanighat up stream, Hoshangabad up stream, Hoshangabad down stream and Garudeshwar during the year. The Board stated in May 2000 that pollution was increasing due to non-availability of suitable arrangement for sewage treatment with the local bodies.

Maharashtra

BOD exceeded the limit in all the samples from the rivers Bhatsa, Ulhas, Wainganga, Krishna, Patalganga, Mutha, Pavana and Godavari supplying water to the cities of Mumbai, Kalyan, Nagpur, Satara, Navi Mumbai, Pune, Pimpri-Chinchwad and Nashik. DO was below the required level in Patalganga, Godavari, Wainganga and Mutha rivers. Bacterial coliform was noticed at Dhom Dam in River Krishna and faecal coliform was observed at Gangapur Dam in River Godavari beyond the prescribed limit during 1994-99.

Orissa

There were about 15 urban settlements on the basin of River Brahmani discharging approximately 74460.4 KL per day of untreated wastewater. Besides, the Talcher Power Plant, NALCO and chromite mines of Sukinda Valley discharged effluents and wastewater beyond tolerance limits. Further, there being practically no sewerage system except at Rourkela steel city, domestic waste water were drained into the river basin

River Mahanadi basin has 10 coalmines which discharge about 33065 Kilolitre per day (KLD) of waste water during monsoon and pose a serious environmental threat due to heavy metals and sulphur compounds. Besides there were about 34 urban settlements in the Mahanadi basin discharging 266332 KLD of wastewater without any treatment.

Rajasthan

The average value of BOD in Chambal river increased during the years 1996 and 1997.

151 industries involved in dying and printing established at Pali during 1971 to 1994 and operating without the consent of the Board, were also discharging their untreated wastewater into Bandi river.

The Sujan Ganga canal that flows through Bharatpur city was gradually converted into a large septic tank after 1970 due to choking of underground drains in the town and the flow of dirty water and sullage into it.

Uttar Pradesh

In River Ganga, BOD exceeded the desired water quality criteria limits at down stream Kanpur, down stream Varanasi and Trighat. Total Coliforms were higher than the criteria limit in the river stretch up to Rajmahal and thereafter it was well within the criteria limit of the desired class. However, DO level meets the desired level at all the locations except at Varanasi down stream.

B. Lake Water Pollution

Lakes are natural homes for a large variety of flora and fauna besides providing food and habitat to migrating birds. Besides adding to the scenic beauty, they constitute an important element of ecological balance. They are also sources of water for drinking, bathing and other purposes.

Andhra Pradesh

Kolleru Lake is one of the largest fresh water lakes and wetlands in India located on the east coast with a total catchment area of 4763 km stretching over the Krishna and West Godavari districts. The quality of water in this lake had deteriorated due to the inflows of untreated urban sewage, industrial effluents from sugar factories, distilleries and pesticides plants and residues from fertilisers and pesticides used in aquaculture and agriculture. Apart from these, the Vijayawada Municipal Corporation and municipalities of Gudivada and Eluru were also discharging untreated domestic sewage into the lake.

The quality of water had deteriorated significantly as its dissolved oxygen content was as low as 2.6 mg/litre in February 1999 and September, 1999 as against the prescribed standard of 4 mg/litre etc. Total coliforms too exceeded the normal limit by 5 times.

Kerala

The Board monitored, during June 1993 to March 1995, the water quality of the fresh water lake at Sasthamcotta, which is the source of drinking water in Kollam town. It found the presence of coliform bacteria in the range of 130 to 16000 /100 ml of water as against the acceptable level of 50 Maximum Permissible Number/100 ml. Though the Committee on Environment of the Kerala Legislature made several recommendations regarding prohibition of discharge of pollutants into the lake and also identified polluting agencies such as local bodies, Kerala Water Authority, hospitals etc., no action was initiated by the Board as of September 2000.

Orissa

Chilka lake is one of the largest wetlands in India spread over an area of 1080 sq. kms. It is administratively controlled by the Chilka Development Authority, an autonomous body registered under the Societies Act. The water quality of Chilka is brackish. The principal activities that pollute the waters of Chilka are (i) silt from degraded catchment and (ii) waste water generated from domestic and agriculture sources in the catchment area. State Board had

not so far prepared any action plan to protect this unique wetland from pollution.

Rajasthan

Kewaldeo Ghana and Sambhar lakes in Rajasthan had been designated as wetlands under the Ramsar Convention on Wetlands of International Importance. The possible threats to these lakes were from extraction of clay from the bed of main lake, construction of check dams in the catchment areas of the lake affecting inflow of water into the lakes and drawal of excessive water for salt production and for other purposes in the summer. The Government had not formulated any programme for protection and conservation of these lakes.

The pollution of water in the lakes of Udaipur city had been increasing due to discharge of untreated sewage by municipal council, hotels and guest houses, Public Health & Engineering Department filter plants and also residential colonies situated around the lakes.

Uttar Pradesh

A 700 metre by 350-metre pond called Chanderi pond is situated at Kanpur. The household waste of neighbouring areas flows into it without any treatment. Water of this pond is contaminated with DO being reduced to zero. The water of this pond subsequently flows into River Ganga contributing towards its pollution.

C. Ground Water

Andhra Pradesh

In its action plan for 1998-99, the State Board proposed to monitor ground water quality at the inlet, flanks and downstream side of three tanks in and around Hyderabad and 500 meters on either side of the Musi river for a distance of about 20 kms.

As per the preliminary report of a study conducted by the State Board and Ground Water Department during 1998-2000, the ground water in the areas contained 24 to 3352 mg/litre. Total Dissolved Salts (TDS) much higher than the permissible limit of 1000 mg/litre. The State Government stated in July 2000 that final report from the Ground Water department was yet to be received.

Thus, the work of ground water quality monitoring taken up in 1998-99 was yet to be completed (July 2000).

Kerala

Ground Water Monitoring studies conducted (1994) in seven stations in Greater Cochin area disclosed that pH, and concentration of coliform bacteria, BOD, chloride etc., were beyond tolerance limits in six stations. In two stations (Eloor and Mattanchery) well water was unfit for drinking and irrigation. In respect of the remaining four stations water could be used for

drinking and irrigation only after disinfection and addition of lime. However the Board had not forwarded this significant information to the State Government or concerned local bodies. Resultantly the population continued to be exposed to the hazards of drinking unpotable water.

Orissa

Survey of quality of ground water of dugwells and tubewells used as a source of drinking conducted (1997-98) by SPCB in Cuttack and Rourkela revealed that there was lower value of potential hydrogen and heavy iron content in the water obtained from tubewells of Bhubneshwar. In Rourkela, presence of lead and copper was found to be in excess of the permissible limit. This rendered the potability of the water obtained from the tubewells of the above cities questionable.

Pondicherry

The quality of ground water in the industrial estate at Mettupalayam had turned unfit for human consumption due to depositing of acids and waste material by chemical factories in the open yard.

D. Sea Water

Maharashtra

In a coastal segment marine water is subjected to several types of uses and activities. Depending on the types of uses and activities, saline water is classified into various classes according to the quality of the water. The seawater in Mumbai at all the 11 monitoring stations falls under SW-II class (designated use – bathing, water sports and commercial fishing). During the period 1994-99 analysis reports of all the samples drawn from all the monitoring stations showed BOD to be in excess of the prescribed limit. The DO level was also less than the prescribed standards in 45 *per cent* samples at 8 monitoring stations. This makes the water unfit for its designated use and dangerous to aquatic life. It was due to the flow of sullage and sewage from the slums and neighbouring hutments into the sea.

15. CONCLUSION

The main objective of the SPCBs was to prevent and control pollution of water bodies in accordance with the provisions of the Water Act. The objective was not achieved in any of the states mainly due to failure of the Boards to regulate and control the discharge of industrial effluents and domestic sewage into the water bodies and to ensure the installation of pollution control devices by the industrial units and local bodies. The role of various State Governments in implementing the provisions of the Water Act and the Rules was not adequately visible as there was no proper monitoring at the government level.

The matter was referred to the Ministry in July 2001, who has not replied as of October 2001.

Ministry of Health and Family Welfare

Administration of the Prevention of Food Adulteration Act

CHAPTER-II: MINISTRY OF HEALTH AND FAMILY WELFARE

DEPARTMENT OF HEALTH

ADMINISTRATION OF THE PREVENTION OF FOOD ADULTERATION ACT

The Prevention of Food Adulteration Act was framed in 1954 with the objective of prevention of adulteration in food articles by bringing about a uniform single legislation applicable to all States. The implementation of the Act is with the State Governments and the Ministry performs an advisory role in this matter. An audit review of the implementation of the Act in several States revealed that it is very poorly implemented. Moreover, emphasis of the Act, when it was enacted, was primarily on the prevention of adulteration. There has been a phenomenal increase in urbanisation with a consequent growth in floating population. There has been a proliferation of eating establishments to cater to this market. However, there was no effective survey and surveillance of these establishments, many of whom are functioning without license. There should be greater focus on regulating the standards of these establishments in order to provide a degree of assurance on hygiene and food safety standards to the consumer. While a number of facilities including State Food Laboratories had been created, their functioning was rendered ineffective for lack of an appropriately trained supervisory structure and technicians possessing the requisite skills. It is also doubtful whether District Level Health Officers would be able to devote adequate attention to these issues, in addition to their mainline activity of medical care. Organisational structure, therefore, requires a relook. Staff required for the implementation of the Act was insufficient. This adversely affected lifting of food samples for analysis. The State Governments were not able to launch prosecution cases for most of the adulterated samples. About 50 per cent of the cases filed in the courts went against the department and the offenders were acquitted due to inefficiency of the department, non-maintenance of proper records, failure to issue notice etc. The objectives of creating consumer awareness and imparting training to various functionaries remained unachieved. The quality of monitoring and evaluation was ineffective. Thus, the very objective and the purpose to eliminate the danger to human life had not been achieved.

Highlights

The grants-in-aid released by the Ministry for strengthening the State Food Laboratories were rarely utilized by the States, which resulted in non-procurement of essential equipment required for carrying out analysis of food items.

The initial step in the implementation of the Act was conducting of baseline surveys to ascertain the number of food establishments operating in the State.

This was to be followed by periodical surveys to update the database of food establishments. In almost all the States, even the baseline surveys were not carried out, leave alone the periodical surveys.

Failure in carrying out proper survey and surveillance led to non-issue of licences to a large number of food establishments. Besides late introduction of licensing system in some States, non-maintenance of basic records of licensing and absence of any proper system of issue/renewal of licences was noticed in many States. All these factors led to a large number of unlicensed food establishments operating across all the States.

It was essential to lift food samples from food establishments. In 13 out of 15 States, significant shortfalls in lifting of samples were noticed, the position being more serious in four States of Goa, Gujarat, Manipur and Pondicherry. Adequate attention was not paid to lifting of items of mass consumption/seasonal food items, which are more prone to adulteration.

The analysis of food samples suffered for want of adequate infrastructural facilities in the State Food Laboratories like inadequate testing facilities, vacancies in posts of Public Analysts, etc. Complex chemical tests for detecting crop contaminants, pesticide residues, heavy metals, food additives, could not be conducted due to lack of trained manpower, equipment and chemicals in the laboratories. In eight States, cases of under-utilisation of capacity of laboratories were noticed.

Prosecution of traders found selling adulterated food articles, is a big deterrent to check food adulteration. Prosecution was not initiated in about one-third of the cases and even in those cases where prosecution was initiated, about 50 *per cent* ended in acquittal. This was mainly due to inability of the State Government to defend the case properly, non-maintenance of basic records, non-appointment of Food Analysts etc.

About 59 *per cent* vacancies existed in the key post of Food Inspector. Cases of inordinate delays in filling up vacant posts, idle/excess deployment of staff, were also noticed in some States.

Training of various functionaries and consumer associations was to be imparted by the Ministry. It was noticed in Audit, that during the period 1996-2000, only 31 Food Inspectors, 80 Public Analysts and 80 consumer associations had received training.

Creation of consumer awareness was also envisaged with the aim of educating the public about the hazards of consuming adulterated food. In seven States, no activity was undertaken under this component during 1995-2000.

Monitoring of the implementation of the Act was woefully inadequate at both Central and State levels. Procedures for monitoring and evaluation were not set up in some States and the State Level Advisory Committees in some States remained non-functional. Despite forty six years of enactment of the Act, no

Management Information System has been developed to monitor the implementation of the Act

1. Introduction

Laws regulating quality of food were first introduced in India in 1899. Several states then formulated their own food laws, leading to a plethora of rules and regulations relating to specification of quality and regulatory measures. A Central Advisory Board appointed in 1943, reviewing the subject of food adulteration, recommended a Central legislation. The Constitution of India empowers both Central and State Governments for legislating on the subject of Food and Drug Adulteration which is included in the Concurrent List. However, with the aim of bringing about a single, uniform legislation applicable to all States, the Prevention of Food Adulteration (PFA) Act was enacted in 1954 and came into force from 1 June, 1955. The Government of India also framed the *'Prevention of Food Adulteration Rules, 1955'* to carry out the provisions of the Act. The State Governments implemented the provisions of the PFA Act and also individually framed Rules on the matter under Section 24 of the Act. Seen in the light of the objectives as well as the principal activities of the PFA Act, the advisory role of the Central Government assumed critical importance. The objectives of Prevention of Food Adulteration Act are as follows:

Objectives of the Act

- Preventing adulteration of foodstuffs and other goods with the ultimate aim of protection of the general public and eradication of the social evil of adulteration.
- Bringing about a uniform single legislation applicable to all states.
- Preventing fraud on consumers by prohibiting misbranding of foodstuffs.
- Maintaining the health of the community and eliminating danger to human life and health.

Principal Activities under the Act

Principal activities in the administration of the Act are as follows:

- Constitution of Committees for laying down food standards, procedures and rules for food testing and analysis and limitations on import, manufacture and sale of adulterated food.
- Establishment of one or more Central Food Laboratories.
- Specification of the offences under the Act and the penalties they attract.
- Delegation of rule making powers for the Central and State Governments.

- Appointment of Public Analysts and Food Inspectors.

2. Extent of application

The Act extends to the whole of India. It is however enforced in the States through subordinate legislation. The Central Government primarily plays an advisory role in its implementation besides carrying out various statutory functions/ duties (rule making and their amendments) assigned to it in consultation with the Central Committee for Food Standards (CCFS) under the provisions of the Act.

3. Scope of Review

The review is based on the audit findings of 19 states

This review summarizes the significant findings of Audit in regard to the administration of the Act in nineteen states (**Andhra Pradesh, Assam, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Manipur, Meghalaya, Orissa, Punjab, Pondicherry, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh** and **West Bengal**) for the period 1996-2000, in the context of the critical statutory advisory functions discharged by the Central Government. While the broad objective of the audit review is to examine the quality of regulatory and enforcement machinery as well as the competence of the key structures for the administration of the Act, the following specific objectives have been kept in view:

- To analyze the effectiveness of rules and procedures laid down for the enforcement of the Act
- Whether initial/periodical surveys have been carried out to ascertain the number of food establishments and whether surveillance database is being maintained and updated regularly.
- Whether proper licensing system is operational in the States and the licences are issued/renewed in time and licence fees are being remitted to Government account.
- Whether the lifting of samples was as per the prescribed procedure, and whether items of mass consumption were also being lifted. Whether the notifications of various laboratories in this regard were being adhered to.
- Whether the analysis of samples were being carried out properly.
- Whether the prosecution cases pending in various courts were being monitored/followed up properly.
- Whether proper infrastructure was in place for effective implementation of the provisions of the Act. This included provisioning of necessary equipments as well as deployment of adequate staff.
- To ascertain the activities carried out to promote consumer awareness.
- To examine the quality of monitoring and evaluation.

- To assess the impact of the implementation of the Act on the prevention of adulteration and the availability of unadulterated food.

4. Administration of the Act

The Act is administered by State Governments

The administration of the PFA Act, as stated earlier, mainly rests with the State Governments. To advise the Central Government/State Governments on matters arising out of the administration of this Act, a Central Committee for Food Standards (CCFS) was constituted in 1955. The jurisdiction of the Ministry in the implementation of this Act is limited to the following areas:

4.1 Rule making and amendments

The amendments to the Act are made by the Ministry

The Ministry amended the Act thrice in 1964, 1976 and in 1986. The important changes made in the Act were with regard to (i) definition of local area, (ii) induction of one representative each from Department of Food and Agriculture, Ministries of Commerce, Defence, Industry & Supply, Railways and from Indian Standards Institute, (iii) Central Government's sanction for prosecution, (iv) punishment for adulteration and (v) empowering purchaser/voluntary consumer association to take samples of food.

The PFA rules were framed in 1955 and a number of amendments were made in it from time to time. Cases of important amendments to the PFA Rules 1955 are listed in **Annex-I**.

4.2 Food standards

In order to ensure quality standards of food articles, the Ministry amended the Act in 1964 and included a representative nominated by the Indian Standard Institute (now Bureau of Indian Standards) in the CCFS which advises the Ministry on matters relating to the Act, particularly with reference to the setting of standards. The CCFS is required to hold one meeting in a calendar year. Section 23 of the Act empowers the Central Government to make rules on the following aspects:

- specifying the articles/classes of food for the import of which a licence is required, form and conditions thereof, authority to issue, fee payable, security deposits and cancellation/ forfeiture of such licences.
- Defining the qualifications, powers and duties of Food Inspectors and Public Analysts
- Defining the laboratories for analysis of samples;
- Defining conditions of sale/ licence of sale of food articles in the interest of public health;
- Specifying the manner of sealing up/fastening up the container of food samples;
- Specifying permissible preservatives in any article of food alongwith the maximum amounts of each preservative;

- Specifying the colouring matter and the maximum quantities thereof to be used in any article of food;
- providing for the destruction of such articles of food as are not in accordance with the provisions of this Act and Rules.
- prohibiting the sale or defining the condition of sale of any substance which may be injurious to health when used as food or restricting in any manner its use as an ingredient in the manufacture of any article of food;
- prohibiting the manufacture, transport or sale of any article known to be used as an adulterant of food; 19M
- prohibiting the addition of water, other diluent, adulterant to any article of food;
- abstraction of any ingredient from any article of food;
- mixing of two or more articles of food which are similar in nature or appearance.
- laying down special provisions for imposing rigorous control over the production, distribution and sale of any article or class of any articles of food which the Central Government may by notification specify, including registration of the premises where they are manufactured, maintenance of the premises in a sanitary condition and maintenance of the healthy state of human beings associated with the production, distribution, sale of such food articles;
- restricting the packing and labeling of any food article and the design of such package/label with a view to preventing the public/purchaser being deceived/misled as to the character/quantity/quality of the article;

4.3 Administration of the PFA Act by State Governments

Under the provisions of Section 24 of the PFA Act, the State Governments are empowered to make rules on (i) defining the powers and duties of FHA/I HA, (ii) prescribing the forms of licences, (iii) prescribing fee for analysis/licensing, (iv) collection and payment of fines and (v) delegation of powers and functions to subordinate authorities. 15 State Governments had formulated their own Rules, as detailed in **Annex II**. However in **Goa**, while the State Government framed rules in August 1982, they were implemented from July 1994. In **Haryana**, the State Government had adopted Central Rules and thereby the State Government has no powers to direct the manufacturers/sellers to deposit any sum as securities for licence, to impose fee/fines for the contravention of the provisions of the Act. In **West Bengal**, a cell under Department of Health and Family Welfare is working since 1972. In **Orissa**, the Central Rules have devolved on the Director of Health Services in his capacity as State Health Authority. In many States district level health officers are involved in the administration of the Act. It is doubtful whether

they would be able to devote adequate attention to these issues in addition to their mainline activity of medical care.

5. Results of Review

5.1 Resource Allocation

Out of Rs 417 lakh released by the Ministry, only Rs 80 lakh was spent by the States

The Central Government provides financial resources to the State Governments for strengthening the State Food Laboratories through procurement of equipments. The procedure for release of funds by the Central Government under this Act is similar to that of a centrally sponsored scheme. The State Government provides resources for meeting the administrative expenses in connection with the implementation of PFA Act.

The year-wise position of grants-in-aid released by the Ministry, grants utilized by the 19 States and the position of unspent balance during 1995-2000 is tabulated below:

(Rs in lakh)

Year	Grants released by the Ministry	Grants utilized by the States*	Unspent balance of grants	Percentage of unspent grants to total grants released by the Ministry
1995-96	108.00	36.00	72.00	67
1996-97	93.00	30.00	63.00	68
1997-98	70.00	14.00	56.00	80
1998-99	9.00	Nil	9.00	100
1999-00	136.50	Nil	136.50	100
Total	**416.50**	**80.00**	**336.50**	**81**

*Excludes the partially utilised amount

It could be seen from the table that the percentage of utilization of Central grants-in-aid by the states is abysmally low. During the years 1998-99 and 1999-2000, the total grants released remained unutilized. This would reflect the indifference of the State Governments towards the implementation of the scheme. State-wise position of utilisation of Central grants-in-aid during the years 1995-2000 would reflect even a more dismal picture:

(Rs in lakh)

Sl. No.	Name of State	Amount released by the Central Government	Amount utilized by the State Government	Unspent balance with the State	Percentage of unspent balance to amount released
1.	Andhra Pradesh	22.50	Nil	22.50	100
2.	Assam	21.00	Nil	21.00	100
3.	Gujarat	30.00	21.00	9.00	30
4.	Goa	22.50	9.00	12.50	56
5.	Haryana	30.00	Nil	30.00	100
6.	Himachal Pradesh	7.00	Nil	7.00	100
7.	Karnataka	30.00	Nil	30.00	100
8.	Kerala	21.00	7.00	14.00	67
9.	Madhya Pradesh	14.00	Nil	14.00	100
10.	Manipur	16.00	Nil	16.00	100
11.	Meghalaya	14.00	Nil	14.00	100

Sl. No.	Name of State	Amount released by the Central Government	Amount utilized by the State Government	Unspent balance with the State	Percentage of unspent balance to amount released
12.	Orissa	30.00	Nil	30.00	100
13.	Punjab	30.00	Nil	30.00	100
14.	Rajasthan	18.00	Nil	18.00	100
15.	Tripura	16.00	Nil	16.00	100
16.	Tamil Nadu	29.50	16.00	13.50	46
17.	Uttar Pradesh	18.00	Nil	18.00	100
18.	West Bengal	11.00	Nil	11.00	100
19.	Pondicherry	36.00	27.00	9.00	25
	Total	**416.50**	**80.00**	**336.50**	**81**

Although 14 State Governments did not make any expenditure from the Plan grants released by the Ministry, the State Governments had incurred expenditure from non-plan funds provided in their budgets

Out of 19 states, no expenditure was reported by 14 states out of the grants-in aid provided by the Central Government. In the remaining five states, the percentage of unutilised balance varied between 25 to 67. Since the funds were intended for the strengthening of State Food Laboratories, their non-utilisation is indicative of poor attention paid by the State Governments to the building of an efficient laboratory network, considered essential for the effective administration of the Act. The Ministry stated in September 2001 that equipments are being supplied to the State Governments out of funds allocated for the years 2000-01 and 2001-02.

The available information provided by the States revealed that while 'plan' grants provided by the Ministry remained unutilised, the 'non-plan' funds provided through State budgets were optimally utilized during the years 1995-2000, except in **Madhya Pradesh** as tabulated below:

(Rs in lakh)

Sl. No.	Name of State	Funds released from State Budget	Funds utilised	Unspent balance
1.	Uttar Pradesh	1255.00	1133.00	122.00
2.	Tripura	31.43	30.13	1.30
3.	Andhra Pradesh	1045.81	1067.87	Nil
4.	Haryana	473.00	440.00	33.00
5.	Kerala	1691.00	1512.00	179.00
6.	Pondicherry	54.61	53.98	0.63
7.	Rajasthan	372.00	343.00	29.00
8.	Madhya Pradesh	1579.73	1112.75	466.98
9.	Manipur	7.62	6.61	1.01

5.2 Survey and Surveillance

No initial survey of all manufacturers, wholesalers, retailers of food articles and food establishments in the state, was made by State Governments.

An initial survey of all the manufacturers, wholesalers and retailers of food articles, as well as all the food establishments operating across the States in all the districts, towns and under the local bodies is the first step towards the creation of a centralized (State wide) database, as well as localized (division, district or municipal area based) databases, for the purposes of surveillance and control in terms of the licensing provisions of the Act.

Rule 9 of the PFA Rules, 1955 stipulates that the Food Inspectors are to inspect the establishments of the food vendors/ manufacturers within their area as frequently as may be prescribed by the Food Health Authority/Local Health Authority and maintain all the records of inspections and action taken by them in the performance of their duties, including the taking of samples and seizure of stocks. Regular updating of these databases is the next ideal step. In most States, however, even the initial surveys had not taken place though forty-five years have elapsed since the enactment of the legislation. Even limited efforts (such as trying to establish linkages between the issue of food licences with the trading licences issued to food establishments by various local bodies, such as municipal authorities and corporations) have not been made in almost all cases. Some efforts at conducting surveys appear to have been made in only two of the nineteen States i.e. **Andhra Pradesh** and **Goa**. In **Andhra Pradesh**, the first survey was conducted in 1996-97. Similarly, **Goa** conducted one random survey in 1993-94. However, the results of these surveys appear to have been unsatisfactory for the most part. According to the **Andhra Pradesh** survey, the number of food establishments in rural areas came to only 39745, a figure that appears to be exceedingly low, keeping in view the rural population of the State (5.61 crore). Further, there were almost no efforts made to update these available databases. **Andhra Pradesh** had no information on food establishments set up after 1996-97. **Goa** also did not make any further effort after 1993-94 to update its database.

State Governments did not maintain records of existing food establishments.

As a result, in almost all the States, the Food Health Authority (FHA) envisaged under the Act had no information on the number of food establishments operating across the State, including within the local bodies, defeating the very objective of keeping surveillance on food establishments. The Governments of **Gujarat**, **Haryana**, **Himachal Pradesh**, **Manipur**, **Madhya Pradesh** or **Tripura** did not, for example, maintain any record of existing food establishments. It must also be noted that the main emphasis of the Act was on adulterations. However, there has been a proliferation of eating establishments, consequent to increased urbanisation and presence of substantial floating population. However, as brought out above, there was no effective survey and surveillance of these establishments, many of which are operating unlicensed. There should be greater focus on regulating standards of these establishments in order to provide a degree of assurance on hygiene and food safety standards to the consumers.

5.3 Licensing

For granting a licence to manufacture, sell, stock, distribute etc. of food articles, the necessary system was introduced/implemented many years after the Act came into operation.

The second stage in the implementation of the PFA Act, is the formulation and implementation of a system of licensing and issue of licences. Rule 50 of the PFA Rules, 1955 stipulates that "no person shall manufacture, sell, stock, distribute or exhibit for sale any article of food, including prepared food or ready to serve food except under a licence". One licence may be issued by the licensing authority for one or more articles of food. Before granting a licence for manufacture, stock or exhibition of the articles of food in respect of which a licence is required, the licensing authority shall inspect the premises and

satisfy itself that it is free from sanitary defects. A licence shall, unless suspended or cancelled, would be in force for such period as the State Government may prescribe. The State Government or the local authority appoints the licensing authorities.

Scrutiny in audit revealed that in some States the licensing system was introduced/implemented many years after the Act came into existence. In **Andhra Pradesh**, though the PFA Rules were framed in 1957, licensing system was introduced only from April 1996. Similarly, in **Assam**, licensing authorities were appointed in July 1997 and licences were issued after July 2000 though the State PFA rules came into force from 1960. In **Goa**, though the rules for licensing were framed in August 1982, they were implemented only from July 1994. In **Meghalaya** also, though PFA rules were framed in 1991, notification of licensing was issued only in 1997.

In many States, there was no proper system of issue/renewal of licences or records thereof were not maintained. This resulted in lack of control over un-licensed vendors who posed a serious health hazard to the public. There was no coordination between the FHAs and the licence issuing authorities. This reflected State Governments' apathy towards the proper implementation of the licensing system. Instances of licensing failures of the State Government are detailed below:

State Government of Andhra Pradesh incurred loss of Rs 60.44 lakh for not issuing licences to 1.21 lakh establishments.

In **Andhra Pradesh**, licences were issued to only 38122 establishments, while 120858 establishments were existing without licence during 1996-2000. This resulted in revenue loss of Rs 60.44 lakh apart from allowing unlicensed vendors to operate without restriction. In four Municipalities and one Gram Panchayat, it was noticed that against 8251 establishments, licences were not issued to 8181 establishments i.e. a percentage shortfall of 99 *per cent.* Though the licensing system provided one year's validity for each licence, there was no system of renewal and follow-up. Test check of local bodies revealed that due to non-issue/renewal of licences, the Government incurred revenue loss of Rs 14.81 lakh. Failure to effectively implement the licensing system resulted in lack of departmental surveillance over unlicensed vendors.

Assam incurred revenue loss of Rs 12.76 lakh per year for non-issue of licences till July 2000.

In **Assam**, no licence was issued till July 2000 which indicated inaction on the part of the Department to adopt measures for checking adulteration, besides entailing a revenue loss of Rs 12.76 lakh per year as licence fees in six test checked districts of Kamrup, Dhubri, Barpeta, Sonitpur, Tinsukia and Cachar.

In **Goa**, besides an abnormal delay of 12 years in implementation of licensing rules, no survey was conducted to ascertain the number of establishments that were to be covered.

84 per cent of the licensed establishments had not renewed their licences.

In **Gujarat**, no records of number of food establishments in existence, number of applications received for licence, number of licences granted, etc. were maintained by the Commissioner. Test check by audit revealed that 84 per cent of the licensed establishments had not renewed their licences during 1995-2000.

In **Haryana**, the DGHS had no statewide record of the manufacturers, distributors, retailers and vendors for food articles in the State. There was no coordination between the local bodies and the State Food Authority with regard to issue, renewal or cancellation of licences, which resulted in insufficient coverage of all eligible units in the State. The local bodies i.e. Municipal Committees/Panchayat Samitis were empowered to issue and renew licences. Test-check of local bodies in five districts (Bhiwani, Gurgaon, Hissar, Karnal and Rohtak) revealed that no records of issue/renewal of licence during 1995-2000 were maintained.

Not a single licence was renewed before its expiry by the 16 licensing authorities.

In **Himachal Pradesh**, the State Food (Health) Authority and the licensing authorities had not maintained any database of food manufacturers, wholesalers and retailers during 1995-2000. Similarly, SFHA did not maintain records of licences issued in the State. During test check of records in three districts of Bilaspur, Mandi & Solan, it was noticed that no licence was issued/renewed before its expiry by any of the 16 licensing authorities during 1995-2000. Penal provisions for delayed renewal/issue of licences were not provided in the Rules by the State Government which resulted in mostly unlicensed food trade in the State. The licensing authorities did not inspect the premises of food vendors during 1995-2000. The Block Medical Officers of Bagsaid and Ratti (Mandi district) did not issue any licence during 1995-96 and 1997-98. Temporary licences were not issued by CMOs of Bilaspur and Mandi districts to food vendors in "Nalwar" fair during 1999-2000 and "Shivratri" fair during 1995-98. Reports of defalcation of licence money, undercharging and overcharging were also on record.

Licence fee of Rs 56.29 lakh was not remitted to Government.

In **Karnataka**, seven LHAs in test checked districts had not remitted licence fee of Rs 56.29 lakh to Government during 1995-2000.

Licence fee of Rs 41.88 lakh was not remitted to Government.

In **Kerala**, test check of 16 local bodies revealed that there was no system of monitoring the issue of licence and collection of licence fees as a result of which the number of unlicensed vendors could not be ascertained. Licence fees amounting to Rs 41.88 lakh were not remitted to Government account.

In **Manipur**, test check revealed that 54 *per cent* of the food establishments in Imphal Municipal Council were not issued licences. The Directorate (PH) had no information regarding total number of food establishments.

380 licences, out of 450, were not renewed in the following years.

In **Meghalaya**, the Licensing Authority had no information on number of food establishments, which resulted in large number of unlicensed food establishments. Out of 450 establishments, which were granted licences during 1998-99, 380 had not renewed their licences in the following years. No survey was ever carried out to ascertain the total number of food establishments in the State.

In **Orissa**, 2118 food licenses of different categories issued to food vendors were not renewed. In Keonjhar, the Additional District Medical Officer (ADMO), Public Health, entrusted the job relating to issue of food licence to a junior clerk in his office in July 1999. Consequently, food licences issued to

281 vendors/dealers during July 1999 to December 1999 were not based on proper and competent inspection.

No separate staff for issue and renewal of licences was posted.

In **Pondicherry**, there was no system for monitoring the issue and renewal of licence, and no separate staff had been posted for this purpose. Lack of coordination between FHA and licence issuing authorities resulted in not ensuring that sellers of food articles, who had trade licence, also obtain licence under the purview of the PFA Act.

In **Punjab**, the licensing procedure as a control mechanism to prevent food adulteration was totally ineffective due to various reasons viz (i) lack of survey, (ii) non-maintenance of records, (iii) lack of coordination between Licensing Authorities and LHAs, (iv) non-issuance of licence in prescribed format and issuance of token receipts when the category of licence issued/required is not mentioned and (v) non-revision of license fee etc. All the above lapses had resulted in large scale revenue loss, apart from perpetuating the hazard of food adulteration.

The State Government exempted the registered dealers from obtaining licence under the PFA Act.

In **Rajasthan**, no survey of unlicensed vendors was ever conducted. Further, it was seen that licence fee fixed 43 years ago, vide Rajasthan Prevention of Food Adulteration Rules 1957 was never revised. The State Government issued orders in May 1996, that obtaining of licences for registered dealers would not be compulsory under the PFA Act. This order, exempting registered dealers from obtaining licences under PFA Act, ran counter to the implementation of the Act.

In **Tamil Nadu,** the licensing system was ineffective as evident from the facts that (i) licences to the vendors in most cases were not issued in proper form prescribed by the Department, (ii) no demand registers were maintained by the Chennai Corporation at Central/Zonal level with the result that correct amount of licence fee due to be collected could not be ascertained and (iii) licence fee was continued to be collected at old rates, though there was a proposal for revision of licence fee as early as 1988. The revenue loss on account of this ineffective system was quantified at Rs 12.94 lakh for the period from 1995-96 to 1999-2000.

In **Tripura**, the very objective of issuance of licence was defeated, as Directorate had no information on the number of manufacturers, retailers and vendors of food articles operating across the State.

In **Uttar Pradesh** as per the information provided by LHAs of test checked districts, approximately 30 to 80 *per cent* of food dealers in the urban areas of 10 districts and 30 to 49 per cent in rural areas of 5 districts were carrying on their business without valid licence during 1995-2000. Unlicensed food trade can pose a hazard apart from the loss of revenue.

In **West Bengal**, due to non-maintenance of state-wise/local area-wise profile on manufacturers, wholesalers, retailers including street food vendors carrying on business in food articles, the extent of enforcement of licensing provisions

state wide could not be verified in audit. Besides, there was nothing on the record to show that the PFA cell ever impressed upon the LHAs, the necessity of furnishing reports on the number of food establishments in their respective areas and number of food licences obtained. Neither did the LHAs furnish regular feed back in this regard to PFA Cell nor was any survey undertaken on the implementation of licensing system. Due to this, the total number of licensed food establishments decreased by 9000 during 1996-97 and 1998-99 as compared to 1995-96 and 1997-98 respectively. In two sub divisions, namely Kalna and Asansol of Burdwan district, not a single licence was issued during 1995-2000. Street vendors were operating in Calcutta Municipal Corporations (CMC) areas without any licence issued by the CMC. The Ministry stated in September 2001 that efforts are being made to harmonize the State PFA Rules to have similar application of licencing system throughout the country.

5.4 Lifting of samples and commodities

The number of samples of food articles lifted in the States were less than that recommended by Central Committee for Food Standards.

As per the recommendations of the Central Committee on Food Standards, each Food Inspector has to draw 12 samples per month. Against these recommendations, the State Governments of **Tripura, Gujarat, Himachal Pradesh, Manipur, Rajasthan** and **Uttar Pradesh** had fixed more/less number of samples per month. The position of samples required to be collected and actually collected across 14 States are tabulated below:

State	Year	No. if districts/ regions/ units	No. of samples targeted	No. of samples lifted	Shortfall in lifting of samples	Percentage of shortfall
Goa	1995-00	NA	5760	1613	4147	72
Gujarat	1995-99	NA	203076	45,551	157525	78
Haryana	1995-99	NA	35,910	15,633	20,277	56
Himachal Pradesh	1995-99	3	3936	2529	1407	36
Madhya Pradesh	1995-00	23	53760	19947	33813	63
Manipur	1995-00	NA	240	56	184	77
Meghalaya	1995-00	7	4896	2238	2658	54
Pondicherry	1995-00	2	5184	911	4273	82
Punjab	1995-00	7	27,065	12,102	14,963	55
Rajasthan	1995-99	7	11,240	5439	5801	52
Tamil Nadu	1995-99	59	55,566	17,369	38,197	69
Tripura	1995-99	NA	5670	1841	3829	68
Uttar Pradesh	1995-99	14	1,98,000	73,338	1,24662	63
West Bengal	1995-00	5	24,192	7979	16,123	67

In 13 out of 14 States, the percentage shortfall in lifting samples was more than 50 per cent, the position being most serious in four states of **Manipur, Pondicherry, Goa and Gujarat** with percentage shortfall ranging from 72 to 82.

Some other state-wise specific comments are as follows:

Reports on quality of foodgrains distributed by Fair Price Shops, were not sent to Government of India.

In **Andhra Pradesh**, the targets of lifting of samples were 6, 10 and 2 per month for the Director of Health, Food Inspectors and Part-time Food Inspectors respectively. In March 1999, the targets were revised uniformly to twelve samples per month for all the food inspectors. This increased the yearly targets from 13299 to 37340 in 1999 but the achievement increased marginally from 10650 to 12164, resulting in 67 *per cent* shortfall in 1999. The Gazetted Food Inspectors of Kurnool and Srikakulam districts attributed (February, 2000) the shortfall in lifting of samples to their frequent attendance in courts, visits of VIPs and non-provision of sufficient service postage stamps for sending food samples to the only State Food Laboratory at Nacharam, Hyderabad. It was also noticed that a large number of samples were being lifted at the end of the year obviously to make up the shortfall of earlier months, which resulted in non-lifting of samples of seasonal commodities like fruit and fruit products, ice-creams, soft drinks , etc. in summer months. It was noticed in audit that the food inspectors had claimed to have conducted the inspections of FCI, CSC & FPS but the results of such inspections were not communicated to the Government of India in any of the years during 1995-99. The FHA stated in June 2000 that the quarterly reports would henceforth be obtained from the Inspectors.

Shortfall in samples was due to vacancies of Food Inspectors etc.

In **Kerala**, provision of insufficient funds for sample collection during 1995-99 resulted in shortfall of 80 *per cent* for urban and rural areas taken together. The shortfall was attributed to vacancies in the cadre of Food Inspectors, absence of peons/clerks, heavy schedule of work of LHA, etc.

In some other states, the norms for collection of samples had not been laid down and the performance was poor. For example, in **Assam**, on an average only two samples were collected per month during 1995-99. Similarly in **Karnataka,** SFHA had not prescribed any frequency for collection of samples which resulted in collection of only 9243 samples from 42 out of 423 LHAs while the remaining LHAs were completely left out. Of the samples taken, 46, 26, 19 and 9 *per cent* samples were collected from Bangalore Mahanagar Palika (BMP), other municipal areas, rural areas and railway stations respectively. Thus, the average number of samples collected per inspector per month was as low as 6 in BMP and 3 in other areas.

Less samples of unpacked food items were drawn in contrary to the instructions

In some states disproportionate lifting of samples was also noticed. For example, in **Madhya Pradesh**, the Controller, Food and Drugs Administration had issued instructions for drawing of samples, in a proportionate manner with more emphasis on drawing of more samples of unpackaged food articles like milk, edible oil, cereals, etc. used by all categories of people which are more susceptible to adulteration rather than of packed items of standard companies. Contrary to the instructions, less samples of unpackaged food items were drawn. The Department confirmed (May 2000) the position and assured that remedial action would be taken in future. It was also noticed that less samples were drawn from rural areas. The Department attributed the shortfall to

shortage of food inspectors and low accessibility of traders in rural areas. In **Andhra Pradesh**, no uniform pattern was followed for lifting of samples of different commodities, which resulted in very low/nil collection of samples of commodities of mass consumption which were more vulnerable to adulteration. Despite the high rate of adulteration in items such as milk, alcoholic/non-alcoholic beverages, butter, ghee, fruit products etc., few samples of these items were lifted by the Food Inspectors. In **Tamil Nadu**, the Director of Public Health and Preventive Medicine (DPHPM) had issued instructions that the sampling should be restricted to the food items wherein adulteration or misbranding was most likely. It was noticed in audit, that during the period 1995-99, samples of spices and condiments, tea, coffee and chicory, edible oils and cereal products, where the percentage of adulteration was only 3, constituted 74 *per cent* of the total numbers of samples lifted. However, the samples of milk, butter, ghee, ice creams and fruit products lifted where the percentage of adulteration was about 32 constituted only 7 *per cent* of the samples lifted. This showed that adequate attention was not being paid to the items prone to adulteration and the instructions on the subject were not followed. For example, the Ministry directed (in December 1997 and March 1999) the DPHPM and Public Analysts to check on adulteration in Pan Masala and Gutkha as it was noticed that Magnesium Carbonate, an anti-caking agent was being used in those items in contravention of PFA Rules, 1955. Accordingly the DPHPM instructed in April 1999 and October 1999, the LHAs/ Deputy Directors of Health Services (DDs HS) to arrange for lifting and analysis of samples of these items. In March 1998, the Public Analysts of Food Analysis Laboratory (FAL) of the Corporation of Chennai reported to DPHPM the analysis of the sample of "Pan Parag"/"Gutkha" which revealed that it contained injurious ingredients other than Nicotine, and suggested ban on production of "Pan Parag" and "Gutkha". However, as of March 2000 only three samples of "Pan Masala"/"Gutkha" had been lifted in the entire state. In **Uttar Pradesh**, the Chief Food Inspectors/Food Inspectors did not give due attention to collection of samples of such articles of food which were usually more prone to adulteration, like ghee, oil, milk products/non-milk products, vanaspati, food grains etc. This resulted in increase in percentage of adulterated samples in all items from 12 in 1995 to 39 in 1999, the position being more serious in non-milk products (35 to 60), milk products (3 to 26) and milk (52 to 61). In **Punjab**, samples of items of daily consumption such as milk, edible oils and cereals were not seized in adequate number. In **Tripura** also, scrutiny of records of Public Analysts revealed that "safe" samples of renowned companies were collected by Food Inspectors, thereby allowing the possibility of large number of adulteration cases going unchecked. The DGHS, New Delhi, directed (June 1998 and August 1998) the FHA to give special attention on control of carbonated beverages, artificial colour on vegetables/fruits and use of 'Ethepon' for ripening of bananas and collect maximum samples and send the action taken report to the DGHS. Test check of records of Food Inspectors working within the areas of Agartala Municipal Council, and West/South Tripura districts, revealed that samples of these items were not drawn by the FIs during 1998-2000. In **Kerala**, the department issued norms (1994) for drawal of samples;

Very low/nil samples of mass consumption of food articles were lifted

Against the 1998 direction of DGHS, no sample of ethepon was lifted in West/South Tripura Districts

milk, milk products, food grains and flour (20%) edible oil, fat, tea and coffee (10%) and soft drinks and sweetening agents (5%). Against these norms, during 1995-2000, the average percentage sample collected of milk and milk products, food grains and flour, edible oil and fat, tea and coffee, and soft drinks and sweetening agents, was 2.9, 9.24, 4.41, 5.37 and 1.79 respectively. Mineral water, an item which requires hundred *per cent* purity contained percentage of adulteration ranging from 2.04 to 13.33. Despite this, a meagre one *per cent* of the samples of mineral water was collected during 1995-99. During July 1989, the DGHS instructed all FHAs to conduct frequent inspections of FCI godowns as well as the Fair Price Shops (FPS) to ensure that the public receives good quality foodstuffs. Despite these orders, test check of sample registers in three laboratories revealed that not even a single sample was lifted from FCI godown/FPS, for analysis during 1995-2000. In **West Bengal**, despite high adulteration levels of 24 to 52 per cent being seen in milk, mineral water and pan masala, very few of these items were tested/sampled as compared to spices, where adulteration was comparatively low. The DHS/ PFA failed to exercise due vigilance and issue directions to concentrate on the areas/ findings as thrown up in their own tests.

Despite high percentage of adulteration in milk, mineral water and pan masala, very few samples were lifted

5.5 Analysis of samples

Section 13(1) of the PFA Act 1954 and Rule 7 of PFA Rules, 1955 stipulate that the Public Analyst was to analyse the samples and send a report of the results to the LHA within 40 days from the date of receipt of the sample. Shortfall in analysis of samples was noticed in audit which was due to various reasons such as under utilisation of capacity of laboratories, inadequate facilities for testing etc.

State Food Laboratories remained underutilised due to less number of samples lifted and sent to the laboratories for analysis.

Under utilisation of capacity of laboratories

It was noticed in audit that most of the State Food Laboratories remained highly underutilised. A state-wise table depicting the number of samples received and analysed against the capacity of laboratories during 1995-2000 is given below:

State	Year	Capacity of the Laboratory	Number of samples received for analysis	Shortfall and (percentage of shortfall)
Haryana	1995-99	32500	25529	6971(21)
Himachal Pradesh	1995-99	22500	2529	19971(89)
Pondicherry	1995-00	7500	3151	4349(58)
Uttar Pradesh	1995-99	125000	73338	51662(41)
Tripura	1996-99	4500	1668	2832(63)
Kerala	1995-00	270000	126960*	143040(53)
Punjab	1995-00	50000	27264	22736(55)
Madhya Pradesh	1995-00	45000	19947	25053(56)
Total		**557000**	**280386**	**276614(50)**

* Number of samples tested.

It would be seen from the above table that the percentage shortfall in analysis of samples was more than 50 *per cent* in six states, the position being most serious in Himachal Pradesh where it stood at 89 *per cent.*

State-wise comments are given below :

In **Andhra Pradesh** against Rs 31.50 lakh released by the Ministry during 1995-2000, for strengthening the laboratory, Rs 8.95 lakh were spent during 1996-97 towards purchase of equipments. Thus, against the expected analysis of 42,000 samples per year from 1999 onwards only 10,000 samples were analysed per year. Test check in six districts revealed that out of 6977 food samples sent for analysis during 1995-99, only 4382 samples were analysed and reported as of March 2000.

In **Goa**, non-availability/non-purchase of equipment for testing of food articles adversely affected the implementation of PFA Act, despite having an unspent balance of Rs 20.46 lakh for purchase of equipment.

Reports of 244 samples were belatedly issued.

In **Gujarat**, test check of 2882 samples (Bhuj–Rajkot) analysed during 1995-99 reports of 244 samples were issued after delay ranging between 10 days and above 60 days. Further, equipments valued Rs 13.50 lakh imported and installed in December 1994 (Rajkot) and in March 1997 (Bhuj) were lying idle as of March 2000.

Due to non-appointment of Food Inspectors, less number of samples were lifted in Haryana.

In **Haryana**, the number of food samples received and analysed under PFA Act decreased from 3505 in 1996 to 2342 in 1999 (33%) in State Food Laboratory, Chandigarh and from 1155 in 1995 to 758 in 1999 (34%) in District Food Laboratory. The DGHS attributed the decline to non-filling of vacant posts of Government Food Inspectors (GFIs). Besides, Central assistance of Rs 39 lakh sanctioned during 1995-2000 was not utilized by the DGHs to purchase equipments.

No complex chemical tests were done inspite of this facility available.

In **Himachal Pradesh**, pesticide residue analysis and some bacteriological and toxological tests were not done during 1995-2000, though the composite testing laboratory had all the sophisticated equipment, machinery and chemical reagents. SFHA stated in April 2000 that the tests could not be conducted due to shortage of qualified technical staff.

Central grant for purchase of equipment was not utilized due to non-receipt of sanction.

In **Kerala**, the Director of Health Services failed to utilize Rs 36.11 lakh provided by Central Government as well as State Government during 1995-2000 for purchase of equipment, due to non-receipt of Government sanction. Perishable items like vegetables, fruits, fish, meat, bread, toasts and allied products were not analysed by the laboratories for want of cold storage facilities. Tests for identification of pathogenic bacteria that causes cholera, typhoid were not conducted due to lack of necessary equipments. No remedial action was taken as of May 2000.

Central grant of Rs 7 lakh was not released by the State Government.

In **Manipur**, central grant of Rs 7 lakh sanctioned in March 1997 for strengthening the food testing laboratory was not released by State

Government for the last three years. The results of many samples sent for testing outside the State were not received on many occasions. Samples were spoilt in transit as a result of which, test results could not be relied upon to verify adulteration of food articles.

Central grant of Rs 25.09 lakh was not released by State Government.

In **Meghalaya**, the existing capacity of the only laboratory is 250 samples per year against the required norm of 720 samples per year. The central assistance of Rs 25.09 lakh sanctioned by the Ministry for augmentation of laboratory facilities and equipment was not released by the State Government to the FHA as of June 2000.

Public health laboratories could not function for non-posting of Public Analysts.

In **Rajasthan**, three public health laboratories at Kota, Bhilwara and Bharatpur were not functioning on various periods between December 1997 and September 1999 due to non-posting of Public Analysts which resulted in wasteful expenditure of Rs 9.06 lakh on the staff of these laboratories.

Tests for crop contaminants were not done due to lack of trained manpower, equipment and chemicals in the laboratories.

In **Tamil Nadu**, the DGHS issued instructions to all FHAs during 1996-99 to undertake analysis to detect crop contaminants like aflatoxin, pesticide residue, and heavy metals in the food articles. Scrutiny of records revealed that tests for presence of heavy metals was done on limited items and while tests for aflatoxin and pesticide residue was not at all conducted in the laboratories. This was attributed by the Public Analysts to lack of trained manpower, equipment and chemicals in the laboratories. The percentage of food samples analysed in the laboratories decreased from 35 *per cent* in 1995-96 to 12 *per cent* in 1999-2000.

Not a single sample was received for analysis from Mizoram.

In **Tripura**, the Regional Food and Drug Laboratory (RFDL) established in August 1990 at Agartala was to serve as a testing laboratory for samples of food articles collected in three States (Tripura, Manipur and Mizoram) both under PFA and non-PFA. It was observed that only six samples were received from Manipur during 1996-99, not a single sample was received from Mizoram. Though the laboratory had annual capacity for testing 1500 samples per year only 556 samples on an average were received and analysed during 1996-99, resulting in (i) underutilization to the extent of 63 *per cent*, (ii) unproductive expenditure of Rs 15.24 lakh on pay and allowances to the staff. It was further noticed that the State Government delayed release of funds received from Ministry, for purchase of equipment, by 1 to 5 years without any recorded reasons. Out of funds of Rs 16 lakh released by the State Government during 1995-98, equipment worth Rs 15.05 lakh were purchased and remained idle for two to five years. This resulted in unproductive investment of Rs 15.05 lakh.

A machine gifted by World Health Organisation in 1994 was not installed till December 2000.

In **West Bengal**, the Liquid Chromatograph machine (valuing Rs 8 lakh) gifted by World Health Organisation (WHO) for Xdetection of various contaminants, received in Calcutta laboratory in 1994, had not been installed till December 2000. Three other vital equipments were lying out of order for the last five years. This resulted in non-testing of various contaminants like pesticide residue, heavy metals, aflatoxins, food additives, etc.

5.6 Prosecution

Local (Health) Authority are to issue written permission for initiating prosecution to enable Food Inspectors to file cases in the Court.

As per the provisions of Section 13(2) of the PFA Act, when the food samples analysed at State Food Laboratory are found adulterated, the Local (Health) Authority are required to issue written consent/permission for initiating prosecution for the offences committed by the traders on the basis of which the Food Inspectors would file complaints in the designated courts. The prosecution has to be launched as early as possible, as the vendor has the right to cause analysis of the second sample, kept by the LHA, in the central food laboratory, under Section 13(2) of the Act. The same assumed significance if the sample happened to be cooked food or food made of milk, which would deteriorate in quality if delayed.

The position of number of adulterated samples, prosecution launched, cases decided by courts as of December during the years 1995-98, as per the records maintained by the Ministry was as under:

	1995	1996	1997	1998
Number of samples found adulterated	8543	11221	9315	7834
Number of prosecution cases launched	6721	7873	5909	4520
Number of prosecution cases not launched and their percentage	1822 (21)	3348 (30)	3406 (37)	3314 (42)
Number of cases decided by courts	3206	3510	3713	2715
Number of cases where courts ordered conviction.	1697	1576	1612	990
Number of cases acquitted by courts and their percentage w.r.t. number of cases decided by courts	1509 (47)	1934 (55)	2101 (56)	1725 (64)

The above table reveals that (i) prosecution cases were not launched in about one third cases and (ii) about 50 *per cent* of the cases filed in the courts failed.

Audit findings across all the States revealed shortfalls in filing of prosecution cases, delay in filing the prosecution cases, high percentage of acquittal of offenders mainly due to inefficiency of the department, non-maintenance of basic records, non-appointment of Food Analysts/Inspectors, failure to issue notice etc.. These are detailed below:

In 1976 cases (44 *per cent*), prosecution proceedings were not initiated for want of written consent. 64 *per cent* cases were decided by the Courts against the department due to failure to substantiate the charges.

In **Andhra Pradesh**, it was noticed that out of 4455 adulterated food samples during 1995-99, prosecution cases were filed in 1144 cases (26 *per cent*), warnings were issued to the vendors in 1336 cases (30 *per cent*) and in the remaining 1976 cases (44 *per cent*), prosecution proceedings could not be initiated due to non-availability of written consent by FHA as of April 2000. It was also noticed that 64 *per cent* cases were decided against the department mainly due to failure of the latter to substantiate the charges. In 24 *per cent*

cases the accused were acquitted due to abnormal delay in filing chargesheets by the Food Inspectors and failure of the Food Inspectors to attend the courts as required.

In **Goa**, out of 81 cases decided by the courts during 1995-2000, in 76 cases (88 *per cent*), the accused were acquitted as the Department failed to substantiate the adulteration cases in the courts on the ground of "Panch" witnesses turning hostile, non-availability of "Panch " witnesses, non-corroboration of evidence.

95 *per cent* prosecution cases were acquitted by the Courts in Gujarat.

In **Gujarat**, test check revealed that conviction took place only in about 15 *per cent* cases per year during 1995-99. 414 out of 436 cases decided (95 *per cent*) resulted in acquittal due to failure to substantiate the adulteration, non-issuance of sanction for prosecution, difference in dates of analysis and of the report and belated launching of prosecution.

65 *per cent* prosecution cases ended in acquittal in Haryana.

In **Haryana**, 1584 cases were decided during 1995-99 (upto July 1999), out of which 1026 cases (65 *per cent*) ended in acquittal. Of these, analysis of 64 cases revealed that proper samples were not taken by the food inspectors as the samples of milk, fats and solids taken together met the prescribed standards, milk was not stirred properly, kind of milk not indicated, etc.

In **Himachal Pradesh**, test check revealed that out of 206 cases of adulteration/ misbranding found during 1995-2000, prosecution cases were launched in 157 cases and in the remaining 49 cases, no prosecution was launched and the parties concerned only issued a warning. This was in violation of the PFA Act/Rules.

Prosecution cases were filed belatedly in Kerala.

In **Kerala**, the Food Inspector is to institute the prosecution against the offenders within 15 days from the date of receipt of analysis report. Test check of 250 prosecution cases revealed that in 180 cases, prosecution cases were filed after delays ranging up to 60 months. It was also noticed that in three adulteration cases, two cases were not filed in the court and one case was withdrawn subsequently from the court at the behest of the State Government.

In **Karnataka**, out of 521 cases of adulteration, prosecution was not filed in 190 cases (36 *per cent*). In Bangalore Mahanagar Palike, 101 out of 102 prosecution cases were acquitted by the courts.

No prosecution case was instituted during 1995-2000 in Manipur.

In **Manipur**, no prosecution case was instituted during 1995-2000 though it was noticed in audit that out of 28 samples drawn from Imphal Municipal Area, 13 samples were found adulterated. The Director attributed (April 2000) this to vacancy in the post of Public Analyst.

In **Meghalaya**, out of 33 cases decided by Government, acquittal was given in 28 prosecution cases. This indicated that the Department failed to substantiate those cases either due to inadequate defence or poor quality of testing.

In **Orissa**, in none of the 46 adulterated/misbranded samples, of four districts (Bolangir, Ganjam, Berhampur and Keonjhar), the LHAs initiated prosecution cases against the vendors except issuing warning letters in a few cases.

In **Punjab**, out of 1185 adulterated samples during 1995-2000, prosecution cases were launched in 1041 cases, out of which 287 cases were decided by the court. Acquittal was granted in 210 cases (73 *per cent*). The Director had never conducted any review of the weaknesses in the prosecution, brought out in the judicial decisions.

High percentage of acquittal of cases was due to procedural lapses of the department.

In **Tamil Nadu**, delays ranging from 5 months to 3 years, were noticed in submitting proposals for grant of sanction to launch prosecution. Such delays resulted in acquittal of the accused in 50 *per cent* of the cases. Further, the scrutiny of records revealed that in respect of 108 cases of acquittal, the acquittal was due to procedural lapses on the part of the department like delay in launching prosecution, non-production of appointment order/training certificate of Food Inspector in support of their qualifications, failure to issue notice, non-observance of prescribed procedure for sampling etc.

No reasons for not filing the prosecution cases, were furnished by the FHA.

In **Tripura,** out of 25 samples found adulterated during the years 1996 and 1998, prosecution proceedings were initiated in respect of only 22 and 11 cases respectively. The FHA could not explain the reasons for not initiating prosecution in the remaining cases (3 cases of 1996 and 14 cases of 1998). In West Tripura District, 12 samples were found adulterated during 1997, LHA could not furnish any record to audit in support of initiation of prosecution. In 1998, 3 samples were found adulterated in South Tripura District, but prosecution was initiated in one case only. It was also noticed that basic records like prosecution registers showing the details of court cases, certified copies of court judgments, were not maintained either by FHA/LHAs despite availability of law assistants/clerks.

In **Uttar Pradesh**, proceedings were not launched in 366 cases of adulteration and 10258 cases were pending in the court as of January 2000. Out of 1712 cases decided by the courts during 1995-99, 1124 adulterators were convicted and 588 (34 *per cent*) were acquitted due to insufficient pursuance of cases by the FHA.

In **West Bengal**, out of 1995 cases wherein prosecutions were instituted, only 515 cases were decided of which convictions were awarded only in 109 cases (21 *per cent*) and acquittal granted in 406 cases (79 *per cent*).

In **Madhya Pradesh**, 11999 samples were drawn from 23 selected districts out of which 2032 samples were found adulterated, but timely prosecutions could be launched only in 1499 cases. In 11 cases, though the samples were reported to be adulterated, the Local Health Authority neither forwarded the sample to other public analyst for second analysis, nor granted permission to prosecute the persons but closed the cases of adulteration, which was irregular.

In **Rajasthan**, in test checked districts, prosecutions had not been launched in 104 cases relating to 1996-99 for want of sanction of LHA, complete information from vendors and further investigations, which is indicative of inaction in launching prosecutions. Reasons for acquittal in 161 cases during 1995-99 were due to (a) passing of samples by Central Food Laboratory (28), (b) benefit of doubt (31), (c) samples not mixed homogeneously in bottles of samples (6), (d) incomplete address/non-appearance of accused before court (47), (e) death of accused (21), (f) non-production of witness by the department (7), (g) improper test by Public Analyst (3) and (h) miscellaneous reasons (18).

In 11 States, 40102 cases were pending in courts for more than three years as of March 2000.

Further it was noticed in 11 States (**Andhra Pradesh, Assam, Goa, Tamil Nadu, Uttar Pradesh, West Bengal, Madhya Pradesh, Tripura, Punjab, Orissa** and **Haryana**) that 40102 cases were pending in courts as of March 2000. It was also noticed from the records of the Ministry that 55124 cases were pending in the courts in the country as of December 1997, out of which 30648 cases (56 *per cent*) were pending for more than three years. However the State Governments did not take initiative to pursue the cases pending for many years in various courts though Section 16 (A) of the Act stipulates summary trial of such cases by a Judicial Magistrate of the First Class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate.

5.7 Infrastructure

Infrastructure included provisioning of all equipments in State Food Laboratory and deployment of sufficient manpower to carry out the implementation of the Act.

Creation of proper infrastructure was the essential prerequisite for successful implementation of the PFA Act in States. Infrastructure included provisioning of required equipments in all the State Food laboratories and deployment of sufficient manpower in technical as well as non-technical cadres. Audit found that while a number of facilities including Food Laboratories has been created, there functioning was rendered ineffective for lack of an appropriately trained supervisory structure and skilled technicians.

The Central Government had released significant amounts for the strengthening of various State Food Laboratories over the years 1995-2000. In most States, the expenditure reported was 'nil', while in some States, the central grants-in-aid were diverted for other purposes. State-wise findings under this topic have been detailed in paragraph 5.1.

The Central Council of Health and Family Welfare in 1995 laid down the norm in regard to the deployment of Food Inspectors as under:

a) One whole time Food Inspector per 50,000 population for local urban areas and

b) One Food Inspector per 1,00,000 rural population.

A table showing the required/sanctioned posts, men-in-position and vacancy in respect of the key post of Food Inspector has been given below:

2799 posts (59 *per cent*) of Food Inspectors were lying vacant.

Name of State	Post of Food Inspector			
	Sanctioned (S)/ Required (R)	Deployed	Vacant	
			No.	As of
Andhra Pradesh	700 (R)	293	407	April 2000
Assam	11 (S)	1	10	March 2000
Goa	85(R)	8	77	March 2000
Gujarat	500 (R)	175	325	March 1999
Haryana	396(R)	26	370	March 1999
Himachal Pradesh	12 (S)	5	7	March 1999
Madhya Pradesh	349 (S)	120	229	March 2000
Manipur	25 (R)	6	19	March 2000
Orissa	33 (S)	24	9	March 1999
Pondicherry	9 (S)	7	2	March 2000
Punjab	17 (S)	12	5	March 2000
Tamil Nadu	1200 (R)	139	1061	March 2000
Uttar Pradesh	1352 (S)	1089	263	March 2000
West Bengal	44 (S)	29	15	March 2000
Total	**4733**	**1934**	**2799**	

Some state-wise specific comments are given below:

In **Assam,** in seven sub-divisional LHA Offices, no post of Food Inspector/ Senior Food Inspector was sanctioned whereas in LHA of Tinsukia district, four FIs were posted without sanction.

In **Gujarat,** in test-checked districts, the percentage shortfall in recruitment of Food Inspectors against their requirement increased from 76 to 88, 75 to 83, and 67 to 77 in Vadodara, Bhuj and Rajkot respectively.

Food Inspectors, Public Analysts and Chemists were not appointed for periods ranging from 1 to 5 years.

In **Karnataka,** Food Inspectors were not appointed in 65 municipal areas and posts of FIs were lying vacant in 15 out of 21 PHCs test checked. In seven food laboratories, against sanctioned posts of Public Analysts (7) and Chemists (35), 4 and 18 posts were vacant respectively, the vacancy period ranging from 1 to 5 years in both posts. It was also noticed that the SFHA had failed to redeploy excess chemists posted in State Food laboratory and incurred excess expenditure of Rs 27.08 lakh on their salary and allowances.

Food Inspectors were not appointed for over six years.

In **Kerala,** the number of vacant posts increased from 19 to 21 in the Food Administration, 5 to 25 in laboratories during 1995-96 to 1999-2000. Inordinate delay of over six years in filling up of posts of District Food Inspector/Chief Food Inspector was noticed, which resulted in non-supervision of work of 66 FIs.

22 local areas remained non-functional for upto 10 years due to non-filling of posts of LHA etc.

In **West Bengal,** failure of the Director to properly administer the PFA Act was evident in non-filling up/non-creation of key posts of LHA and Sub-Divisional Food Inspectors, as a result of which 22 local areas remained non-functional for periods upto 10 years due to non-filling of these critical posts. Out of five Public Analysts sanctioned for the five State Food Laboratories at Calcutta, Murshidabad, Nadia, Jalpaiguri and Birbhum, only one Public Analyst was posted in the laboratory at Calcutta; while the other four

laboratories with vacancies ranging for periods from 6 to 16 years, were practically non-functional. Thus, retention of two Medical Technologists and four Group 'D' staff in Birbhum and Murshidabad resulted in wasteful expenditure of Rs 17.22 lakh on payment of pay and allowances. No steps were however, taken for transfer of the staff to the laboratory at Calcutta where two such posts were lying vacant.

In **Madhya Pradesh**, shortage of technical staff ranged between 42 to 66 *per cent* during 1995-2000. It was also noticed that posting of FIs in the districts was disproportionate to the size of the district. In one district (Shajapur), no FI was posted since 1999. The vacancies arising out of retirement of FIs were not filled up by the Department.

8 sub divisions, out of 15, remained either uncovered or partially covered since 1995-96.

In **Tripura**, no Food Inspector was posted against retirement vacancies of four FIs between June 1995 and June 1999. No action was taken on the recommendation of State level Advisory Committee in November 1990 for creation of 3 posts of full time LHAs and 8 SFIs. Resultantly, eight sub-divisions out of 15 either remained un-covered or partially covered since 1995-96.

In **Rajasthan**, three Public Health Laboratories at Kota, Bhilwara and Bharatpur did not function for periods ranging from three months to one year during 1997-99 due to non posting of Public Analyst, besides incurring wasteful expenditure of Rs 9.06 lakh incurred on pay and allowances of idle staff of laboratories.

5.8 Training

Insufficient training by the Ministry resulted in non-upgradation of knowledge and techniques of sampling and analysis of food samples.

The Ministry organises training programmes for various functionaries viz. Senior Officers, Chemists, Food Inspectors and Consumers Associations under the Act, in addition to yearly training programmes for the officials of the laboratories, street food handlers and consumers.

As per the information furnished by the Ministry, the year-wise and level-wise training imparted during 1996 to 2000 by the Ministry is as under:

Years	Levers of Officers/officials etc.			
	Sr. level officers	Food Inspectors	Public Analysts	Consumers Associations
1996	Nil	Nil	21	48
1997	Nil	Nil	Nil	17
1998	Nil	31	26	Nil
1999	Nil	Nil	17	15
2000	Nil	Nil	16	Nil

The above table shows that training conducted was not sufficient to cover all the officers and other staff and to improve the skill and update their knowledge with latest techniques of sampling and analysis of the food samples.

Some of the findings from the records of the State Governments are as under:

In **Haryana**, the Public Analysts did not impart any training to Government Food Inspectors/Tehsil Sanitary Inspectors during 1995-2000.

The Department in Himachal Pradesh stated that no training was required to be imparted under the Act.

In **Himachal Pradesh**, no training of technical and non-technical staff for upgradation of their skills was organized during 1995-2000. The State Food Health Authority stated in April 2000 that no training was required to be imparted under PFA Act. The reply is not tenable since skill upgradation is a constant requirement and should be arranged for by the Department for its officers/staff.

In **Madhya Pradesh**, no refresher courses/training/seminars for Food Inspectors was arranged during 1995-2000.

In **Kerala**, the analytical staff were not given periodical training to keep them abreast with the developments in analytical methods.

Inspite of Ministry's directions of 1995, no training was imparted.

In **Uttar Pradesh**, it was noticed that out of 1089 Food Inspectors, no training was imparted to 214 Food Inspectors in urban and rural areas upto December 2000. The Director General of Medical & Health Services did not comply with the Ministry's directions of December 1995 for arranging refresher courses for Food Inspectors, inspite of State Government's orders (December 1996) in this regard.

5.9 Consumer/Public Awareness

One of the activities of PFA Division of the Ministry is creation of consumer awareness. The Ministry had brought out various educational material for imparting consumer awareness about the hazards of food adulteration. In this regard, Audit sought to ascertain (i) the method of publicity/forewarning public about danger of food adulteration, and (ii) whether cases of food poisoning were notified as per Section 15 of the Act. The scrutiny of records in the States revealed as under:-

5.9.1 Method of Publicity

No activity was taken up in seven states as no budget was provided for it.

Test check of records in seven States (**Andhra Pradesh, Haryana, Himachal Pradesh, Meghalaya, Pondicherry, Punjab** and **Rajasthan**) revealed that no activity on consumer awareness and publicity was taken up by the department during 1995-2000. The State nodal departments had stated that no separate budget was provided for this purpose and as such this activity could not be carried out.

Some State-wise specific observations are as under:-

In **Andhra Pradesh**, it was reported that no infrastructure was developed by the department for the purpose of consumer awareness.

In **Meghalaya**, the department incurred Rs 0.03 lakh only on publication as a part of consumer awareness against budget provision of Rs 0.14 lakh during five years ending March 2000, which indicated that the department had not

given proper attention to generate public awareness about hazard of food adulteration.

In **Haryana,** the Director General Health Services stated in February 2000 that instructions received from the Ministry/State Government on consumer awareness were sent to Civil Surgeons for compliance; but no such instructions were produced to audit. This was further corroborated as no expenditure was incurred on advertisement, broadcast on television/radio about the hazard of food adulteration.

In **Punjab,** the Director stated in April 2000 that publicity on adulterated food was given through newspaper, television/radio etc. but no records thereof, could be produced to audit.

In Kota, the coordinator and food inspector were not appointed for consumer awareness and services of lady contact were utilized for office work during April 1995 to March 2000.

In **Rajasthan,** it was stated that six major cities of Ajmer, Bikaner, Jaipur, Jodhpur and Udaipur were provided with special team (comprising one coordinator, one lady contact and one food technician) to give door to door practical demonstration of spot testing of edible articles to give them information on adulteration and to collect samples of food stuffs generally used in the kitchen. Exhibitions were also to be organized from time to time. Test check of records of Deputy Chief Medical and Health Officer, Kota revealed that posts of coordinator and food technician were either not sanctioned or the functionaries were not posted during 1995-99. Services of a lady contact were utilized in the office work during April 1995 to March 2000 except from July 1998 to September 1998.

5.9.2 Reporting of food poisoning cases

In three states, no notification was issued for reporting all occurrences of food poisoning cases.

Under Section 15 of the Act, the Central Government/State Government may by notification in official gazette, require medical practitioners carrying on their profession in any local area to report all occurrences of food poisoning coming within their cognizance to such officer as may be specified in the notification.

In **Haryana,** the State Government did not notify any instructions (upto March 1999) for reporting cases of food poisoning and no such case was reported to civil surgeons and DGHS during 1995-2000.

In **Punjab,** scrutiny of records revealed that no such notification was issued. Thus the possibility of monitoring/preventing cases of adulteration from private source was not explored.

The above position revealed that no substantial efforts were made by the State Governments to create consumer/public awareness The Ministry stated in September 2001 that the State Governments had been requested to report cases of food poisoning. However, no evidence was made available by the Ministry.

5.10 Monitoring and evaluation

Monitoring is carried out by states through submission of periodical performance reports. The Ministry complies these reports, without taking any follow-up action.

Monitoring of the implementation of the Act at various stages by both State Governments and Ministry is essential. One of the activities of the Central PFA division in the Ministry was to evaluate and monitor the progress of implementation of Act by the States, by collecting periodical reports and conducting spot visits. The State Governments were also required to monitor the implementation of the scheme through various levels, like Directorate, FHA, LHA. The States collected periodical performance reports and forwarded the results of such reports to the Ministry without taking any follow up action. The Ministry in turn compiled these reports, and presented them in the Annual Report. Barring this routine exercise, no effective steps were taken by the Ministry, to monitor and evaluate the scheme periodically. Lack of monitoring by both State Governments and Central Government resulted in rising cases of food adulteration in almost all the States, besides causing lack of functional accountability, among the key players in the implementation of this Act.

Audit findings in all States revealed that there was little or no monitoring and no centralized efforts were made to analyse the reasons for increasing levels of food adulteration, follow up pending cases and analyse reports sent by field units. The State Advisory Committees remained non-functional and no efforts were made towards development of Management Information System.

State-wise specific comments are as follows:-

No procedure for monitoring and evaluation was established in six states

In six states of **Pondicherry, Goa, Punjab, Meghalaya, Madhya Pradesh,** and **Orissa**, no procedure for monitoring and evaluation was established.

In **Andhra Pradesh**, the Director failed to monitor the implementation of the PFA Act. The State Advisory Committee met only twice in 1985 and had not met thereafter (March 2000).

Absence of monitoring at various levels was noticed

In **Assam,** there was no monitoring of collection of food samples, coverage of various kinds of food items, timely action against the offenders and submission of prescribed reports and returns. Periodic evaluation of the performance under the Act was also never conducted. It was also noticed that the Regional Food Inspectors in Guwahati, Barpeta, Tezpur, Sivasagar and Silchar did not monitor the works of the Senior Food Inspectors (SFIs) for prevention of food adulteration. The FHA took no action on this lapse.

The reports were not analysed by the monitoring authorities.

In **Haryana,** DGHS monitors the prevention of Food Adulteration programme, through annual action plans which cover various returns from the Civil Surgeons relating to the number of samples seized, number of samples sent monthly to State/ District Public Analysts, results of analysis, number of prosecution cases launched, number of prosecution cases decided etc. Though these reports were sent regularly by Civil Surgeon to help the monitoring process, the reports were not analysed either by DGHS or Director of Health Services, thereby rendering the monitoring of the programme ineffective.

Monitoring cell was not established at the Directorate level due to shortage of staff.

In **Himachal Pradesh**, there was delay of six to nineteen months in the submission of annual reports of 1996 to 1998, by SFHA to the Ministry. Similarly, delay in submission of monthly reports by the CMO Mandi to SFHA from August 1996 to December 1999 ranged between 5 to 53 days. Further there was neither any monitoring cell at the Directorate level nor any inspections in the field was carried out by any of the senior officers during 1995-2000. This was attributed to shortage of staff. There were huge differences in number of samples taken and analysed, as reported by SFHA to the Ministry through annual reports vis a vis those intimated by Deputy Public Analyst. The reason for this discrepancy was attributed to improper maintenance of records in the State. No evaluation of the scheme has been conducted as of April 2000.

Entrustment of various other duties to FIs and dual control on FIs resulted in ineffective monitoring.

In **Tamil Nadu**, it was noticed that entrustment of various other duties to FIs and dual control on the FIs resulted in ineffective monitoring of the implementation of the Act. At the district level, test check revealed that no review meetings for analysis of performance of FIs, were held in Salem district and in Thanjavur district, no information on conduct of review meetings was furnished.

No meeting was held by the State Level Advisory Committee, since its inception.

In **Tripura**, the State Level Advisory Committee was constituted in November 1990 and it decided to hold meetings once in every quarter to monitor and evaluate the implementation of scheme, yet not a single meeting was held since its formation, thus rendering the monitoring procedure ineffective.

In **Uttar Pradesh**, the FHA which was the apex monitoring agency, had failed to monitor the monthly/annual returns regarding sampling of food articles, licensing, prosecution, etc., which resulted in absence of any State level data in these areas.

6. Conclusion

Audit review of the administration of the Act brought out numerous instances of failure on different fronts. The initial exercise of conducting surveys to ascertain the number of food establishments operating in the State, was not conducted by a majority of the States which resulted in exclusion of large number of food establishments. In cases where licences were issued, the records of their renewal were not maintained. This resulted in a large number of unlicensed food establishments operating across the country. It was noticed that items of mass consumption/seasonal food items which were more prone to adulteration, were inadequately lifted whereas branded items of reputed companies or items less prone to adulteration were lifted in large numbers. It was also noticed that the Food Inspectors lifted more samples at the fag end of the year to cover up the backlog of the earlier months, which resulted in inadequate lifting of samples of seasonal products like ice-creams, juices, etc. in summer season. The food samples could not be analysed properly at the State Food Laboratories as either equipment was not provided or manpower was insufficient. The State Food Laboratories remained largely under-utilized. In respect of prosecution, significant shortfalls in launching

prosecution of adulteration cases in the courts, high rate of acquittal of the accused mainly due to failure of the nodal department to defend the case and administrative weaknesses, were noticed. Out of 55124 pending cases in courts, 30648 cases were pending for more than three years as of December 1997 (as per the Annual Report of the Ministry released in December 2000). The infrastructural arrangements were found to be particularly deficient. The central grants-in-aid provided for strengthening the State Food Laboratories by way of procurement of equipment, were not utilized by many of the States during 1995-2000. Significant shortfalls in the deployment of Food Inspectors were noticed across all the States. This resulted in insufficient collection of food samples. Training of various functionaries was envisaged in the Act with a view to equip them with the latest techniques of sampling, food analysis, etc. During 1995-2000, only 31 food inspectors, 80 public analysts and 80 consumer associations were provided training while no senior level officer was trained. In majority of the States, no efforts were made to impart consumer awareness while in some States, though the publicity on adulterated food was stated to have been made, but no records thereof were produced to Audit. Monitoring and evaluation was the weakest link in the implementation of this Act. Audit findings across all States revealed various deficiencies like absence of any procedure for monitoring the scheme, half-hearted efforts towards monitoring, absence of central monitoring machinery, lack of efforts towards development of a Management Information System and total absence of follow up.

Effective enforcement and implementation of the PFA Act at the State level has remained inadequate. The Central Government would need to review the manner in which the Act is being implemented in consultation and co-ordination with the State Governments.

The matter was referred to the Ministry in August 2001; their final reply was awaited as of October 2001.

(H.P. DAS)
Director General of Audit,
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New Delhi
Dated: 22 November, 2001

Countersigned

(V.K. SHUNGLU)
Comptroller and Auditor General of India

New Delhi
Dated: 22 November, 2001

Annex-I

(Refers to Paragraph 4.1)

Details of Amendments made in the rules by the Ministry

S. No.	Rule Number	Date of Notification	Amendment in brief
1.	4(1)(a)	16.5.1988	Procedure for sending sample of food for analysis
2.	4(6)	20.11.1956	Revision of fee to Rs 1000/- for issue of certificate of food analysis.
3.	8	18.2.1980	Amendment in qualification for Food Inspector.
4.	20	23.8.1990	Preservative to be used in the samples of milk, cream, dahi, khoa, etc.
5.	28	23.1.1973 4.6.1997	Certain synthetic food colours to be used in food.
6	44	8.7.1968 20.11.1956 17.11.1962 8.7.1968 9.12.1958 2.3.1987 13.8.1969	Sale of certain admixtures like, vanaspati, coffee, dahi, milk, ghee, cream etc. are prohibited.
7.	44AA	31.1.1979	Prohibition of use of carbide gas in ripening of fruits.
8.	44H	27.5.1998	Restriction on sale of common salt.
9.	49(5)	19.3.1986	Containers made of plastic materials not conforming to I.S.I. specifications when used in the preparation of food shall be deemed to render it unfit for human consumption.
10.	50(1)	8.7.1968 9.8.1984 23.3.1985	No sale of any article of food except under a licence.
11.	57	9.12.1958	Prescribing the limit of poisonous metals contained in beverages etc. added in the rules.
12.	65	8.7.1968	Induction of limited used of insecticides introduced in the rules.

Annex-II

(Refers to Paragraph 4.3)

Sl. No.	States	Name of the Rules
1.	Andhra Pradesh	Andhra Pradesh Prevention of Food Adulteration Rules 1957 issued in March 1958.
2.	Assam	Assam PFA Rules 1960, amended in 1983
3.	Goa	Goa PFA Rules 1982.
4.	Gujarat	Gujarat PFA Rule 1961
5.	Himachal Pradesh	PFA Rules 1958, amended in 1984.
6.	Kerala	Kerala PFA rules 1957
7.	Manipur	Manipur PFA Rules, 1958
8.	Meghalaya	Meghalaya prevention of Food Adulteration Rules 1991.
9.	Madhya Pradesh	MP PFA Rules 1962
10.	Pondicherry	Pondicherry PFA rules, 1970
11.	Punjab	PFA (Punjab) Rules 1958
12.	Rajasthan	Rajasthan PFA Rule 1957
13.	Tamil Nadu	Madras (TN) PFA Rules 1961
14.	Tripura	Tripura PFA Rules 1958 and amended in 1966
15.	Uttar Pradesh	UP PFA Rules 1976