

**THE CRIMINAL LAWS (RAJASTHAN AMENDMENT)
BILL, 2021**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, in their application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Seventy-second Year of the Republic of India, as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.- (1) This Act may be called the Criminal Laws (Rajasthan Amendment) Act, 2021.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**CHAPTER II
AMENDMENTS IN THE INDIAN PENAL CODE, 1860**

2. Amendment of section 272, Central Act No. 45 of 1860.- In section 272 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), hereinafter in this Chapter referred to as the principal Act, for the existing expression "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the expression "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees and if such adulteration of article of food or drink is dangerous to human life, he shall be punished with imprisonment of either description for a

term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees." shall be substituted.

3. Amendment of section 273, Central Act No. 45 of 1860.- In section 273 of the principal Act, for the existing expression "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the expression "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees and if such article of food or drink that has been rendered or has become noxious is dangerous to human life, he shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees." shall be substituted.

4. Amendment of section 274, Central Act No. 45 of 1860.- In section 274 of the principal Act, for the existing expression "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the expression "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees and if such adulteration of drug or medical preparation is dangerous to human life, he shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees." shall be substituted.

5. Amendment of section 275, Central Act No. 45 of 1860.- In section 275 of the principal Act, for the existing expression "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the

expression "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees and if such adulteration of drug or medical preparation is dangerous to human life, he shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees." shall be substituted.

6. Amendment of section 276, Central Act No. 45 of 1960.- In section 276 of the principal Act, for the existing expression "shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.", the expression "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees and if such drug or medical preparation is dangerous to human life, he shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees." shall be substituted.

CHAPTER III AMENDMENT IN THE CODE OF CRIMINAL PROCEDURE, 1973

7. Amendment of First Schedule, Central Act No. 2 of 1974.- In the First Schedule "CLASSIFICATION OF OFFENCES" to the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), under the heading "**I.-OFFENCES UNDER THE INDIAN PENAL CODE**", for the existing entries relating to sections 272 to 276, the following entries shall be substituted, namely:-

272	<p>Adulterating food or drink intended for sale, so as to make the same noxious.</p> <p>If such adulteration of article of food or drink is dangerous to human life.</p>	<p>Imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees.</p> <p>Imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees.</p>	Cognizable Ditto	Non-bailable Ditto	Court of session Ditto.
273	<p>Selling any food or drink as food and drink, knowing the same to be noxious.</p> <p>If such article of food or drink that has been rendered or has become noxious is dangerous to human life.</p>	<p>Imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees.</p> <p>Imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees.</p>	Ditto Ditto	Ditto Ditto	Ditto Ditto.

274	<p>Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.</p> <p>If such adulteration of drug or medical preparation is dangerous to human life.</p>	<p>Imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees.</p> <p>Imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees.</p>	Ditto	Ditto	Ditto
275	<p>Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.</p> <p>If such adulteration of drug or medical preparation is dangerous to human life.</p>	<p>Imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees.</p> <p>Imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees.</p>	Ditto	Ditto	Ditto

276	<p>Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.</p> <p>If such drug or medical preparation is dangerous to human life.</p>	<p>Imprisonment of either description for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than ten thousand rupees.</p> <p>Imprisonment of either description for a term which shall not be less than three years but which may extend to imprisonment for life and with fine which shall not be less than fifty thousand rupees.</p>	Ditto	Ditto	Ditto
			Ditto	Ditto	Ditto.

STATEMENT OF OBJECTS AND REASONS

The practice of adulteration of food and drink articles as well as drugs is a serious threat to health and life of the public.

Sections 272 to 276 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) provides for offences relating to adulteration of food, drink, drug or medical preparations so as to make it noxious and their sale. The said offences are punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

The said offences are non-cognizable and except offence related to adulterating any drug or medical preparation under section 274, the offences under sections 272, 273, 275 and 276 are bailable.

Apart from the penal provisions of the Indian Penal Code, section 59 of the Food Safety and Standards Act, 2006 (Central Act No. 34 of 2006) (hereinafter referred to as “the Food Safety Act”) also provides for different punishments, for offences such as manufacturing for sale or storing or selling or distributing or importing any article of food for human consumption which is unsafe, depending upon the gravity of injury caused thereby. The maximum punishment provided under the said section 59 is imprisonment for life and such offences are cognizable under the said Act.

Also, section 27 of the Drugs and Cosmetics Act, 1940 (Central Act No. 23 of 1940) (hereinafter referred to as “the Drugs Act”) provides punishment for manufacturing for sale or distribution or for selling or storing or distributing any drug which is adulterated or spurious. Under the said section 27 of the Drugs Act punishment of imprisonment for a term from ten years to imprisonment for life and fine is provided and the offence under said section 27 is cognizable.

Thus, there are drastic variations in punishments for the offences related to adulteration of food and drugs with the Indian Penal Code containing mildest punishments of six months imprisonment or fine and the Food Safety Act and the Drugs Act containing stringent punishments of imprisonment for life.

It is also noticed that at many instances during the raids by Police, the offences of the adulterated or unsafe food as well as

adulterated or spurious drugs are detected in respect of which First Information Report is registered under said sections 272 to 276 of the Indian Penal Code. In such cases, arrest or detention of the accused is necessary for the purposes of adequate and effective investigation and collection of evidence in time. Since the said offences under said sections of the Indian Penal Code are non-cognizable and bailable, the police as well as Food Safety Officer and Drug Inspector are facing difficulties in investigation of the crime which are affecting health of the public at large. Therefore, there is an urgent need for stringent punishments even for the said offences under the Indian Penal Code that can equally act as a deterrent.

Hence, the State Government considers it expedient to amend sections 272 to 276 of the Indian Penal Code and the First Schedule to the Code of Criminal Procedure for enhancing the punishments and fines provided thereunder and to make the said offences cognizable and non-bailable.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

अशोक गहलोत,
Minister Incharge.

**EXTRACTS TAKEN FROM THE INDIAN PENAL
CODE, 1860
(CENTRAL ACT NO. 45 OF 1860)**

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

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

273. Sale of noxious food or drink.-

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

274. Adulteration of drugs.-

Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

275. Sale of adulterated drugs.-

Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

276. Sale of drug as a different drug or preparation.-

Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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**EXTRACTS TAKEN FROM CODE OF CRIMINAL
PROCEDURE ACT, 1973 (CENTRAL ACT NO. 2 OF 1974)**

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**THE FIRST SCHEDULE
CLASSIFICATION OF OFFENCES**

XX XX XX XX XX XX XX

I.-OFFENCES UNDER THE INDIAN PENAL CODE

Section	Offence	Punishment	Cognizable or non- cognizable	Bailable or Non- bailable	By what Court triable
1	2	3	4	5	6

XX XX XX XX XX XX XX
**CHAPTER XIV.- OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY,
CONVENIENCE, DECENCY AND MORALS**

XX	XX	XX	XX	XX	XX	XX
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto	Ditto	Ditto.	
273	Selling any food or drink as food and drink, knowing the	Ditto.	Ditto.	Ditto	Ditto.	

274	same to be noxious. Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto	Non- bailable	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Bailable	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto.
XX	XX	XX	XX	XX	XX
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XX	XX	XX	XX	XX	XX

(अशोक गहलोत, प्रभारी मंत्री)

Bill No. 10 of 2021

**THE CRIMINAL LAWS (RAJASTHAN AMENDMENT)
BILL, 2021**

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, in their application to the State of Rajasthan.

(To be introduced in the Rajasthan Legislative Assembly)

Pramil Kumar Mathur,
Secretary.

(Ashok Gehlot, **Minister-Incharge**)