

TWELFTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2006-2008)**

EIGHTY FIRST REPORT

(Presented on 17th December, 2008)



SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2008

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ON
PUBLIC ACCOUNTS
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EIGHTY FIRST REPORT

On

**Action taken by Government on the Recommendations
contained in the Forty First Report of the
Committee on Public Accounts
2001-2004**

CONTENTS

	<i>Page</i>
Composition of the Committee	.. v
Introduction	.. vii
Report	.. 1
Appendix :	
Summary of main Conclusions/Recommendations	.. 11

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INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report on their behalf, present the Eighty First Report on Action Taken by Government on the Recommendations contained in the 41st Report of the Committee on Public Accounts (2001-2004).

The Committee considered and finalised this Report at the meeting held on 11th December, 2008.

Thiruvananthapuram,
17th December, 2008.

ARYADAN MUHAMMED,
Chairman,
Committee on Public Accounts.

REPORT

This Report deals with the action taken by Government on the recommendations contained in the 41st Report of the Committee on Public Accounts (2001-2004).

The 41st Report of the Committee on Public Accounts (2001-2004) was presented to the House on 19th February 2003. The Report contained Eight recommendations relating to Health and Family Welfare Department. Government were addressed on 4th March 2003 to furnish the statement of Action Taken on the recommendations contained in the Report and the final replies were received on 7-7-2006.

The Committee examined the action taken statements at its meeting held on 8-11-2006. The committee was not satisfied with the Action Taken by Government on recommendations in Sl. Nos. 1,2,3,4,5,7 & 8 (Para Nos. 12,13,14,15,16, 18 & 19) and decided to pursue them further. Such recommendations, reply furnished thereon and further recommendations of the Committee are included in Chapter I of this Report.

The Committee decided not to pursue further action for the remaining recommendation Sl.No.6 (Para No. 17) in the light of the reply furnished by Government. The Recommendation of the Committee and the Action Taken by Government is included in chapter II of this Report.

CHAPTER I

**Recommendations in respect of which action taken by Government
are not satisfactory and which requires reiteration**

HEALTH AND FAMILY WELFARE DEPARTMENT

Recommendation*(Sl. No. 1 Para No. 12)*

1.1 The Committee observes that no effective steps have been taken by Government to prevent food adulteration even after the passage of about five decades since the P.F.A. Act came into force. The Health and Family Welfare Department could not achieve even the main objective of the Act. viz. eradication of the menace of food adulteration by assuring the availability of pure and wholesome food which reduces the risk to the health of the people. The Committee express total dissatisfaction over the performance of the Department in achieving progress in enforcing the provisions in the Act. Failure to achieve targets in sample collection and procuring equipments and machinery for laboratories were adduced to the lack of funds. The Committee note that out of Rs. 37.44 lakh received from Government of India during 1995-2000, about 65% of the funds remained unutilised. The Committee cannot accept the reasons adduced by the witnesses for the unsatisfactory performance in the implementation of the Act. The Committee maintains that if earnest attempts had been made, full utilisation of the assistance could have been achieved in procuring machinery and equipments for laboratories on the basis of actual requirement. The Committee hope that such non-utilisation of central assistance will not occur in future.

Action Taken

1.2 Effective steps are taken for the better implementation of PFA Act in the State during 2002-2003. Rs.50 lakh was allotted to PFA wing under Plan Scheme. Total 11.662 statutory samples were collected and analysed as per PFA Act and Rules and 407 samples were found to be adulterated. Besides about, 14,000 samples were analysed including private, port and hospital samples.

1.3 Rs. 34.09 lakhs was received from centrally sponsored scheme for the strengthening of food testing laboratories. The unspent amount Rs.15.22 lakhs was

revalidated by Ministry of Health & Family Welfare and this amount was utilized for the purchase of Atomic absorption spectrophotometer. Total amount utilized from Centrally Sponsored Scheme.

<i>Amount utilized</i>	<i>Purchase effected</i>
Rs. 8,53,597.00	High performance liquid chromatograph
Rs. 3,39,109.00	Gas chromatograph
Rs. 6,94,110.00	High performance liquid chromatograph
Rs. 14,98,120.00	Atomic absorption Spectrophotometer
Rs. 33,84,936.00	

1.4 The balance amount of Rs.0.24 lakhs got revalidated recently and proposal for purchase of a fridge and its accessories has been submitted. The whole amount is thus utilised.

Further Recommendation

1.5 **The Committee opined that the Action Taken Statement given by the Department is not at all satisfactory. The amount allotted for the year 2002-2003 is not fully utilised. The unspent amount of Rs. 15.22 lakhs was revalidated in the subsequent years for the purchase of food testing equipments. This is major failure on the part of the Department in the proper implementation of the PFA Act. Out of Rs. 50 lakhs allotted only Rs. 37.04 lakhs is seen spent. Therefore the Committee wanted to know whether the assistance of the scheme is in 50:50 ratio or 100% Centrally Sponsored and also the reasons for the unutilisation of the amount. As per the Accountant General's report Rs. 37.44 lakhs is received from the Government of India during the period 1995-2000. But the Department denotes that only Rs. 34.09 lakhs is received. Therefore, the Committee wanted to get a detailed report on the actual amount received by the Department and the expenditure incurred and also the reasons for the unutilisation of the amount during the year 1995-2000.**

Recommendations

(Sl. No. 2, Para No.13)

1.6 The Committee are convinced that the Health and Family Welfare Department is not at all aware of the matters related to the powers of the Food

Inspectors and their area of jurisdiction as is evident from the case of non-collection of Food Items stored in F.C.I. godowns and fair price shops. The witnesses could not clearly say whether the Food Inspectors were competent to inspect and lift samples from F.C.I. godowns especially those situated in the railway premises. The Committee recommend that the Health and Family Welfare Department should study the matter in detail and take action to remove the impediments, if any, in enforcing the provisions of P.F.A. Act in F.C.I. godowns, etc., and lift food samples from the F.C.I. godowns including those godowns situated in the railway premises, so as to ensure the quality of foodgrains supplied through fair price shops. The Committee also urge the department to apprise the correct position in this regard.

Action Taken

1.7 Regarding sample collection from Food Corporation of India godowns, there is no order permitting our Food Inspectors to inspect godowns situated in Railway areas. Railway Food Inspectors are the authorities to inspect FCI godowns situated in the railway premises. Letter had been sent to FCI authorities regarding this from government. Our Food Inspectors have been collecting samples from FCI godowns situated outside Railway premises. One sample of rice taken from FCI godowns at Changanacherry in August, 2001 found to contain aflatoxin and steps were taken to prevent the rice in reaching the public distribution system. For the last five years Food Inspectors of Health department are not collecting food samples from FCI godowns situated in Railway premises. The Railway Food Inspectors are sending samples collected from FCI godowns situated in Railway premises.

Further Recommendation

1.8 Prevention of Food Adulteration Act is a Central Act. Therefore the Committee wanted to know whether the State Food Inspectors are restricted to inspect the FCI godowns situated in the Railway premises by the Act. The Statement of Action Taken received from the Department denotes that the Railway Food Inspectors inspect the FCI godowns in the Railway Premises. If so the Committee should be informed whether the Railway Food Inspectors give inspection report to the State PFA Wing. The Committee wanted to get a copy of such reports. The Committee also sought whether the State Government can issue notification to inspect the FCI godowns situated in the railway premises within the frame work of the PFA Act and also wanted to know whether any objections are existing in issuing such notification.

Recommendations

(Sl. No.3, Para No. 14)

1.9 The Committee understand that at present there is no proper system for monitoring the issue of license to vendors who sell food items. This monitoring system has to be revitalized to take action against those who sell food items without valid licence and bringing such units under the purview of PFA Act. The Committee also notice of instances where the unlicensed manufacturers of food items are let free when the retailers are booked under PFA Act. Therefore, the committee recommends that while taking action against unlicensed retailers under PFA Rules, the manufactures should not be spared.

Action Taken

1.10 Directions had been given to Food Inspectors to collect as far as possible details of manufacturer's also while lifting sample, so that legal action can be taken against them also.

Further Recommendation

1.11. The Committee opined that both the unlicensed manufacturers and retail sellers should be punished if the product is found to be adulterated after proper testing. Strict action should be taken to include the details of the unlicensed manufacturer along with the samples taken for test under PFA Act. Disciplinary action should be taken against the officer who failed to take stringent action against such manufacturers and retail sellers.

Recommendations

(Sl. No.4, Para No. 15)

1.12 The Committee are very much concerned about the high percentage of adulteration prevalent in the dairy products and mineral water. The practice of using dangerous chemicals, as preservatives in milk should be stopped at any cost. To bring those people who practice this heinous business technique, before the law, action should be taken to prescribe specific target for each Mobile Vigilance Squad of the department to collect maximum samples as possible from different parts of the state as well as from those arriving from other states. The Committee urge the Government to formulate an effective mechanism to control the adulteration found in milk supplied by the agencies outside the State by strictly enforcing the provisions contained in the prevention of Food Adulteration Act.

Action Taken

1.13 Regarding adulteration of milk samples are regularly being collected by Food Inspectors from dairies and societies. The Analytical Laboratories are now well equipped to detect hazardous chemicals present in milk. Out of 1012 Milk samples collected during the last 3 years, 86 samples were found to be substandard having low fat content. During 2002-03 out of 167 statutory samples collected, 16 samples were found to be adulterated due to substandard and prosecution steps are being taken. No hazardous chemicals were detected in Milk in the State. As per High Court direction Milk samples were collected by Food Inspectors from various parts of the state and submitted for analysis for study purpose in the agricultural university. They have also not detected any hazardous adulterants in milk.

1.14 Milk coming from outside state are being checked in the check posts at Amaravila, Chenkotta, Valayar and Kasaragode and are analysed at laboratories. No harmful adulterants are detected. More and more milk samples are being collected by Food Inspectors from various dairies and Milk Societies of the State. Regarding adulteration found in mineral water/packaged drinking water, 156 samples were collected during the last 2 years and 12 samples were found to be adulterated/misbranded. Inspections were conducted in the mineral water/packaged drinking water units throughout the State and directions were given to close down the units having no ISI certification.

Further Recommendation

1.15 The Committee suggested that strict measures should be taken for proper testing of milk and other edible products at the check post itself. All necessary arrangements should be made at the check post to test the milk even the branded milk that comes across the check post from other states and private institutions. Committee recommended that Health Inspectors should check the quality of milk at all check posts and for that necessary lab facility should be made at all check posts. If any milk is found to be adulterated and which has come across the check post then the officer who was in charge of the Check post at the time when that vehicle crossed the check post will be made responsible and stringent disciplinary action will be taken against the officer. The officer should also be booked under criminal law.

Recommendation

(Sl. No. 5, Para No. 16)

1.16 The Committee also recommend that strict action should be taken against the manufacturers and retailers who supply adulterated mineral water. The

Committee notice that the facilities now available in the laboratories are grossly inadequate and that some tests are conducted through outside agencies. The Committee, therefore recommend that the functioning of Government laboratories should be revamped by equipping them with modern instruments for the detection of all types of adulterants.

Action Taken

1.17 The laboratories are now well equipped with equipments for the estimation of pesticides, heavy metals etc. For analysing mineral water for pesticide contamination the equipment now available has to be upgraded for that purpose. A list of required equipments had been sent by Chief Government Analyst to Director General of Health Services. The equipments will be supplied to Analytical laboratories under capacity Building Project from Director General of Health Services.

Further Recommendation

1.18 The Committee wanted to know whether modern equipments are provided to the mineral water testing Labs for ensuring the purity of water and detecting the pesticide contamination of the mineral water. The Committee also wanted to know the present position of the laboratories. The Committee recommend that modern laboratories should be established at Thiruvananthapuram, Ernakulam and Kozhikode. The labs should be fully computerised and necessary steps should be taken to employ the personnel required to avoid the delay in getting the test results.

Recommendation

(Sl. No. 7, Para No. 18)

1.19 The Committee are not satisfied with the progress achieved with regard to the implementation of Prevention of Food Adulteration Act in our State. The Committee also point out that in most of the cases registered under the P.F.A., the persons who are accused of adulterating food materials escape from the clutches of law because of the loopholes in the law and the system. The Committee are also convinced that lack of funds as well as lack of proper planning, co-ordination and monitoring on the part of D.H.S. in his capacity as Food (Health) Authority had resulted in the dismal situation with regard to the enforcement of the Act. The Committee recommends that the Government should conduct a close review of the enforcement of the Act in the State and prepare an effective programme for the successful implementation of the Act taking into account substantial shortfalls in collection of samples, under utilisation of laboratories, inadequate facility for testing, lack of effectiveness in prosecution cases etc.

Action Taken

1.20 The judgment of PFA cases are examined and the scope of appeal by Law Officer (PFA) and direction are being given to file appeal Disciplinary actions are also being taken against Food Inspectors, who are not following proper directions in sampling as per PFA Rules. Sufficient fund is now allotted for better implementation of PFA Act in the State. Monthly Review Meetings are conducted by Secretary (Health) and the Director of Health Services.

1.21 Awareness programmes had been conducted in three regions, Thiruvananthapuram, Ernakulam and Kozhikode. District level awareness programmes are also conducted by District Food Inspectors. The laboratories are being well equipped by State fund as well as from Central funds. Technical staff is also being trained. A study had been conducted on contamination of pesticides in vegetables and fruits in Government Analyst Laboratory, Thiruvananthapuram. 86 samples of fruits and vegetables were analysed 16 vegetables and 9 fruits were found to contain Organochloro, Organo Phospho and Carbofuran pesticides above the permissible limit.

Further Recommendation

1.22 The Committee wanted to get a detailed report on the action taken by the Government on the judgments made under the PFA cases. And whether any disciplinary action has been taken against any officers who are not following proper directions in lifting the samples as per PFA rules. If so the Committee wanted to get the details regarding such disciplinary actions. The Committee also recommends to include the PFA Act in the Concurrent List so that the State Government may bring necessary amendments to prevent loopholes in the Act.

Recommendation

(Sl. No.8, Para No. 19)

1.23 The Committee on Public Accounts (1984-86) in their 126th report had recommended the formation of a separate department to attend to the implementation of PFA Act. As an interim reply to that recommendation, it was informed that action had already been initiated, for the formation of a separate department. Again in the 123rd report (Committee on Public Accounts-2001), the committee recommended to furnish the further developments in this regard and subsequent reply was not forwarded by the Government. During examination, when the committee asked about its present stage, the witness deposed that Government were of the view that there was no need of forming a new department exclusively for the implementation of PFA Act. Admitting the prerogative of the Government

in taking a final decision in the matter the committee expresses its displeasure on the lapse in intimating the stand of Government in the matter, to the Committee in time. The Committee in this context wish to remind that laxity on the part of the department in forwarding the statement of action taken on recommendations contained in the various reports of the Committee on Public Accounts will invite serious consequences in future.

Action Taken

1.24 There is no need to form a separate Department. This had been discussed in the Public Accounts Committee meeting held in May 2002. The PFA Section and all the District Food Inspector Offices of the State will be computerised during this financial year for the better implementation of PFA activities in the State.

Further Recommendation

1.25 The Committee on Public Accounts (1984-86) in their 126th report had recommended the formation of a separate department to attend to the implementation of PFA Act. Again in the 123rd report of the Committee on Public Accounts (2001) it was recommended to furnish the further developments in this regard. The Committee also expressed its displeasure on the lapse in intimating the stand of the Government in the matter to the Committee in time. Now the Committee observe that the statement of action taken forwarded by the Department is not related to the recommendation of the Committee. Therefore the Committee should be informed of the remarks of the Government in this regard and forward a convincing reply to the Committee immediately.

CHAPTER II

**Recommendations in respect of which the Committee does
not desire to pursue action in the light of replies
furnished by Government**

HEALTH AND FAMILY WELFARE DEPARTMENT

Recommendation*(Sl. No. 6, Para No. 17)*

2.1 The Committee note that there are so many people and small units selling fruit juices and pickles in our State. It was deposed that the quality of the plastic containers supplying these items has not been checked. During examination, the Committee insisted that the details of the cases in respect of the samples of the above food items collected, tested and found adulterated should be furnished. As the details have not been received till now, the Committee direct the Government to furnish the aforesaid details at the earliest and urge the department to take effective steps to ensure the quality of juices, pickles etc. as well as the plastic containers in which fruit juices, pickles etc. are supplied.

Action Taken

2.2 Regarding adulteration of fruit juices and pickles supplied in plastic containers, the quality of plastic has been recently prescribed in the PFA standards. The quality of the containers will be checked after getting proper direction and equipment from Director General of Health Services, New Delhi. Out of 943 samples of fruit juices collected during last 2 years, 17 samples were found to be adulterated and out of 336 samples of pickles collected, 21 samples were found to be adulterated.

Thiruvananthapuram,
17th December, 2008.

ARYADAN MUHAMMED,
Chairman,
Committee on Public Accounts.

APPENDIX I

SUMMARY OF MAIN CONCLUSIONS/RECOMMENDATIONS

<i>Sl.No.</i>	<i>Para No.</i>	<i>Department Concerned</i>	<i>Conclusions/Recommendations</i>
(1)	(2)	(3)	(4)
1	1.5	Health & Family Welfare	The Committee opines that the Action Taken Statement given by the Department is not at all satisfactory. The amount allotted for the year 2002-03 is not fully utilised. The unspent amount of Rs. 15.22 lakhs was revalidated in the subsequent years for the purchase of food testing equipments. This is a major failure on the part of the Department in the proper implementation of the PFA Act. Out of Rs. 50 lakhs allotted only Rs. 37.04 lakhs is seen spent. Therefore the Committee wanted to know whether the assistance of the scheme is in 50:50 ratio or 100% Centrally Sponsored and also the reasons for the unutilisation of the amount. As per the Accountant General's report Rs. 37.44 lakhs is received from the Government of India during the period 1995-2000. But the Department denotes that only Rs. 34.09 lakhs is received. Therefore, the Committee wanted to get a detailed report on the actual amount received by the Department and the expenditure incurred and also the reasons for the unutilisation of the amount during the year 1995-2000.
2.	1.8	„	Prevention of Food Adulteration Act is a Central Act. Therefore the Committee wanted to know whether the State Food Inspectors are restricted to inspect the FCI godowns situated in the Railway

(1)	(2)	(3)	(4)
			<p>premises by the Act. The Statement of Action Taken received from the Department denotes that the Railway Food Inspectors inspect the FCI godowns in the Railway Premises. If so the Committee should be informed whether the Railway Food Inspectors give inspection report to the State PFA Wing. The Committee wanted to get a copy of such reports. The Committee also sought whether the State Government can issue notification to inspect the FCI godowns situated in the railway premises within the frame work of the PFA Act and also wanted to know whether any objections are existing in issuing such notification.</p>
3	1.11	Health & Family Welfare	<p>The Committee opines that both the unlicensed manufacturers and retail sellers should be punished if the product is found to be adulterated after proper testing. Strict action should be taken to include the details of the unlicensed manufacturer along with the samples taken for test under PFA Act. Disciplinary action should be taken against the officer who failed to take stringent action against such manufacturers and retail sellers.</p>
4	1.15	,,	<p>The Committee suggests that strict measures should be taken for proper testing of milk and other edible products at the check post itself. All necessary arrangements should be made at the check post to test the milk even the branded milk that comes across the check post from other states and private</p>

(1)	(2)	(3)	(4)
			<p>institutions. Committee recommends that Health Inspectors should check the quality of milk at all check posts and for that necessary lab facility should be made at all check posts. If any milk is found to be adulterated and which has come across the check post then the officer who was in charge of the Check post at the time when that vehicle crossed the check post will be made responsible and stringent disciplinary action will be taken against the officer. The officer should also be booked under criminal law.</p>
5	1.18	Health & Family Welfare	<p>The Committee wants to know whether modern equipments are provided to the mineral water testing Labs for ensuring the purity of water and detecting the pesticide contamination of the mineral water. The Committee also wants to know the present position of the laboratories. The Committee recommend that modern laboratories should be established at Thiruvananthapuram, Ernakulam and Kozhikode. The labs should be fully computerised and necessary steps should be taken to employ the personnel required to avoid the delay in getting the test results.</p>
6	1.22	,,	<p>The Committee wants to get a detailed report on the action taken by the Government on the judgments made under the PFA cases, and whether any disciplinary action has been taken against any officers who are not following proper directions in lifting the samples as per PFA rules. If so the Committee</p>

(1)	(2)	(3)	(4)
			<p>wanted to get the details regarding such disciplinary actions. The Committee also recommends to include the PFA Act in the Concurrent List so that the State Government may bring necessary amendments to prevent loopholes in the Act.</p>
7	1.25	Health & Family Welfare	<p>The Committee on Public Accounts (1984-86) in their 126th report had recommended the formation of a separate department to attend to the implementation of PFA Act. Again in the 123rd report of the Committee on Public Accounts (2001) it was recommended to furnish the further developments in this regard. The Committee also expressed its displeasure on the lapse in intimating the stand of the Government in the matter to the Committee in time. Now the Committee observe that the statement of action taken forwarded by the Department is not related to the recommendation of the Committee. Therefore the Committee should be informed of the remarks of the Government in this regard and forward a convincing reply to the Committee immediately.</p>