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# HEALTH DRINK IN INDIA

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "HEALTH DRINK IN INDIA". THIS TOPIC IS RELEVANT IN THE "ECONOMY" SECTION OF THE UPSC CSE EXAM.

## WHY IN THE NEWS?

The Ministry of Commerce and Industry has recently instructed e-commerce platforms like Amazon, Flipkart, and BigBasket to remove products like Bournvita, Horlicks, and Protinex from the health drinks category due to undefined standards and definitions under India's food laws.

This decision follows the National Commission for Protection of Child Rights (NCPCR), which said that there is no "health drink defined under the FSS Act 2006, rules and regulations as submitted by FSSAI & Mondelez India". "NCPCR, a statutory body constituted under Section (3) of the Commission for Protection of Child Rights (CPCR) Act, 2005, after its inquiry under Section 14 of CPCR Act, 2005, concluded that there is no health drink defined under FSS Act 2006, rules and regulations as submitted by FSSAI and Mondelez India Food Pvt Ltd." The FSSAI also instructed e-commerce portals earlier this month not to label dairy- or malt-based beverages as 'health drinks'.

The decision will have a "significant impact", potentially leading to a dip in sales and heightened regulatory scrutiny. The government aims to limit the accessibility of products with high sugar content and misleading health claims, particularly those targeted at children.

## HEALTH DRINKS:

A health drink is formulated to provide specific health benefits beyond basic hydration. These drinks typically contain vitamins, minerals, herbs, botanical extracts, proteins, and other nutrients supporting overall health and well-being. Health drinks can come in various forms, including powders, concentrates, ready-to-drink liquids, or diluted or prepared mixes before consumption.

Health food drinks in India are primarily malt-based milk drinks that act as taste enhancers and offer nutritional benefits. For years, such mixes have been sold to kids and adults, making health food drinks an over \$1-billion category. **Some health drinks offer benefits such as:**

- **Nutritional Support:** Health drinks may be fortified with essential vitamins, minerals, and other nutrients that may be lacking in one's diet, helping to fill nutritional gaps and promote overall

health. Fruit and vegetable juices are a natural source of vitamins, minerals, and antioxidants and are widely consumed for health benefits.

- **Malted Drinks:** Malted drinks are popular as nutritious beverages for children and adults. They are often fortified with vitamins and minerals and may contain malted barley, milk powder, cocoa, and other ingredients.
- **Energy Boost:** Some health drinks contain ingredients like caffeine, taurine, or B vitamins that can provide a quick energy boost, increase alertness, and combat fatigue. However, they may also contain high levels of sugar and artificial additives.
- **Hydration:** Some health drinks are designed to help maintain proper hydration levels by replenishing electrolytes lost through sweating during physical activity or illness.
- **Immune Support:** Health drinks fortified with vitamins, minerals, antioxidants, and botanical extracts are believed to strengthen the immune system and help the body fight off infections and illness.
- **Protein Shakes:** Protein shakes are popular among fitness enthusiasts and individuals looking to increase their protein intake for muscle building, weight management, or general health.

#### **ABOUT THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005:**

The Commission for Protection of Child Rights (CPCR) Act, 2005, is legislation enacted by the Government of India to establish commissions at the national and state levels to protect and promote children's rights. The Act provides for establishing the National Commission for Protection of Child Rights (NCPCR) at the national level and State Commissions for Protection of Child Rights (SCPCRs) in each state and union territory. The commission began operation a year later, in March 2007. **The primary functions of the NCPCR include:**

1. Monitoring and implementing the provisions of the Convention on the Rights of the Child (CRC) and other related laws and policies.
2. Inquiring into complaints regarding child rights violations and taking appropriate action.
3. Conducting research, studies, and advocacy on issues related to child rights.
4. Advising the government on policy and legislative measures for the protection and welfare of children.
5. Promoting public awareness and understanding of child rights issues.

The commissions have the **powers of a civil court while trying a suit under the Code of Civil Procedure, 1908**. They can summon and enforce the attendance of witnesses, examine them on oath, require the discovery and production of documents, and issue commissions for the examination of witnesses or documents.

The NCPCR and SCPCRs comprise a **chairperson and six members** appointed by the central or state government. The members are chosen based on their expertise and experience in child rights areas. **Shri Priyank Kanoongo is currently the chairperson of the NCPCR**. The commissions submit annual and special reports to the government, highlighting the status of child rights in the country or state and making recommendations for improvement.

#### **FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA:**

The Food Safety and Standards Authority of India (FSSAI) is a statutory body established under the Ministry of Health & Family Welfare, Government of India. It was created under the Food Safety and

Standards Act of 2006, consolidating various acts and orders that have hitherto handled food-related issues in various Ministries and Departments.

FSSAI is responsible for setting standards for food products and regulating their production, storage, distribution, sale, and import to ensure they meet the safety and quality standards laid down by the authority. It aims to promote public health by ensuring the availability of safe and wholesome food for human consumption. **Some key functions include:**

- Framing of regulations to lay down the standards and guidelines for food safety.
- Setting up of food laboratories for testing and analysis.
- Providing scientific advice and technical support to the government.
- Monitoring and enforcing food safety standards across the food industry.
- Licensing and registration of food businesses.

### **CONCLUSION:**

Reclassifying certain beverages on e-commerce websites marks a commendable move towards upholding consumer rights and well-being. This initiative fosters healthier choices among consumers and underlines a shared commitment to improving societal health. The concerted effort to adjust how these drinks are presented and marketed online reflects a growing awareness of the impact of such products on consumer health, promoting a more informed and health-conscious society.

### **PRELIMS PRACTICE QUESTION:**

- Q. Consider the following statements about the Food Safety and Standards Authority of India (FSSAI):
1. FSSAI comes under the Ministry of Consumer Affairs.
  2. It is a statutory body that provides a licence to the food business.
  3. The president of India appoints the Chairman of FSSAI.

**How many of the above statements are correct?**

- A. Only one
- B. Only two
- C. All three
- D. None of the above

**ANSWER: A**

### **MAINS PRACTICE QUESTIONS:**

- Q.1. How do the marketing strategies of health drinks align with the ethical responsibility to accurately inform consumers about potential health benefits and risks?
- Q.2. Analyze the ethical considerations in formulating and promoting healthy drinks targeting children and adolescents. How does this practice impact consumer behaviour and trust?
- Q.3. Reflect on the ethical responsibility of health professionals in recommending or endorsing healthy drinks. What guidelines should be established to govern such endorsements?

**Amit Pradhan**

# CUSTODIAL DEATHS IN INDIA

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "CUSTODIAL DEATHS IN INDIA". THIS TOPIC IS RELEVANT IN THE "SOCIAL ISSUES" SECTION OF THE UPSC CSE EXAM.

## Why in the News?

Recently, the Supreme Court has underscored the importance of employing a "more stringent method" when evaluating bail requests from law enforcement officers accused in instances of custodial Deaths. A Bench consisting of Justices Aniruddha Bose and P V Sanjay Kumar remarked as they revoked the bail granted to a police constable implicated in a custodial death case dated February 12, 2021.

## MEANING OF CUSTODIAL DEATH-

- Custodial death refers to the demise of an individual that occurs while they are under the custody of law enforcement authorities, typically in police custody or in a detention facility.
- As outlined by the Law Commission of India, when a public servant commits an offense against an individual who is under arrest or detained, such actions constitute custodial violence.

## Reasons for Custodial Deaths in India-

Custodial deaths in India can occur due to various reasons, often stemming from systemic issues within the criminal justice system. Some possible reasons include:

1. **Police Brutality and Torture:** One of the primary reasons for custodial deaths is police brutality and torture. Suspects or detainees are sometimes subjected to physical abuse, torture, or excessive force during interrogation or while in custody, leading to severe injuries or death.
2. **Lack of Oversight and Accountability:** There is often a lack of effective oversight mechanisms and accountability within law enforcement agencies. This allows for unchecked abuse of power, with officers facing little to no consequences for their actions.
3. **Inadequate Training and Sensitization:** Insufficient training of law enforcement personnel on human rights standards and proper procedures for handling detainees can contribute to incidents of custodial deaths. Lack of awareness about legal boundaries and protocols may result in misuse of authority and violence.
4. **Overcrowded and Poorly Maintained Detention Facilities:** Many police stations and jails in India are overcrowded and poorly maintained, lacking basic amenities and healthcare facilities. In such environments, detainees are vulnerable to physical harm, neglect, and medical emergencies, increasing the risk of custodial deaths.
5. **Delay in Legal Proceedings:** Lengthy legal proceedings and delays in the justice system can prolong the detention period of individuals, exacerbating their vulnerability to mistreatment or neglect while in custody.
6. **Corruption and Misconduct:** Instances of corruption and misconduct within law enforcement agencies can further exacerbate the risk of custodial deaths. Bribery, collusion, and other forms of malpractice may undermine efforts to uphold the rule of law and protect the rights of detainees.

- **Lack of International commitment:** India, despite signing the United Nations Convention against Torture in 1997, has yet to ratify it. While signing signifies the country's willingness to adhere to the treaty's obligations, ratification involves implementing laws and mechanisms to fulfill these commitments.

### **Constitutional and Legal Safeguards against Custodial Deaths-**

In India, there are several constitutional and legal safeguards in place to address custodial deaths and protect the rights of individuals in custody. These safeguards include:

1. **Constitutional Protections:** The Indian Constitution guarantees certain fundamental rights to all individuals, including those in custody. These rights include the right to life and personal liberty (Article 21), protection against torture and inhuman treatment, and the right to legal representation and fair trial. Article 20 provides safeguarding against unjust and disproportionate punishment for an accused individual, regardless of their citizenship status or legal entity, such as a company or corporation.
1. **Legal Framework:** India has enacted specific legislation to prevent custodial deaths and hold accountable those responsible for such incidents. The most notable among these is the Protection of Human Rights Act, 1993, which establishes the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) to investigate complaints of human rights violations, including custodial deaths.
2. **Criminal Laws:** Various provisions of the Indian Penal Code (IPC) address offenses related to custodial deaths, including sections on homicide, culpable homicide not amounting to murder, assault, and torture. These laws provide for the prosecution of law enforcement officials found guilty of causing death or harm to individuals in custody.
3. **Judicial Oversight:** The judiciary plays a crucial role in safeguarding against custodial deaths through its power of judicial review. Courts can issue writs such as habeas corpus to ensure the legality of detention and can also take suo motu cognizance of cases involving custodial deaths to ensure prompt investigation and accountability.
4. **Supreme Court Guidelines:** The Supreme Court of India has issued guidelines and directives to prevent custodial deaths and ensure accountability. These include guidelines on the arrest and detention of individuals, the use of force by law enforcement agencies, and the need for independent and impartial investigations into cases of custodial deaths.

### **LANDMARK SUPREME COURT JUDGEMENTS ON CUSTODIAL DEATHS-**

- **D.K. Basu vs. State of West Bengal (1997):** This case resulted in the formulation of guidelines commonly known as the "D.K. Basu Guidelines" to prevent custodial torture and deaths. The Supreme Court outlined several measures including the requirement for police personnel to carry accurate and visible identification, the right of the detainee to inform a friend, relative, or lawyer about their arrest, and the mandate for police to maintain a register of arrestees at the police station.
- **Nilabati Behera vs. State of Orissa (1993):** In this case, the Supreme Court recognized the **right to compensation** for victims of custodial deaths. The Court held that custodial death violates Article 21 of the Constitution, which guarantees the right to life and personal liberty. It established the principle



of strict liability on the state to compensate the victim's family for custodial deaths, irrespective of whether the state was directly responsible for the death.

- **State of Maharashtra vs. Ravikant S. Patil (2011):** In this case, the Supreme Court reiterated that custodial death is a serious violation of human rights and emphasized the duty of the state to ensure the safety and security of individuals in custody. The Court emphasized the need for independent and impartial investigations into cases of custodial deaths and held that the burden of proof lies on the custodial authorities to prove that the death occurred due to natural causes and was not a result of torture or negligence.

### Measures to be taken to tackle Custodian Deaths-

1. **Strengthening oversight and accountability:** Ensuring that there is proper supervision and accountability at all levels of the criminal justice system, from police officers to prison officials. This includes implementing clear guidelines, monitoring systems, and reporting mechanisms for any misconduct or abuse.
2. **Providing adequate training and Sensitization:** : Ensuring that law enforcement officers and prison staff receive proper training in human rights, effective communication, and non-violent conflict resolution. This will help them better handle situations involving detainees and minimize the use of force.
3. **Implementing reforms:** Implementing comprehensive reforms in the criminal justice system, including addressing overcrowding in prisons, improving access to legal representation, and ensuring that detainees receive fair and timely trials.
4. **Ensuring access to medical care:** Ensuring that detainees have timely access to medical care, including mental health care, to prevent injuries and illnesses that may lead to death.
5. **Implementing the use of CCTV cameras:** Installing CCTV cameras in detention facilities can help monitor the treatment of detainees and provide evidence in case of any abuse or neglect.
6. **6. Offering compensation to families:** Providing financial compensation to the families of those who have died in custody can help alleviate some of their suffering and may serve as a deterrent to future incidents.
7. **Collaborating with civil society:** Engaging with civil society organizations, including human rights groups, to monitor detention facilities and advocate for improvements in the treatment of detainees.
8. **Access to Legal Representation:** Ensuring that detainees have prompt access to legal representation and are informed of their rights, including the right to remain silent and the right to consult with a lawyer. Legal aid services should be readily available to individuals who cannot afford representation.

### Prelims based Question-

**Q1. Consider the following statements:**

1. India is a signatory to United nations convention against Torture.
2. Article 21 of Constitution guarantees Right to life which also includes Right to be free from torture.

**Choose the correct answer using the codes given below:**

- (a). 1 Only
- (b). 2 Only
- (c). Both 1 and 2

(d). Neither 1 nor 2

**ANSWER: C**

**Mains based Questions-**

**Q1. How do systemic issues within the criminal justice system contribute to custodial deaths in India, and what measures can be taken to address these underlying causes?**

**Q2. What are the legal and constitutional provisions in India aimed at preventing custodial deaths, and how effectively are they enforced?**

**Vikas**



**Yojna IAS**  
योजना है तो सफलता है