

Food Safety and Standards Act (FSSA) 2006 (34 of 2006) in India: Composition, Functions of FSSAI and Implementation and Challenges of FSSA 2006

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Abstract— In this modern era of globalization India is growing rapidly. In view of multiplicity of laws, their enforcement and standards setting various implementing agencies are detrimental to the growth of the nascent food processing industry and also they are not conducive to effective fixation of food standards and their enforcement. Government of India, held extensive deliberations and approved the proposed integrated food laws with certain modifications. The new integrated comprehensive central legislation Food Safety and Standards Act 2006 (34 of 2006) and Regulations 2011 is an act enacted by Government of India to keep up with the changing needs / requirements of time and to consolidate the laws relating to food with the purpose to establish the Food Safety and Standards Authority of India with head office at Delhi. The Act has been a single statutory body for food laws, standards setting and enforcement. It has intention of providing safe, hygienic and wholesome food for the citizen's of the country. The act has been introduced to establish a single reference point for all matters relating to food safety and standards by moving from multilevel departmental control to a single line of command. Aim of this paper is to increase awareness of new act for consumers, traders, manufacturers, investors, food business operators, stakeholders, sellers and students. This paper also throws light on multiplicity of food laws, new food regulatory mechanism in our country and new challenges for the implementation of this new integrated food act FSSA 2006.

Key words: Food Safety, FSSA 2006, FSSAI, Composition, Functions, Implementations, Challenges

I. INTRODUCTION

Food safety is of primary concern to food agricultural organization (FAO) and world health organization (WHO). Food safety providing assurance that food will not cause harm to the consumer when it is prepared and /or eaten according to its intended use (FAO, 1996). Food safety is as an area requiring priority attention to safeguard the economic interests of small holder farmers and the poor .there is a glaring lack of relevance of private sector, agricultural research in developing countries to the genuine needs of the poor. Food safety is a function of the nature of technology used to produce and process food .it can be manipulated through genetic improvement, agronomic practices and postproduction storage and processing.

Food laws play an important role in the quality control strategy. A number of laws have been enacted in the country control for the purpose of laying down quality standards. There are various other supportive acts made for healthy business in food line and consumer welfare and stability of law and order regarding supply of food, quality, and quantity. There are two kind of food laws and orders in our country .first one is for monitoring safety standards

mandatory, compulsory in nature and second quality standards mostly voluntary .Anyway overall aim of food laws is to maintain food quality and quantity keeping all pros and cons of welfare and harm to consumer first and which may not be interfering in fair trade or food procedure business .it is constituted duty of every Government to care about health and living status of the public and at the same time to allow food business to grow and develop according to increasing demands [5].

Multiplicity of food laws, standard setting and enforcement agencies pervades different sectors of food, which creates confusion in the minds of consumers, traders, manufacturers and investors. Detailed provision under various laws regarding admissibility and levels of food additives, contaminants, food colours preservatives, etc. and other related requirements have varied standard under these laws. The standards are rigid and non-responsive to scientific advancement and modernization. In view of multiplicity of laws, their enforcement and standards setting as well as various Implementing agencies are detrimental to the growth of the nascent food processing industry and is not conducive to effective fixation of food standards and their enforcement. Government of India, held extensive deliberations and approved the proposed integrated food laws with certain modifications. the integrated food laws has been named as "food safety and standards bill 2005 and this bill enacted by parliament and known as food safety and standards Act 2006, Rules 2011and Regulations 2011".(34 of 2006) on 23rd August 2006. An act to consolidate the laws relating to food and to establish the food safety and standards authority of India for laying down science -based standards for articles of food and regulate their manufacture ,storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto[1,2,5].

Objectives of this research work is to impart knowledge, consumer awareness and able to understand the food regulatory mechanism in our country, new regulatory framework, new its legal provisions under New integrated comprehensive central legislation Food Safety and Standards Act 2006 (34 of 2006), the FSSA2006 and new challenges for the implementation of this new integrated food act 2006 to the common peoples, food business operators, stakeholders, traders, investors manufactures, sellers and students on various acts, rules, regulations, standards, orders and laws related to food articles governing their manufacture, import, export, storage, distribution and sale.

A. Objectives of FSSA 2006

- 1) To consolidate multiple laws and establish single point reference system
- 2) To establish food safety and standards authority

- 3) To regulate the manufacture, storage, distribution, sale and import of food products
- 4) To ensure availability of safe and wholesome food for human consumption

B. Scope of FSSA 2006

- 1) The Act covers activities throughout the food distribution chain, from primary production through distribution to retail and catering.
- 2) The act gives the Govt. powers to make regulations in matters of food safety.
- 3) The FSSAI is the principal Govt. Authority responsible for preparing specific regulation under the act.

C. Food Safety Standards and Acts 2006 (34 of 2006), Rules 2008, Regulations 2011

The FSSA 2006 (Food Safety and Standards Act, 2006) is the primary law for the regulation of food products and formulation and enforcement of food safety standards in the country. The Act is intended as an “umbrella law” for food safety by consolidating older laws, rules and regulations shown in Table 1. The Preamble to the Act states that it seeks to “consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption”. The Act gives statutory powers to the Food

Safety and Standards Authority of India (FSSAI).The FSSA 2006 is the Act consolidate the laws relating to food and establish the FSSAI for laying down science based standards for article of food and for matters connected therewith or incidental thereto. There are 11 Regulations 2011 likes food products standards and food additives(part I and II), laboratory and sampling analysis, licensing and registrations of food businesses ,packaging and labelling ,prohibitions and restrictions on sales, contaminants, toxins and residues, regulations 2011,Food or Health supplement, Nutraceuticals, foods for Special Dietary Uses, foods for special Medical Purposes, Functional foods and Novel food Regulation,2016,Food Recall procedure Regulations 2017 ,Import Regulations 2017, Approval for non- Specified food and food ingredients Regulations 2017,Organic food Regulations 2017[2-5].

All type of food samples like for surveillance, sample sent by purchaser and Food Business Operators are analyzed in the above laboratories. A purchaser and Food Business Operator can send the samples to state public laboratories for analysis of sample. However a food safety officer can send samples to state/regional/district public laboratories and Food Safety and Standards Authority of India Authorized laboratories only for analysis to check safety of food as per standards prescribed in the food safety and standards regulation and in case of a dispute he shall send the sample to referral laboratory whose decision shall be considered final [2-5].

Sr. no	Food Laws	Mode of implementation	Implementing ministry*	Area in business	Area of Food commodities
1	The Prevention of food Adulteration Act 1954and Rules1955(PFA)	Mandatory	Ministry of Health and Family Welfare, Directorate General of Health Services	Internal Quality Control, Indian food Market	All food commodities
2	Fruit product order 1955(FPO)	Mandatory	Ministry of food processing, Govt. of India food and Nutrition Board	Internal market and Export	All Fruits and Fruit beverages and similar products
3	Meat and Meat products order1973	Mandatory	Ministry of Agriculture and Rural Development, Directorate of Marketing and Inspection	Internal market	All Meat and Meat like products
4	Solvent Extracted Oils, De-oiled Meal and Edible flour control (order) 1967,	Mandatory	Ministry of Civil Supplies and consumer affairs	Internal Market	All edible oils/Flours and similar products
5	The Vegetable Oil Product Control(Order),1947,(Standard of Quality),1975,	Statutory and Compulsory	Ministry of Industry, Govt. of India. Directorate of Vanaspati	Internal Market	Vanaspati and edible oils used for Hydrogenation
6	Edible oils packaging (regulation) order 1998	Mandatory	Ministry of Civil Supplies and consumer affairs	Internal Market	All edible oils/Flours and similar products
7	The milk and milk products order,1992	Mandatory	Ministry of Agriculture, Govt. of India, Milk and Milk Products Advisory Board	Internal and International Trade	All Milk Products and fluid Milk

8	Any other order issued under the essential commodities Act 1955 (10 of 1955) relating to food	Mandatory	Ministry of Food and Civil Supplies, Govt. of India implemented through district collectors.	Internal trade w.r.t. Quantity	All food stuff as well as other article essential for daily life
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Source- FSSAI

Table 1: India's food regulatory mechanism under multiple ministries

1) *Silent feature of FSSA 2006*

- To ensure that all food meets consumers' expectations in terms of nature, substance and quality and is not misleadingly presents;
- To provide legal powers and specify offences in relation to public health and consumers' interest;
- To shift from regulatory regime to self-compliance through Food Safety Management system.
- Science based standards
- Proprietary food, novel food, GM food, dietary supplements, nutraceuticals etc brought into the ambit of the new act.
- The Act covers activities throughout the food distribution chain, from primary production through distribution to retail and catering.
- The Act gives the Government powers to make regulations on matters of food safety.
- The Food Safety & Standards Authority of India is the principal Government Authority responsible for preparing specific regulations under the Act.
- Involvement of stake holders in decision making
- Improve regulatory structure, monitoring system and justice delivery
- Promotion of innovations, consumer empowerment, accountability
- Private public participation in enforcement

D. *Key functions of the FSSAI as per section 16*

- 1) Framing of regulations to lay down food safety standards;
- 2) Laying down guidelines for accreditation of laboratories for food testing,
- 3) Providing scientific advice and technical support to the Central Government,
- 4) contributing to the development of international technical standards in food;
- 5) Collecting and collating data regarding food consumption, contamination, emerging risks.
- 6) Disseminating information and promoting awareness about food safety in India.
- 7) To regulate, monitor the manufacture, processing, distribution, sale and import of food to ensure its safety and wholesomeness.
- 8) To specify standards, guidelines for food articles.
- 9) Limits for Food additives, contaminants, veterinary drugs, heavy metals, mycotoxin, irradiation of food, processing aids.
- 10) Mechanisms and guidelines for accreditation of certification bodies engaged in FSMS certification.
- 11) Quality control of imported food.
- 12) Specify food labelling standards including claims on health, Nutrition, special dietary uses and food category systems.
- 13) Scientific advice and technical support to central / state governments.

1) *Composition of food safety and standards authority of India [5]*

Chairperson chief executive officer ex-officio members (7)	Central advisory committee	Scientific panels	Scientific committee	Codex cell
Joint Secretaries of –(Ministry of Agriculture, Commerce & Industry, Consumer affairs, Food Processing Industries, Health & FW, Law & Justice, Economic Adviser (MSME) Two representatives of Food Industry (Small & Large scale) Two representatives of Consumer organization Three eminent food Technologists/Scientists Five representatives of States/UTs Two representatives of Farmers Organizations One representative of retailers organization. FOOD AUTHORITY	Chief executive officer, commissioners of all the States/ UTS representatives of food industry, agriculture, consumer, research bodies & food laboratories invitees from the concerned ministries Role : To advise authority on the work programme, prioritization of work, identifying potential risk and pooling of knowledge.	functional foods, nutraceuticals, dietetic products and other similar products • methods of sampling and analysis • food additives, flavorings, processing aids & materials in contact with food • contaminants in the food chain • pesticide and antibiotic residues	The chairpersons of the scientific panels together with independent scientific experts who are not part of the scientific panels comprise the scientific committee Role: This is the main advisory body within the authority on matters pertaining to science matters not covered by the scientific panels or matters that	Guidelines for participation in codex meeting and preparation of response to codex matters and guidelines for codex contact point, national codex committee and national shadow committee have been approved by the food authority. fssai will henceforth function as national codex contact point

		<ul style="list-style-type: none"> • labeling and claims/ advertisements • genetically modified organisms and foods <p>Role: To provide science based advise on the issues and recommend science based standards</p>	<p>overlap due to multi-sectoral implications are to be dealt with by the scientific committee.</p>	
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Source- FSSAI

Table 2: shows composition of food safety and standards authority of India

Sr.no	Food safety commissioner	Every State is legally mandated to appoint in all 35 States/UTs a Food Safety Commissioner for implementation of food safety standards as per section.
1	Designated officer	Every district has to have one Designated Officer. He/she has the authority to issue/voke/renew a license for a food business, or to prohibit the sale of any food article which violates any provision of the Act. This Officer could also sanction prosecution of any food business operator, or recommend the same to the Commissioner of Food Safety Appointed in all States /UTs as per section
2	Food safety officer	The Food Safety Commissioners are mandated to appointed in all States .UTs except Diu Daman and Sikkim more than 2000 Food Safety Officers for a given area, and assign to them the task of performing functions under this Act. The powers of the Food Safety Officers 1 Food Safety and Standards Act, 2006; Legislative Department, Ministry of Law and Justice 2 Food Safety and Standards Authority of India include collecting samples of food articles and getting them tested; seizing articles which appear to be in violation of the law; and inspecting places where any article of food is manufactured.
3	Food Analyst	More than 127 Food Analysts are also appointed in all states/UTs by the Food Safety Commissioner, and are tasked with carrying out an analysis on any food sample collected by the Food Safety Officer, or by any purchaser of that food product.
4	Laboratories	The FSSAI can notify laboratories and research institutions for the purpose of carrying out testing of food samples by appointed Food Analysts. Apart from state laboratories, the FSSAI also notifies private laboratories for the purpose of carrying out food safety tests, based on their accreditation by the National Accreditation Board for Testing and Calibration Laboratories (NABL). It could also notify referral laboratories, to which an appeal could be referred from any of the state/accredited laboratories. NABL Private labs-82, Referral laboratories-12 82 State/public food Lab-72.
5	Special cadre	States to provide their food safety organization structure
6	Adjudication officer	Appointed in all States /UTs except Arunachal Pradesh, Assam, Chandigarh, Dadra & Nagar Haveli, Daman and Diu, Jharkhand, Kerala, Meghalaya, Mizoram, Orissa and Nagaland
7	License & Registration	Started in all States /UTs except Delhi, Lakshadweep, Manipur, Orissa and Nagaland
8	Sample collection	The Following States have not started food sample collection process, Assam, Haryana, Himachal Pradesh, Kerala, and Madhya. Pradesh. Manipur, Nagaland, Orissa, Punjab, Rajasthan, Sikkim and Tripura
9	Steering Committee	Constituted in Meghalaya, Tripura,, Mizoram and Andaman and Nicobar Islands and Uttarakhand only states Steering Committee has been constituted.
10	Tribunal	Established in Tripura, Delhi and Andhra Pradesh ,Maharashtra, Chhattisgarh, Gujarat, Uttar Pradesh, West Bengal are in the process of establishing tribunal

Source-FSSAI

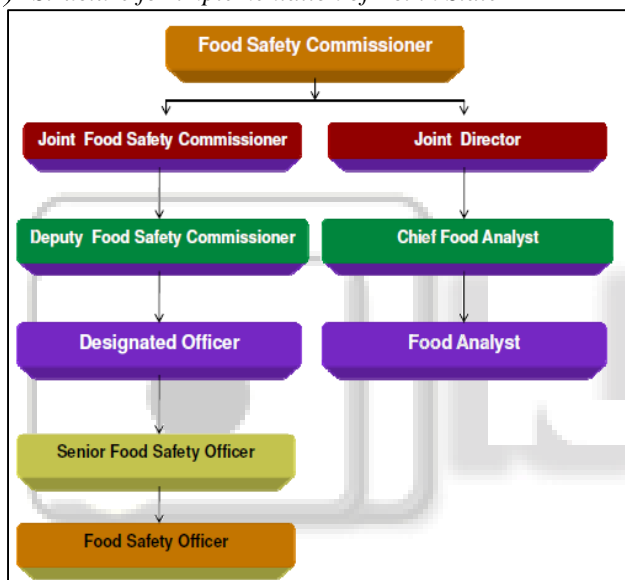
Table 3: Implimentation of Food Safety and Standard Act2006

2) Structure for implementation of Act



Source-FSSAI

3) Structure for implementation of Act in State



Source-FSSAI

II. CHALLENGES

India still struggles with enforcing food safety norms and standards effectively. One major reason for that is the insufficient number of laboratories in the country. There is also an urgent need to upgrade the infrastructure in most of our food testing laboratories. For this purpose, it might be important to encourage private sector participation in the setting up and maintenance of Laboratories. A collaborative effort between Centre, states and the private sector alone can address the following challenges of food safety in the country.

- 1) Setting of food safety standards
- 2) Risk based assessment
- 3) Effective food born disease surveillance system
- 4) Traceability, Recall and emergency response system
- 5) Inform, educate and communicate to the consumers
- 6) Food safety Management system
- 7) Capacity building
- 8) Research and development

- 9) Upgrade the infrastructure of food testing laboratories and creating new laboratories and strengthening existing laboratories
- 10) Encourage private sector participation in the setting and maintenance of laboratories

III. CONCLUSION

Government of India enacted an integrated comprehensive control legislation Act called food safety and standards act 2006, rules 2011, regulations 2011(34 of 2006), with the intension to establish a single reference point for all matters relating with food safety and standards by moving from multilevel departmental control to a single line of command, to this effect, the act establishes an independent statutory authority the food and standards authority of India (FSSAI) with head office at Delhi. Every State is legally mandated to appoint in all 35 States/UTs a Food Safety Commissioner for implementation of food safety standards as per section. The act have a compulsory provision for black listing of the companies when held guilty of the offence and also food recall must be issued in the media to inform and aware the citizens about unsafe food. A collaborative effort between Centre, states and the private sector can lead challenges of food safety in the country.

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