
FOOD SAFETY AND STANDARDS ACT (FSSA) 2006 (34 OF 2006): ITS LEGAL PROVISIONS, PENALTIES AND OFFENCES

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ABSTRACT

Keywords:

FSSA 2006;
regulatory mechanism;
legal provisions;
Penalties.

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 colors preservatives, etc. and other related requirements have varied standard under prevention of food adulteration act 1954 and rules 1955. 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. Without food regulations no country can ensure food safety, and India has therefore legislated the Food Safety and Standards Act, 2006 (FSSA). All previous food laws that existed prior to 2006 like the Prevention of Food Adulteration Act were repealed once the FSSA was implemented. Food safety and standards Act (FSSA), 2006 is an Act enacted to keep up with the changing needs / requirements of time and to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India. Government of India enacted a central legislation called as "food safety and standards Act 2006, Rules 2011 and Regulations 2011". It has intention of providing safe, hygienic and wholesome food for the citizen's of the country. The act aims 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, to this effect, the act establishes an independent statutory authority the food and standards authority of India with head office at Delhi. India's long term is to have a strong and proactive system of quality assurance is based on statutory and regulatory authorities, consumer awareness and legal enforcement where required.

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1. INTRODUCTION

Food adulteration is a social evil and major problem of the every society [1],[6]. Adulteration in food products in India has been rampant especially in the products that are sold in Urban- Slum areas, semi-urban as well rural areas where the innocent consumers

are cheated due to sub-standards/poor quality of food products even after paying the reasonable prevailing retail prices [8]. India is the country of farming. Food and water are not only the elixir of life but these valuable products are worshipped as god in India [1]. 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 [9].

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 [5].

The Act was needed to bring out a single statutory body for food laws, standards setting and enforcement so that there is one agency to monitor the compliance and no confusion arises in the minds of consumers, traders, manufacturers and investors which was due to multiplicity of food laws. 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 2011 and 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[5],[9].

Objective of this research work is to impart knowledge, new provisions under the FSSA2006 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 and able to understand the food regulatory mechanism in our country.

1.1 Objective of FSSA2006

- 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

1.2 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.

1.3. Existing and Emerging Food Safety Problems

A variety of chemical, biological and physical hazards are the major causes of food safety problems. Among these the bacterial contaminants, environmental contaminants including pesticide residues, mycotoxins and adulterants have been reported to be responsible for causing large-scale outbreaks of food poisoning and smaller incidents. These include various “food poisonings” reported in newspapers in India from time to time, outbreaks of Lathyrism, epidemic dropsy, venoocclusive disease, various mycotoxicoses and food borne disease due to chemical toxins[2]. Although not all food incidents are injurious to health, nevertheless they undermine consumer confidence in food safety and are costly to individual companies and national economies. Novel foods, such of unapproved varieties of genetically modified foods (e.g. star link variety of maize) have in the past posed problems of food allergenicity [2],[3].

Apart from this many organizations viz. Bureau of Indian Standards, Central Committee for Food Standards, Ministry of Rural development under “Agmark”, Export Import Council under Exim Policy etc. lay down standards in the food sector. Then there are many overlapping and contradictory provisions in the above-mentioned legislations and rules and orders. The report concluded that the system is over regulated and under administered. Further it laid down the salient feature for the new modern integrated food law as well as the duties of the Food Safety and standards Authority. After doing an in-depth study in the food laws of the countries where

there is a central food authority, secretary came up with many suggestions. The practices like focus on in-process quality control rather than product testing, compliance rather than prosecution, compounding of minor/technical violation, high Power Screening Board to examine cases before prosecution, Periodic quality audits of food factories, etc. were also observed by the commission. It is interesting to note that FSSA, 2006 is mainly based on the recommendations of the member secretary of the Law Commission [9].

2. FOOD SAFETY STANDARDS AND ACTS 2006 (34 OF 2006), RULES 2008, REGULATIONS 2011

Food safety means assurance that food is acceptable for human consumption according to its intended use and there are certain standards that has been defined by the Food Safety and Standards Authority of India. Parliament of India has enacted the comprehensive legislation which considerable the laws relating to food. The new act namely food safety and standards act 2006 (Act no. 34 of 2006) is based international legislative instrumenatalistics and codex Alimentarius commission which are related to find norms with the aims to establish Food Safety and Standards Authority of India(section 4). The Food Safety and Standards Authority of India (FSSAI) is laying down for science based standards of food articles and to regulate their manufacture like ensured availability of safe and wholesome foods for food safety and standards act 2006 .the new act has been

introduced with the intention of providing safe, hygienic and wholesome food for the citizen's of the country. It also bestows responsibility on the manufacture and supply safe, hygienic food and wholesome food. It provides provision regarding food recall problems and improvement notice, compensation to the victim or the legal represented to be paid by vender or manufacturer. This law focuses on establishment of Food Safety and Standards Authority India, it composition and duties and functions of Chief Executive Officer, central advisory committee, scientific committee, scientific panel and provisions as to articles of food. it prohibits toxic substances, heavy metals, pesticides residue, veterinary drugs residues, antibiotics residues and microbiological counts, restriction of advertisement and prohibition as to unfair trade practices, imported food articles under foreign trade follow this act and rules and regulations made there under and special responsibilities of food business operators as per section 26 provisions relating to import, food recall procedures as per section 28. Immediately to with draw food sample from market, liability of manufactures, packers, wholesalers, distributors and sellers enforcement of this act. The food safety authority of India and state food authorities (food safety commissioner, designated officer, food safety officer) specified in the sections 30(1), 36(1), and 37(1) of this act are responsible for enforcement of this provision of the act. it empowers to monitor and verify relevant requirements are fulfilled by food business operators, licensing and restrictions of food business empowers the state govt. to appoint commissioner of food safety designated officer, food safety officer given power of search ,seizure, investigation, prosecution and procedure thereof for efficient implementation of food safety and standards and other requirements laid down under the act or rules and regulations made there under the purchaser to get analyzed any article of food from the food analysts (section 42).the act includes rules 2008 and 2011 ,various regulations like procedures for transaction of business of central advisory committee(2010),transaction of business assist meetings, procedures of scientific committee and scientific panels, There are 11 Regulations 2011 like food products standards and food additives(part I and II), laboratory and sampling analysis, licensensing and registrations of food businesses ,packaging and labeling ,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.[4]-[5],[7].

Food safety and standards Act 2006 includes 101sections,first and second schedule ,various Regulations, definition of food, unsafe food under section 3(zz) ,standard, substandard ,Adulterant, contaminants, extraneous matter, food additives, hazard identification ,hazard characterization ,claim, consumer etc. are taken from codex, food authority, establishment of the scientific panel and committees, food safety audit, Misbranding food, unsafe food, risk analysis, risk assessment, communication management, Food safety management system, Provision for food recall, improvement notice, Surveillance, New enforcement structure, Envisages large network of appropriate recognition and accreditation of food laboratories from national accreditation board for laboratories, Food Safety Appellate Tribunal a new justice dispensation system for fast track Disposal of cases, graded punishment, mandatory standardization for food Harmonization of domestic standards with International food Standards, covering Health Foods etc. The main features of the Act are to establish an integrated line of control and response, decentralization of licensing, single reference point, self-compliance, making the business food operators to ensure the quality at all the stages and the act claims to be

contemporary, comprehensive, and having standards based on science and transparency [7]-[9].

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) [7]-[9].

2.1 Silent feature of FSSA2006

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

2.2. Some of the key functions of the FSSAI as per section 16 include

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 etc
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 labeling standards including claims on health, Nutrition, special dietary uses and food category systems.
 13. Scientific advice and technical support to central / state governments.

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 to 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[10].

Table1 India's food regulatory framework under multiple ministries

| Sr. no | Food Laws | Mode of implementation | Implementing ministry* | Area in business | Area of Food commodities |
|--------|---|--------------------------|--|--|--|
| 1 | The Prevention of food Adulteration Act 1954 and Rules 1955 (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 order 1973 | 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 |

Source- Food Safety and Standards Authority of India

2.3 Enforcement of food safety and standards Act 2006 in India

The food safety and standards Acts 2006 came into force on 5th August 2011. Enforcement of provisions of the Food Safety and Standards

Act, 2006, Rules 2008 and Regulations 2011 there under, are the responsibility of the state/union territories Governments. The food authority (FSSAI) and state food authorities specified in the sections 30(1), 36(1), and 37(1) of this act are responsible for enforcement of this provision of the act. In the state/union Territories, enforcement is through the state food safety commissioners, designated officers and food safety officers under their jurisdiction.

Under Food Safety and Standards Act 2006, Rules and Regulations, Enforcement of provisions notified there under, are vested with the concerned State/Union Territory Governments Clause 31 of Food Safety and Standards Act.2006 stipulates that every Food Business Operator should have a license or Registration. it is virtue of being licensed or registered that the Food business operator(FBO) is regulated under the Food Safety and Standards Act. However, this does not mean that a person who operates a food business but is not licensed or registered under the Food Safety and Standards Act cannot be regulated. Thus, the primary activity under enforcement is to capture all the multitudes of Food business operator in the country under the Act. Thus, enforcement activities are of two levels, pre and post license/Registration enforcement [7]-[9].

Table2-enforcement of food safety act 2006

| 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/revoke/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. |
| 4 | Special cadre | States to provide their food safety organization structure |
| 5 | 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 |
| 6 | License & Registration | Started in all States /UTs except Delhi, Lakshadweep, Manipur, Orissa and Nagaland |
| 7 | 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 |
| 8 | Steering Committee | Constituted in Meghalaya, Tripura,, Mizoram and Andaman and Nicobar Islands and Uttarakhand only states Steering Committee has been constituted. |
| 9 | Tribunal | Established in Tripura, Delhi and Andhra Pradesh ,Maharashtra, Chhattisgarh, Gujarat, Uttar Pradesh, West Bengal are in the process of establishing tribunal |

Source-FSSAI

2.2.1. Structure for implementation of Act



Source-FSSAI

2.4 Structure for implementation of Act in State



Source-FSSAI

2.5. Food Safety and Standards (Licensing and Registration of food businesses) Regulations, 2011. As per Clause 1.2.1(5) of FSS

Acc. to section 31 of Food Safety and Standards Act 2006, and clause 2.1 of FSS (licensing and registration) Regulations, 2011 every food business operator (FBO) in the country need to obtain a registration or license as per prescribed procedure.

(1) Licensing and registration process of food business in the country are done as per provisions under Food Safety and Standards (Licensing and Registration of food business) Regulations 2011, and are achieved through a 3 tier system put in place under Food Safety and Standards Authority of India. These are Central Licensing, Central Licensing and Central Licensing.

(2) License for commencing or carrying on food business which falls under schedule 1 of Food Safety and Standards (Licensing and Registration of food business) Regulations 2011, (Licensing and Registration of food business) Regulations 2011, shall be granted by the central Licensing Authority and those which are not covered under this Schedule shall be granted by the concerned State/Union territories food safety Authority. Registration are given by the State Authorities to petty food business operators or whose annual turn-over is less than INR 12 lakh as indicated in the eligibility criteria.

(3) The central licensing is completely online and Food Safety and Standards Authority of India does it through its 5 Regional offices located at Chennai, Delhi, Mumbai, Kolkata and Guwahati and 2 sub Regional offices located at Chandigarh and Lucknow. Central Govt. organization like Railways, Defense, Air, Airports and Seaports etc. also come the ambit of Central Licensing.

(4) All States/Union Territories have appointed State food safety commissioners who will implement provisions of the Act, Rules and Regulations.

All food business manufacturing any article of food containing ingredients or substances or using technologies or process or combination thereof whose safety has not been established through these regulations or which do not have a history of safe use or food containing ingredients which are being introduced for the first time into the country including nutraceuticals can apply for license only after obtaining the product approval/no objection certificate from the Food Safety and Standards Authority of India. The applicant can apply for the product approval to the Director (Product approval) Food Safety and Standard Authority of India (FSSAI), New Delhi.[7]-[9].

Food Business Operator operating in more than two states has to get central license for its registered office/head office and separate license/registration for each units depending upon the capacity/turn over from central or state licensing authority. Licensing authority has to carry out the food safety audit and inspection of the licensed units under the Food Safety and Standards Act once in a year [4],[5],[7]. Other Regulations under these act are packaging and labeling, prohibitions and restrictions on sales, contaminants, toxins and residues, regulations 2011 etc.[5].

2.6. Food Safety Standards (Laboratory and Sampling Analysis) Regulations, 2011

The food safety and standards (Laboratory and Sample Analysis) Regulation, 2011 came into force on 5th August 2011. The salient features of these regulation are it provides details on notified laboratories, laboratories for imports, referral laboratories, their functions, area of jurisdiction and quality of sample sent for analysis. There are 140 food testing laboratories in the country for testing of food products as per standards prescribed under the food safety and standards Act 2006 and Rules /Regulations, 2011. Out of these, 68

NABL accredited laboratories have been authorized by Food Safety and Standards Authority of India. State Governments have set up 72 food testing laboratories. These laboratories are equipped to check the quality of food articles as per standards prescribed under the Food Safety and Standards, Rules/Regulations for various parameters [5].

Four referral food laboratories have been established under the Act which works as appellate laboratories for the purpose of analysis of appeal samples of food lifted by the food inspectors of the states/union territories and local bodies and imported food samples.

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 [7-[-9].

3. SAMPLING FOR ANALYSIS

The sample of the food products are lifted by Food safety officer under the provision of FSS Act, 2006. These samples are analyzed in the laboratories and, thereafter, further action is initiated. In case the samples of food products are not found to be conforming to the provision of FSS Act and Rules/ standards/Regulations, prosecution is launched in the Tribunal Court. A chance is given to the party for second analysis of the sample in the Referral/appellate laboratory i.e. Central Food Laboratory. The final decision of the Tribunal Court depends on the analysis report of the Central Food Laboratory. Sample of food for the purpose of analysis shall be taken in clean dry bottle or Jar or in other suitable containers which shall be closed and sufficiently tight to prevent leakage, evaporation, or in the case of dry substance, entrance of moisture and shall be carefully sealed. When a food safety officer takes a sample of food for analysis, he shall give in writing to the person. He shall divided the sample into four parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person, if person refuses the sign or put his thumb impression, the food safety officer shall call upon one or more witness and take his or her signature or thumb impression. All bottles or jars or containers containing sample for analysis shall be properly labelled and the parcels shall be properly addressed.

3.1. Procedure of sampling

Regulation 2.3.1 prescribes the approximate quantity of different food sample to be sent to the food analyst/Director for analysis. It also prescribes that after test or analysis, the test report shall be signed by the Director of referral laboratory or food analyst in the standard format. i.e., Form A. Certificate of Analysis by the referral food laboratory, and Form B, format of report of food analyst is attached to these regulations. It also prescribes the fees payable in respect of the certificate of analysis. subsection (4) of these regulation defines the use of preservatives in case of samples of any milk, dahi, khoya, candy, or paneer based products prepared foods etc. it also prescribes the standard and limit of the preservative for preservation of samples[5].

Regulations of laboratories and food analysis is provides analysis of food ,recognition and accreditation of food laboratories, research institution and referral laboratory ,food safety audit for the purpose of food safety and checking compliance with safety management system, food analysts with its functions, procedures for sampling and analysis of food for their regulation focusing light on sample analyses procedures and functioning of notified

laboratory like Central Food Laboratory Kolkata, Ghaziabad, Mysore, Pune etc. to analyses internationally imported food articles and referral laboratories like referral food laboratories Kolkata, Ghaziabad, Mysore, Pune etc. to analyses food articles as per local areas decided by central government(FSSAI)[7]-[9]

Table 3. 2.3.1: Under the rule 13 of FSSAI, The quantity of sample of food to be sent to the Food Analyst /Director for analysis shall be as specified in the table below.

| Sr. No | Name of food article | Approximate Quantity to be supplied |
|--------|---|---|
| 1 | Natural Mineral Water/Packaged Drinking Water | 4000ml in three minimum original sealed packs |
| 2 | Carbonated Water | 3 Ltr |
| 3 | Fruit Juice/Fruit Drink/Fruit Squash, Food Grains and Pulses (Whole and Split) | 1 Ltr/Kg |
| 4 | Milk, Sterilized Milk / UHT Milk, Yoghurt / Sweetened Dahi Spices, Condiments and Mixed Masala (Whole/Powder), Tea/Roasted Coffee/Roasted Chicory, Atta/ Maida/ Suji/ Besan/Other Milled Product/ Paushtik Fortified Atta/Maida, Infant Food/Weaning Food, Proprietary Food, (Non Standardised Foods), Food not specified, Prepared Food. | 500 gms/ml |
| 5 | Vanaspati, Edible Oils/Fats | 400 gms |
| 6 | Tomato Sauce/Ketch up/Tomato Paste, Jam/Jelly/Marmalade/Tomato, Puree/Vegetable Sauce, Vinegar/Synthetic Vinegar, Ice-Cream/Softy/ Kulfi /Ice candy/ Ice lolly, Malt Food/ Malted Milk Food | 300 gms |
| 7 | Gur/jaggery, Icing Sugar, Honey, Synthetic Syrup, Bura, Chhana / Paneer / Khoya / Shrikhand ,Milk Powder/Skimmed Milk Powder ,Arrow root/Sago ,Nutmeg/Mace Pickles and Chutneys, Oilseeds / Nuts /Dry Fruits, Bread/Cakes/Pasties | 250 gms |
| 8 | Cane Sugar/Refined Sugar/Cube Sugar, Dextrose, Misri /Dried Glucose Syrup, Sugar Confectionery/Chewing Gum/Bubble Gum, Fruit Juice/Fruit Drink/Fruit Squash, Corn flakes/Macaroni Products/Corn Flour/Custard Powder, Cheese/Cheese spread, Evaporated Milk/Condensed Milk, Iodized Salt/Iron Fortified Salt, edible salt | 200 gms |
| 9 | Catechu, Gelatin, Compounded Asafoetida | 150 gms |
| 10 | Asafoetida, Artificial Sweetener, Instant Tea/Instant Coffee/Instant Coffee-Chicory Mixture | 100gms |
| 11 | Food colour, Food colour preparation (Solid/Liquid) | 25 gms solid/100 ml liquid |
| 12 | Canned Foods | 6 sealed can |
| 13 | Saffron | 20 gms |
| 14 | Silver Leafs | 2gms |

Source-FSSAI

3.2: Notified Laboratories for Import

Table 4 2.1.1 The sample of any imported article will be sent by the Authorized Officer for analysis. The Food Analyst of any of the following notified laboratories or any other laboratories notified by the Food Authority from time to time. Having jurisdiction over the area in which the sample was taken.

| Sr.no | Name of food Laboratories | Local areas |
|-------|------------------------------------|---|
| 1 | Central Food Laboratory, Kolkata | All Seaports/Airports/inland Container Depots in the Union Territories/ States of - (i) The Andaman and Nicobar Islands (ii) Andhra Pradesh (iii) Arunachal Pradesh (iv) Assam (v) Bihar (vi) Manipur (vii) Meghalaya (viii) Mizoram (ix) Nagaland (x) Orissa (xi) Sikkim (xii) Tripura (xiii) West Bengal and (xiv) Jharkhand 2. International borders in the States of - (i) Arunachal Pradesh (ii) Assam (iii) Bihar (iv) Manipur (v) Meghalaya (vi) Mizoram (vii) Nagaland (viii) Sikkim (ix) Tripura (x) West Bengal |
| 2 | Central Food Laboratory, Ghaziabad | 1. All Airports / inland Container Depots in the Union Territories/ States of - (i) Chandigarh (ii) Delhi (iii) Haryana (iv) Himachal Pradesh (v) Jammu and Kashmir (vi) Madhya Pradesh (vii) Punjab (viii) Rajasthan (ix) Uttar Pradesh (x) Chhattisgarh (xi) Uttarakhand 2. All International borders in the States of (i) Himachal Pradesh (ii) Rajasthan (iii) Jammu and Kashmir (iv) Punjab (v) Uttar Pradesh (vi) and Uttarakhand |
| 3 | Central Food Laboratory, Mysore | All Airports/ Sea ports/inland Container Depots in the Union territories State of (i) Karnataka, (ii) Kerala, (iii) Lakshadweep, (iv) Pondicherry and (v) Tamil Nadu |
| 4 | Central Food Laboratory, Pune | All Airports/ Sea ports/inland Container Depots in the Union Territories/ States of (i) Dadra and Nagar Haveli (ii) Daman and Diu (iii) Goa (iv) Gujarat and (v) Maharashtra 2. All International borders in the States of (i) Gujarat |

Source-FSSAI

5.OFFENCES AND PENALTIES (AS PER SECTIONS 48 TO 67 OF FSS ACT 2006)

After scrutiny of the report of food analyst, Designated Officer shall decide as to whether the contravention is punishable with imprisonment or fine only. In the case of contravention punishable with imprisonment, he shall send his recommendation within fourteen days to commissioner of food safety for sanctioning prosecution. In case the contravention is punishable with fine, he shall refer the case to the Adjudicating officer who has jurisdictions over the area. It also provides that the commissioner of food safety shall, if he so deems fit, decide within the prescribed period as per the gravity of offence, whether the matter be referred to a court of ordinary jurisdiction in case of offences punishable with imprisonment for a term up to three years or a special court in case of offences punishable with imprisonment for a term three years where such special court is established, and in case no special court is established, such cases shall be tried by a court of ordinary jurisdiction.[4],[5],[7].

Provisions for offences and penalties, provides for not of the nature or quality demanded, unsafe, processing adulterated, unhygienic containing extraneous matter, misbranded, advertisement, offences, compensation while injury/death of consumer, offences by companies. The penalty for various reasons are of minimum 1 to 10 lakh rupees, provided that in case of death, an interim relief should be given /paid to the kin within thirty days of the incident. The maximum penalty under the act is the life imprisonment. In case of death of consumer, there is a provision for compensation to the consumer [4],[7].

The act prescribes various offences and corresponding penalties for such offences. These offences and penalties have been prescribed in section 48 to 67 of this act. The penalties prescribed in the various offences vary from a fine of Rs 1.00 lakh to imprisonment of up to six years depending on the severity of the offence committed. On the other hand the act also prescribes for action to be taken against directors and persons in the control of a company when an offence has been committed by a company. On the other hand, the act also provides for a compounding provision whereby a designated officer can compound a fine levied on a petty Food business operator up to Rs.1.00 Lakh. This of course is not applicable to any punishment of imprisonment against a petty Food business operator [4],[7]-[9].

Table 5 Some Penalties under FSS Act 2006

| Sr. No. | Nature of article | Under Section | Penalties |
|---------|--|---------------|--|
| 1 | Substandard food | 51 | Up to 2.00 Lakh |
| 2 | Misbranded food | 52 | Up to 3.00 Lakh |
| 3 | Misleading Advertisement | 53 | Up to 10.00 lakh |
| 4 | Food with extraneous matter | 54 | Up to 1.00 lakh |
| 5 | Fail to meet the requirements as directed by FSO | 55 | Up to 2.00 Lakh |
| 6 | Unhygienic/Unsanitary preparations | 56 | Up to 1.00 Lakh |
| 7 | Adulterant not injurious to Health | 57(i) | Up to 2.00 Lakh |
| 8 | Adulterant injurious to Health | 57(ii) | Up to 10.00 Lakh |
| 9 | Unsafe food –but does not cause immediate injury | 59(i) | 6 months imprisonment with fine 1.00 Lakh |
| 10 | Causing grievous injury | 59(iii) | 6 years imprisonment with fine 5.00 Lakh |
| 11 | Compensation in case of injury | 65(b) | Upto 1.00 Lakh |
| 12 | Unsafe food causing non-grievous injury | 59(ii) | 1 Year imprisonment with fine 3.00 Lakh |
| 13 | Compensation in case of grievous injury | 65(b) | Up to 3.00 Lakh |
| 14 | Causing death | 65 | 7 years or Life imprisonment and fine 10.00 Lakh |
| 15 | Compensation in case of death | 65(a) | Up to 5.00 Lakh minimum penalties |

Source-FSSAI**4.1 Adjudication and food safety Appellate Tribunal (As per section 68 to 80 of FSS Act 2006).**

State government to notify adjudicating officer,(not below the rank of additional district magistrate). Central government / State government may notify and establish one or more tribunals known as Food safety appellate tribunals. Central government / State government may consolidate special courts for trial of offences relating to grievous injury or death of the consumer. Adjudicating officer of the state government to impose penalty for offences shall have the powers of the civil court Central government / State government to establish one or more tribunals to attend to appeals. One member tribunal called presiding officer (District judge) power to establish special courts for expedient hearing for offences relating to grievous injury or death.

In section 68, Adjudicating officer should be appointed by the central government he should be worked under judicial proceeding within the sections 193 and 228 of Indian Panel Code (45 of 1890) and also 345 of code of criminal procedures, 1973 (2 of 1974) and establishment of food safety appellate tribunal as per section 70 by central government and given powers for the purposes discharging its function under these Act and as per procedure laid down by the code of civil procedure, 1908 (5 of 1908) [7]-[9].

**Table 6. Adjudication and Food safety appellate tribunal
ADJUDICATION AND FOOD SAFETY**

| Adjudicating Officer | Food safety appellate tribunal | Special court |
|---|---|---|
| Central Govt. or State Govt. may notify and establish one or more tribunals known as Food Safety Appellate Tribunals. | State Govt. to notify Adjudicating Officer not below the rank of Addl. District Magistrate. | Central Govt. or consumer State Govt. may constitute special courts for trial of offences relating to grievous injury or death of the consumer. ty of sample of food to be sent |

Source-FSSAI**5. CONCLUSION**

The representative of the consumer organizations are members of the food Authorities and central advisory committee. The consumer can get their food analyzed on payment of fees. In case of injury or death of consumer there is a provision for compensation to the consumer by Food business operator, Consumer can use the food safety helpline for any queries related food and its safety. The main envisaged in this legislation is consolidate the objective is to bring out a single statue relating to food and to provide for a systematic and scientific development of food processing industries and to establish Food safety and standards authority India (FSSAI) which bill fix food standards and regulate /monitor the manufacturing, import, processing, distribution and sale of food, so as to ensure safe, hygienic and wholesome food for the people and also to prevent fraud or deception. Better auditing, Food safety management system (FSMS), traceability, recall and other systems in place under the new act which will help in curbing food adulteration. Integrated approach through statutory and regulatory authorities, industry, scientific community, consumer guidance, voluntary agencies, proper counseling and IEC (Information, Education and Communication) materials can play a vital role. The act should have a compulsory

provision for black-listing of the companies or even publication when held guilty of the offence and Food recall should be issued in the media to inform the citizens and make them aware about the unsafe food.

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