

## **Dearth of regulatory staff at state & UT level for FSSR implementation**

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A recent report by a parliamentary panel on health has revealed that there is shortage of regulatory staff with the states/Union territory governments with regard to implementation of the FSS Regulations, 2011.

As against a requirement of 4,850 food safety officers (FSOs), there are only 3,130 FSOs in the country today. There is also shortage of other functionaries in regulatory compliance of states/UTs so much so that as against requirement of 835 designated officers, there are only 651. Besides, most designated officers as well as commissioners of food safety in states/UTs have additional charge, thus leaving very little time and resources to devote to food safety.

The structure in the states includes designated officer at the district level and food safety officers at sub-district level. The food safety commissioner is the head of this machinery at the state level. Most of the state governments have appointed the food safety commissioner and also have in place the structure for the enforcement of the regulations.

The Central Advisory Committee (CAC) at its meeting held on August 1, 2014, recommended that all states/UTs should have 1 DO for every district and 1 FSO for each development block in rural areas and 1 FSO for every 1,000 food business operators (FBOs) in urban areas.

FSSAI has been coordinating with states/UTs through letters, video conferences and CAC meetings. The issues have also been raised at the highest levels in the conference of state health ministers and secretaries held in January 2018.

The panel report says that however, the total number of FSOs in the country has increased from 2,324 to 3,130 in last three years wherein significant increase has been noticed in Uttar Pradesh (200%), Karnataka (191%), Delhi (100%), Kerala (97%) and Gujarat (25%), there are some states like Punjab (43%), Rajasthan (25%) and Madhya Pradesh (13%) where there has been a decline in number of FSOs.

And this is taking its toll on implementation of the FSS Regulations as FSSAI's own estimates suggest that several thousand persons will be required for the job across the country.

However, CEO FSSAI Pawan Agarwal says that the FSSAI carries out this job mostly through the state food safety commissioners when it comes to implementation of the FSS Regulations in the country. Since state food safety departments are not under FSSAI formally but FSSAI plays a role of guide for them as standards and regulations formation rest with the apex food regulator.

“We can’t say that we’re satisfied with implementation of the FSS Act on ground completely but many states have taken steps to improve the situation. While we agree that many other states are lacking,” he admitted, while adding that states have started looking into the food safety issues more seriously now.

It was also presented before the parliamentary panel that 25 states/UTs have established appellate tribunals in their respective states/UTs, 32 states/UTs have established steering committee in their respective states/UTs and 35 states/UTs have adopted online food licensing and registration system (FLRS).

Experts feel that implementation of the regulations is surely proceeding rather slowly. But it is not surprising given the fact that Indian food market - on the production side and on the consumption side - is highly fragmented with a very large number of small and medium scale producers and numerous consumers dotting the landscape.

Some states like Maharashtra perform better than others in FSS Regulations implementation. By its very nature, any Central regulation implemented by state governments will have non-uniform implementation across the country especially because not all state governments are serious about food safety and standards issues. Also, there are limitations of qualified personnel to implement the rules and cost of implementation.

Supreme Court advocate and food law expert Charu Mathur states, “I believe lot of ground work is required to be done. While hearing a petition filed by an FBO, the Allahabad High Court reminded that the state is not here merely to make regulations and issue licences but to provide infrastructure to fulfil these obligations.” She added that governments need to work to ensure that facilities are conducive to incubate and thrive the food industry.

She opined that food safety is still an evolving concept in our country. There are roughly 125 decisions from various forums on FSS. “Yet we have miles to go before a harmonised law is available. There is a need for more advocacy and awareness campaign by FSSAI. There is need to make governments accountable not only for quality of food we consume or for safety of food products but also to provide food industry with enough incentives to make them work towards achieving the goals of the statute,” says Mathur.

Meanwhile, H G Koshia, commissioner, Food and Drug Control Administration (FDCA), Gujarat, informs, "In Gujarat, we strictly follow the rules made under FSS Regulations. Gujarat has always been the active state in implementing all the initiatives put out by FSSAI.

As far as talking about the conflict between state FDA and apex body, Koshia adds, "In Gujarat we never had a conflict scenario with FSSAI. Every move in Gujarat FDCA is harmonised with FSSAI. Our main purpose is to maintain food safety in the state."

On a concluding note, N Bhaskar, advisor, quality assurance, FSSAI, commented that FSSAI being the central authority is responsible to look into making regulations. It is state FDA's responsibility to enforce them in their state. However, if the state has problem in implementing them they can approach the FSSAI and with mutual consent steps can be taken. "There would not be any conflict as states have to follow the guidelines given out by the apex regulator," he trails off.