



# CHAPTER 2

**FSSAI, Food Safety  
Enforcement and  
State Food Authorities**

## A. Food Safety and Standards Authority of India (FSSAI)

The Food Safety and Standards Authority of India (FSSAI) was established in 2008 under the aegis of the Ministry of Health and Family Welfare with the mandate 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 and for matters connected therewith or incidental thereto to enforce the provisions of the FSS Act.

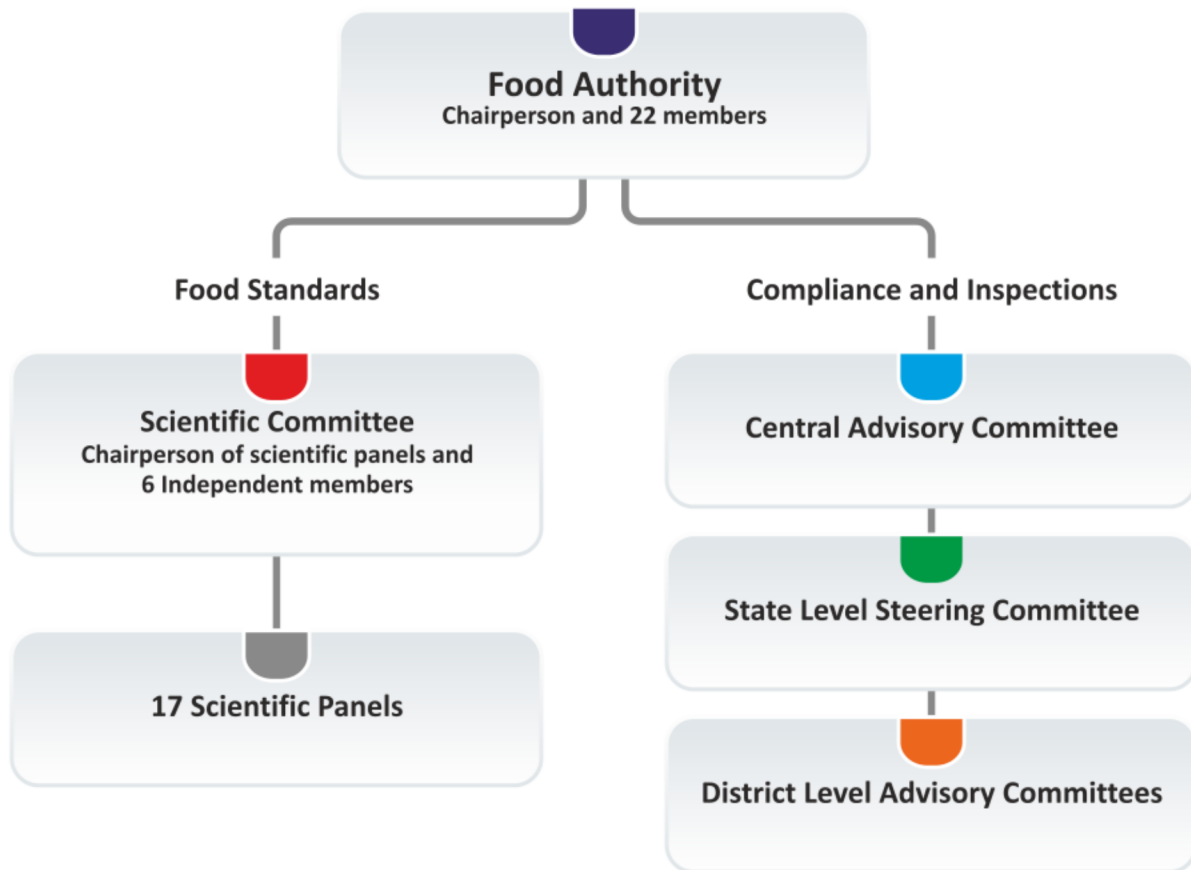
At the Apex level there is Food Authority which is a single reference point for all matters related to food safety and standards in the country. The Food Authority is assisted by Scientific Committees and Panels in setting standards and the Central Advisory Committee in coordinating with enforcement agencies. The Food Authority guides and regulates all persons engaged in manufacturing, processing, import transportation, storage, distribution and retail of food, on issues of food safety and nutrition with primary responsibility for enforcement largely with the State Food Safety Commissioners. The Chairperson and Chief Executive Officer of FSSAI are appointed by the Central Government. The Head office of the Authority is located at FDA Bhawan, Kotla Road, New Delhi-110002

### 1. Role of FSSAI

The main role of Authority is to regulate and monitor, manufacture, processing, distribution, sale and import of food while ensuring safe and wholesome food to the consumers. The Act lays down the following main function for discharge by the Authority.

- (a) Prescribing the Standards & Guidelines in relation to food and specified appropriate system for enforcement.
- (b) Specifying limits for Additives, Contaminants, Pesticides & Veterinary Drug Residues, Heavy Metals, Processing Aids, Mycotoxins, Antibiotics and Pharmacological active substances and Irradiated Foods.
- (c) Lay down food labelling standards including claims on health, nutrition, special dietary uses and food category system for foods.
- (d) Lay down methods of sampling, analysis and exchange of information among enforcement agencies prescribing procedures and guidelines for accreditation of certification bodies and laboratories.
- (e) Taking up, summarizing and analyzing relevant scientific and technical data on incidence and prevalence of biological or emerging risk, residues of various contaminants, introduction of rapid alert system among others.
- (f) Prescribing the procedure, and the enforcement of quality control in relation to any imported article of food in to India
- (g) Creating an information network across the country to disseminate rapid reliable and objective information about food safety and issues of concern.
- (h) Providing Training Programs for persons who are involved or intent to get involved in food businesses
- (i) Promoting general awareness about food safety and food standards and promoting coordination of work on food standards undertaken by International Governmental and Non-Governmental Organization.

## 2. The Governing Structure of FSSAI is given below:



## 3. FSSAI works through 11 Divisions



#### 4. Food Authority

The Food Authority is the apex body and a single reference point for all matters related to food safety and standards in the country. It comprises of 22 members representing various Ministries and Departments such as Agriculture, Commerce, Consumer Affairs, Food Processing, Health, Legislative Affairs and other stake holders representing farmers, scientists & technologists, small scale Industries and retail organizations, with a minimum composition of one third of the members being women. The foremost responsibility of FSSAI include the development of 'Science-based Food Standards for articles of food and food products and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption. To further its mandate the Authority is assisted and advised by the Scientific Panels, Scientific Committee and the Central Advisory Committee.

The Food Authority from time to time brings out regulations to regulate food activities. The Food Authority may from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety of State, who shall be bound by such directions while exercising his powers under this Act;

#### 5. Central Advisory Committee

The Food Authority is responsible for framing of policies for food and state food regulators have a active role to play in enforcement of the law and ensuring food safety and quality. The Central Advisory Committee is an interface between the central and the state authorities. The Food Authority, by notification, establishes the Central Advisory Committee which ensures close cooperation between the Food Authority and the enforcement agencies and organizations operating in the field of food. All Commissioners of Food Safety are members of this committee

The CAC, comprises of representatives of concerned Central Ministries/Departments, State/Union Territory Governments and other stakeholders, provides the connecting bridge among the FSSAI, the enforcement agencies (States) and organisations operating in the field of food through a consultative approach. The primary mandate of CAC is advising the Authority on work programme, prioritisation of work, identifying potential risks and pooling of knowledge.

#### 6. Scientific Committee

This Committee comprises of Chairpersons of all Scientific Panels and six independent scientific experts, responsible for providing consistent scientific opinion to the Authority while harmonizing working methods of the Scientific Panels. The Committee provides opinions on cross industry and sectoral issues and covers areas which are unique and not covered within the competence of the Scientific Panels.

#### 7. Scientific Panels

Scientific Panels provide their expert advice on specific fields such as biological hazards, contaminants, food testing & sampling, water, meats, dairy, cereals, oil, nutraceuticals etc.

#### 8. Chief Executive Officer:

The Chief Executive Officer of the Food Authority is an Officer not below the rank of Additional Secretary to the Government of India appointed by the Government of India as the executive head of FSSAI. The Chief Executive



Officer is responsible for the day-to-day administration of the Food Authority. CEO draws up of proposal for the Food Authority's work programmes in consultation with the Central Advisory Committee and is responsible for implementing the work programmes and the decisions adopted by the Food Authority. The Chief Executive Officer has administrative control over the officers and other employees of the Food Authority.

The Chief Executive Officer exercises the powers of the Commissioner of Food Safety while dealing with matters relating to food safety of such articles. The Chief Executive Officer is Member Secretary of Food Authority.

## **B. Food Safety Enforcement and State Food Authorities**

India is a vast country with over 1.25 billion population and sheer magnitude of food safety enforcement is a challenging task. The Food Authority and the State Food Safety Authorities jointly share this responsibility. While Food Authority provides policy intervention, direction and coordination at national level, States/UTs conduct food safety enforcement at the field level. The responsibility of compliance of food standards as per Food Safety and Standards Act, 2006 and Rules and Regulations framed there under rests primarily with the States and UT Governments. The States/ UTs are responsible for creation and filling up of necessary posts required for the purpose. The Food Safety and Standards Authority of India provides support in the form of imparting necessary training and capacity building of enforcement staff of States/ UTs. The huge differentiation among States/ UTs in terms of size, population, food culture, languages, industry penetration, manufacturing capability and location has its own level of maturity in terms of enforcement capability which is consistently growing and improving.

### **Food Safety Authorities in States/UTs**

The framework for food safety enforcement machinery provided under Food Safety and Standards Act, 2006 and Rules and Regulations has the following officers:-



## 1. Commissioner of Food Safety of the State

As per the Food Safety & Standards Act, 2006, the State Food Safety machinery is headed by the Commissioner of Food Safety of State, for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made there under.

The Commissioner of Food Safety performs all or any of the following functions, namely:-

- (a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;
- (b) carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the standards notified by the Food Authority for various articles of food;
- (c) conduct or organise training programmes for the personnel of the office of the Commissioner of Food Safety and, on a wider scale, for different segments of food chain for generating awareness on food safety;
- (d) ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;
- (e) sanction prosecution for offences punishable with imprisonment under this Act;
- (f) such other functions as the State Government may, in consultation with the Food Authority, prescribe.
- (g) The Commissioner of Food Safety may delegate, such of his powers and functions under this Act (**except the power to appoint Designated Officer, Food Safety Officer and Food Analyst**) to any officer subordinate to him.

## 2. Designated Officer

- (a) The Commissioner of Food Safety, by order, appoints the Designated Officer, who is not below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations.
- (b) There has to be a Designated Officer for each district of a state.
- (c) Chief Executive Officer of the Food Authority appoints Central Designated Officers by order in his capacity as a Commissioner of Food Safety of the country, while dealing with matters relating to food safety.
- (d) A Central Designated Officer is a Central Licensing Authority and a State Designated Officer is a State Licensing Authority.

## 3. Functions of the Designated Officer (Section 36 of the Food Safety and Standards Act, 2006):

- (a) Shall be a whole time officer, not below the rank of Sub divisional Officer or Equivalent.
- (b) Appointment shall be done by Commissioner of Food Safety and each district will have at least one Designated Officer who has the power to issue or cancel license.
- (c) Prohibit sale of any article of food in contravention with the provisions of The Act and the rules.
- (d) Receive report and samples of articles from Food Safety Officer under his jurisdiction and get them analyzed

- (e) Recommended cases to Commissioner for sanction to launch prosecution, in case the contravention is punishable with imprisonment.
- (f) Sanction or launch prosecution in case of contravention punishable with fine or recommended the case to Commissioner for punishment with imprisonment.
- (g) Maintain record of all inspections made by Food Safety Officer and the Actions taken by them, etc.

#### 4. Adjudicating Officer

- (a) The role of adjudicating office is important for looking into offences committed/ contravention of the provisions of the Act and Rules and Regulations made there under by the food business operators at any stage, and provide legal conclusions in these matters.
- (b) The Adjudicating Officer, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Act or the Rules or the Regulations made there under, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.
- (c) The State Government will notify adjudicating officer for adjudication of food related cases.
- (d) He will perform all or any of the following functions:
  - (i) The Adjudicating Officer will have the powers of a civil court and all the proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.
  - (ii) The Adjudicating Officer while adjudging the quantum of penalty shall have due regard to the following
    - (aa) the amount of gain or unfair advantage (wherever possible to quantify) due to contravention
    - (ab) the amount of loss caused or likely to cause to any person due to contravention
    - (ac) the repetitive nature of contravention
    - (ad) whether contravention is knowingly or unknowingly
- (e) may issue direction to person found guilty of an offence, for taking corrective action to rectify the mistake or destruction of such article of food.
- (f) may direct offender to pay compensation to victim or representative of victim in case of injury or death of consumer.
- (g) may order for cancellation of license, re-call of food from market, forfeiture of establishment ad property
- (h) issue prohibition orders

#### 5. Food Safety Officer

Food Safety Officers are appointed by the Commissioner of Food Safety, through notification, for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made there under. The State Government may authorise any officer of the State Government having the qualifications prescribed to perform the functions of a Food Safety Officer within a specified jurisdiction. The role powers and duties of Food Safety Officer is discussed in detail in Chapter 5.

## 6. Food Analysts

Food Analysts have a major role to play in analysis of food samples in the food laboratories. The analysis reports of food articles are of immense importance to know about the status of safety and food quality. The Food Analysts having the qualifications as prescribed by the Central Government are appointed by the Commissioner of Food Safety, by notification, for such local areas as may be assigned to them. Different Food Analysts may be appointed for different articles of food.

### Functions of the Food Analyst (Section 45)

He would be responsible for carrying out the required analysis of the sample as instructed by the Food Safety Officer along with the test method. The various steps to be taken are as follows:

- (a) Compare and note down the conditions of the seal of the container and the outer cover containing the sample.
- (b) He may ask for the second sample if the first sample is found to be in broken condition or unfit for analysis and inform the DO about the same within seven days time and also send a requisition for the second part of the sample retained by DO.
- (c) He will then analyze, prepare report and send to DO for copies of report indicating the method of sampling and analysis within 14 days time.
- (d) Where the purchaser wants the food to be analyzed, then the report shall be sent to that purchaser with a copy to the DO.