

Food safety in India – Regulatory framework and challenges

Food safety is an important social and health priority for any country. The recent controversy around non-adherence to food safety standards by one of the world's largest dairy and food products companies has brought food safety issues in India into much sharper focus.

Apart from health, food safety is vital for economic growth and progress as well. In India, the food processing industry holds tremendous opportunity. It has high employment potential, can boost exports of agro-products out of the country, and also provide better returns to farmers for their produce. However, this is possible only if food safety standards are effectively enforced in the country. This brief explores the regulatory and policy aspects around food safety in India, and also analyzes potential challenges therein.

Regulatory framework

The **Food Safety and Standards Act, 2006**¹ 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 like *Prevention of Food Adulteration Act, 1954*, *Fruit Products Order, 1955*, *Meat Food Products Order, 1973*, *Vegetable Oil Products (Control) Order, 1947*, *Edible Oils Packaging (Regulation) Order 1988*, *Solvent Extracted Oil, De- Oiled Meal and Edible Flour (Control) Order, 1967*, *Milk and Milk Products Order, 1992*.

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). Some of the key functions of the FSSAI include:²

- framing of regulations to lay down food safety standards;
- laying down guidelines for accreditation of laboratories for food testing,
- providing scientific advice and technical support to the Central Government,
- contributing to the development of international technical standards in food;
- collecting and collating data regarding food consumption, contamination, emerging risks etc
- disseminating information and promoting awareness about food safety in India

The FSSAI functions under the administrative control of the **Ministry of Health and Family Welfare**. The composition of the Authority is also specified under the Act of 2006. The work of the FSSAI is supported by State food safety authorities. Some of the important position/institutions are:

1. **Commissioner of Food Safety:** Every State is legally mandated to appoint a Food Safety Commissioner for implementation of food safety standards.
2. **Food Safety Officers:** The Food Safety Commissioners are mandated to appoint 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 Analysts:** Food Analysts are also appointed 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. **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.
5. **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. *In the recent case of Maggi noodles, the sample was first tested in an Uttar Pradesh state laboratory in Gorakhpur, and subsequently in the Central Food Laboratory in Kolkata (a referral laboratory). The state of Goa has also decided to send samples to the referral laboratory in Mysuru.*

Infrastructure and human resources for enforcement of Food Safety Standards in India



Source: FSSAI

Challenges

Despite having a legal framework in place, 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. Even today, the number of laboratories per million people in the country is far below other countries like China and the US. There is also an urgent need to upgrade the infrastructure in most of our food testing laboratories. Even in terms of human capital, most Food and Drug Administrations in the states operate far below the desired capacity. In fact, in many cases, laboratories have had to be shut down to due to the absence of Food Analysts.

For this purpose, it might be important to encourage private sector participation in the setting up and maintenance of laboratories. The Ministry of Food Processing also runs a scheme which provides assistance to states for up-gradation of laboratory infrastructure. Known as the scheme for “*Setting Up/Up-gradation of Quality Control/Food Testing Laboratory*”, assistance is provided to Central/State government organizations/Universities and other implementing agencies/private sector organizations. In the first Budget presented by the new government at the Centre, it was announced that the Centre would provide direct assistance to strengthen states’ drug and food regulatory systems by creating new laboratories and strengthening existing laboratories as well.

Going forward, a collaborative effort between Centre, states and the private sector alone can address the challenge of food safety in the country.