



**ORIGINAL RESEARCH PAPER**

**Law**

**“DIAGNOSTIC VIEW ON FOOD SAFETY AND STANDARD REGULATION IN INDIA: THE LEGAL STUDY”**

**KEY WORDS:** Food Safety and Standard, Regulation, Development

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**ABSTRACT**

The changing food safety and standards in India from last decade. Due to multiplicity of laws in a majority of developing nations processed food industry is facing a major threat for survival and growth. In India nine different ministries were involved in controlling this area. Food Safety and Standards Act was established to integrate the food safety laws in India, in-order-to systematically and scienti cally re-orient food processing and manufacturing industry from regulation to self-compliance. In this study, authors' focuses on issues related to the food legislation enforced time to time based on international scenario and trade. This study brings out the fact that more holistic approach is seen in new scienti c standard development and covers a wider variety of products including functional food, novel food and beverages. The basic requirements of food hygiene and Good Manufacturing Practice (GMP) practices as described by codex are important for any national food safety control.

**1. INTRODUCTION**

Food safety is a concept that the food will not cause any harm when consumed according to its intended use (ISO 22000, 2005). Food hygiene can be de ned as something that is clean and does not cause illness (CAC, 2003). One of the major areas of concern is to provide safe food to consumers in ever growing competitive international markets. The signi cant driving factor for this increased attention to food safety is food borne pathogens and substances resulting in food borne accidents. The impact of food borne illness associated with contamination has been neglected in most of the developing countries like India. As per WHO's estimates, each year there are more than 1000 million cases of acute diarrhea in children below ve years in developing countries (WHO, 2008). control authority self-assessment and capacity building. The assessment is based on six elements [food control management, food legislation, food inspection, of cial food control laboratories and food safety and quality information, education and communication. This research focuses on evaluation of Indian food regulatory model which has seen a shift from control of food adulteration to a proactive food safety legislation based on hazards control primarily under the six elements de ned by World Health Organization (2006). The internal strengths and weakness and

**2. REVIEW OF LITERATURE**

Alomirah et al. (2010) analyzed the current state of Kuwait legislative framework and proposed guidelines on enhancement of national food control system to protect consumer from unsafe food and fraudulent practices. The four elements covered in his study included legislative framework, the administrative structures, enforcement practices and providing education and training. They recommended a risk-based integrated frame work of food control in Kuwait.

Aruoma (2006) studied the impact of food regulation on the food supply chain under WTO SPS agreement and benchmark international standards that harmonize the trade of safe food. Risk assessment criteria include appropriate level of protection (ALOP) as deemed appropriate by the member country on established sanitary and phyto-sanitary measure to protect human, animal and plant life within Food Safety Objective (FSO).

Shears, Zollers, and Hurd (2004) explained the aspect of white paper on the Food Standards Agency: a force of change in January 1998 in European Union and proposed the bene ts of an integrated food safety authority establishment.

**3. FOOD SAFETY AND STANDARD: AN OVERVIEW**

India was a food de cit country till its green revolution in year 1970. The focus of food regulation in supply chain was on availability rather than strict quality and safety standards. The key problem during this phase was intentional contamination of food articles with its lower grade look-alike substances going into supply chain for meeting the growing demand. There were cases with look-alike substance in key staple food items like wheat, rice, pulses (PFA cases of adulteration 1980e1984). There were many reported and unreported cases of brick powder in red chilies, lead chromate in turmeric, and vegetable oil contamination with milk fat. The rst milestone in Indian food regulation was formulation of Prevention of Food Adulteration Act in the year 1954 and related rule in the year 1956.

The Food Safety and Standards Authority of India were established in the year 2008 under the Food Safety and Standards Act (2006) as a statutory body for laying down science-based standards for articles of food. It regulates manufacturing, processing, distribution, sale and import of food in-order-to ensure safe wholesome food reaches consumer. The chronology of events leading to the integrated food safety legislation system. As part of the process of consolidation, the act integrates nine existing ministries related to food safety. The FSSAI under the new regulatory model work to achieve quality and safety by a self-compliance. The focus on design of risk-based system and a due diligence approach is expected from food business operators.

The science-based standard was developed which covered all the three sources of contamination (physical, chemical and biological) in food chain. The Food Safety Standards Act covered the concept of food safety across the entire supply chain from manufacturing, storage, distribution including sale and import, instead of the end product safety except primary production. The FSSAI formulated guidelines for inspection of organization involved directly or indirectly in in food chain or assessment of any aspects of Food Chain. The type of organization included the certification bodies, the consultants or testing laboratories.

**4. RESEARCH METHODOLOGY**

**4.1 Research objective**

1. To Study the food safety and standards in India.
2. To identify the regulation of this act in India.

3. To evaluate the overall controlling framework in India.

**4.2 Research Design:** Explorative

**4.3 Data Collection:** This research study based on secondary data collected from published Research papers and articles, food safety and standard Act 2006.

## 5. EVALUATION OF NATIONAL FOOD CONTROL MECHANISM

The new legislative framework in India is evaluated based on FAO guidelines on national food control system covering six core elements; food control management, food legislation, food inspection, of cial food control laboratories and food safety and quality information, education and communication.

### 5.1 FOOD CONTROL MANAGEMENT

Food control management is explained as a continuous process involving planning; organizing, monitoring, coordinating and communicating, in an integrated way. It focuses on a broad range of risk-based decisions and actions by the government for safety and quality of domestic produce, imported and exported food for consumers (national/international) (FAO, 2006). The Food Safety and Standards Act 2006 covered any operator big or small involved in handling, processing and distribution and supply of food to be registered. The digitized system for online application and its status tracking is available for easy use by Food business operators. The requirements of licensing vary from a trader to manufacturer; dry commodities to high-risk perishable products, where an establishment may be required to be supported by microbiological test laboratory. The process of licensing and product approval for any new commodity, technology or process whose safety is not been established through these regulations or which do not have a history of safe food or is introduced for the first time into country and Authority had described a separate licensing procedure. The special tribunal courts are established for speedy resolution of any food safety issues. The food control management of exported commodity is carried out by Export Inspection council The Export Inspection Council (EIC) is the of cial export e certi cation body of India which ensures quality and safety of products exported from India. EIC was set up by the Government of India under section 3 of the Export (Quality Control and Inspection) Act 1963 to ensure sound development of export trade of India through quality control and inspection and matters connected therewith. The role of EIC is to ensure that products noti ed under the Export (Quality Control and Inspection) Act 1963 are meeting the requirements of the importing countries in respect of their quality and safety. EIC operates with the help of its led organizations Export Inspection Agencies (EIAs) located at Mumbai, Kolkata, Kochi, Delhi and Chennai with a network of 29 sub of ces backed by the state of art, NABL accredited laboratories at major cities and ports.

### 5.2 FOOD LEGISLATION

The legislation is formulated as an integrated effort of all the stakeholders in food supply chain including government, promotional bodies, NGO along with the private partnerships based on internal requirements. The basic Good Manufacturing Practices (GMP) and Good Hygiene Practices (GHP) requirements were introduced in PFA, 1954 and Fruit Product Order 1955 licensing process. The medical examination of all the employees directly in contact of food was to ensure the tness to work and free from contagious diseases. The standards described design of establishment, employee's facility, location and layout in relation to the number of food handlers. The Food Safety Rules and Regulation were published in August 2011 which covered six key features to achieve food safety [food products standards and food additives and its Annex A; contaminants, toxins and residues; laboratory and sample analysis; licensing and

registration of the food business; packaging and labeling; prohibition and restriction on sales].

### 5.3 INSPECTION AND SURVEILLANCE

The inspection and surveillance system of food legislative framework of the country gives con dence to the wellbeing of its food business operation. The world class standards will not be of use until evaluated for its effective implementation. The inspection and surveillance is covered in FSSAI under the Director (Enforcement) and Director (Surveillance) to ensure registration, licensing and continuous monitoring. Food Safety Of cer (FSO) conducts inspection of the food establishments. The food inspectors already on roll in PFA are included as FSO under FSSAI. The roles and responsibilities of a Food Safety Of cer (FSO) includes inspection as per the requirements of license, the sample collection for testing, maintain database for each food business operator, respond to incidents related to food poisoning, facilitate the preparation of food safety plans based on HACCP at panchayats and municipality levels. The food safety of cers' responsibilities also include coordination with food business operator for introduction of food safety system in the premises.

### 5.4. OFFICIAL FOOD CONTROL LABORATORY

The rapid growth in trade has a tremendous potential to increase food contamination with respect to both chemical and biological hazards. There is a need for good laboratory infrastructure to ensure rapid testing and reporting. There are two sets of laboratories for sample testing under FSSAI; noti ed laboratories and other is referral laboratories. There are four central laboratories in each zone involved in testing of commodity from seaports, airports and inland containers along with imported product. The four referral laboratories are involved in testing and analysis of samples received by food analyst.

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