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“FOOD SAFETY AND STANDARDS LAW AND POLICY IN INDIA”

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Abstract:

A country develops in the real sense if it's people are healthy and prosperous i.e. if they can have healthy and nutritious food which is as per standards of food safety . Only then a country can grow well . United nations Development Programme (UNDP) also prepare Human Development Index(HDI) on the basis of public health, education and income. It shows the importance of health of the people for the growth of nation and as symbol of human development .India despite having a huge population [121.02 cr.(2011)] and being very big economy as well, lagging in the world not in GDP but in the health of the people. The economy in financial terms is growing in quantum but is it sufficient ? This question leads us to confront with some harsh realities about health in India. As we are concerned here about food safety and public health , we should have quick review of data recently reviled by UNDP's(HDI), Global Hunger Index(GHI) and Food Safety and Standards Authority of India(FSSAI) about adulteration to get an idea about the situation of India .

As per data reviled by UNDP's(HDI) India is at 134th position in the world out of 187 countries . As per HDI in India public expenditure on health as merely 1% of total GDP . In planning commission's human development report, this is 1.3% of total GDP . These figures show the label of ignorance in this factor. As per data reviled by FSSAI in it's survey ,there was 70% milk found adulterated across the country wherein few state were found with 100% of milk adulterated. In other survey 13% of food samples were found adulterated nationwide . In India FSSAI has been mandated by FSS act 2006 for performing food safety related functions Viz:

- *Framing of various Regulations to lay down the Standards and guidelines in relation to articles of food.*
- *Laying down guidelines for accreditation of certification bodies engaged in certification of food safety management system for food businesses and laboratories.*
- *To provide scientific advice and technical support to Central Government and State Governments in the matters of framing the policy and rules in areas which have a direct or indirect bearing of food safety and nutrition .*
- *Collect and collate data regarding food consumption, incidence and prevalence of biological risk, contaminants in food, residues of various, contaminants in foods products, identification of emerging risks and introduction of rapid alert system.*
- *Creating an information network across the country so that the public, consumers, Panchayats etc receive rapid, reliable and objective information about food safety and issues of concern.*
- *Provide training programmes for persons who are involved or intend to get involved in food businesses.*
- *Contribute to the development of international technical standards for food, sanitary and python-sanitary standards.So as to health the food standards authorities to make these standards powerful and a boon to Right to life .*

KEYWORDS:

Food, Laws, Policy.

INTRODUCTION:

A country develops in the real sense if its people are healthy and prosperous i.e. if they can have healthy and nutritious food which is as per standards of food safety. Only then a country can grow well. United Nations Development Programme (UNDP) also prepares Human Development Index (HDI) on the basis of public health, education and income. It shows the importance of health of the people for the growth of nation and as a symbol of human development.

India despite having a huge population [121.02 cr.(2011)] and being a very big economy as well, lagging in the world not in GDP but in the health of the people. The economy in financial terms is growing in quantum but is it sufficient? This question leads us to confront with some harsh realities about health in India. As we are concerned here about food safety and public health, we should have a quick review of data recently revealed by UNDP's (HDI), Global Hunger Index (GHI) and Food Safety and Standards Authority of India (FSSAI) about adulteration to get an idea about the situation of India.

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Historical Development of Law and Policy on Food Safety and Standards of India:
Prevention of Food Adulteration Act and Rules, 1955

Adulteration of food and drugs can cause serious damage to human life. This antisocial menace is sought to be countered by making the legal provisions more stringent and deterrent even entailing life imprisonment for adulterations causing grievous hurt and danger to human life. This malpractice is also being tackled through effective health education measures.

Food is one of the essentials for proper maintenance of human health. Access to pure, nutritious food, free from any type of adulteration is the right of every citizen. The Directorate of Prevention of Food Adulteration is responsible for checking adulteration/misbranding of food articles. Although sec.272 & 273 of IPC were in existence the same were considered not sufficient for control of adulteration of food articles. The Prevention of Food Adulteration Act was enacted in 1954 to strengthen the system for preventing adulteration in articles of food.

The Central Government framed rules known as the "Prevention of Food Adulteration Rules, 1955". Under sec.23 of the Act the responsibility of implementation of Prevention of Food Adulteration Act and Rules framed there under vests in the State Governments and Union Territories. Each State Government and Union Territory has created its own structure/organization for implementation of the Act. Until 1976 Municipal Corporation of Delhi, NDMC and Delhi Cantt. Board used to implement the Act within their respective areas. Following major amendments in the act in 1976 the Delhi Administration now Govt. of NCT of Delhi took over the responsibility for the implementation work of the Act and as on date a separate Directorate of Prevention of Food Adulteration functions under the Minister (Health & Family Welfare) Govt. of NCT of Delhi.

The Prevention of Food Adulteration Act, 1954 (Aims and Objectives): The Ministry of Health and Family Welfare is responsible for ensuring safe food to the consumers. Keeping this in view, a legislation called "Prevention of Food Adulteration Act, 1954" was enacted. The objective envisaged in this legislation was to ensure pure and wholesome food to the consumers and also to prevent fraud or deception. The Act has been amended thrice in 1964, 1976 and in 1986 with the objective of plugging the loopholes and making the punishments more stringent and empowering Consumers and Voluntary Organisations to play a more effective role in its implementation.

The subject of the Prevention of Food Adulteration is in the concurrent list of the constitution. However, in general, the enforcement of the Act is done by the State/U.T Governments. The Central Government primarily plays an advisory role in its implementation besides carrying out various statutory functions/duties assigned to it under the various provisions of the Act.

The laws regulating the quality of food have been in force in the country since 1899. Until 1954, several States formulated their own food laws. But there was a considerable variance in the rules and specifications of the food, which interfered with inter-provincial trade. The Central Advisory Board

appointed by the Government of India in 1937 and the Food Adulteration Committee appointed in 1943, reviewed the subject of Food Adulteration and recommended for Central legislation. The Constitution of India provided the powers to Central Government for making such legislation as the subjects of Food and Drugs Adulteration are included in the concurrent list. The Government of India, therefore, enacted a Central Legislation called the Prevention of Food adulteration Act (PFA) in the year 1954 which came into effect from 15 June, 1955. The Act repealed all laws, existing at that time in States concerning food adulteration.

In India, a three-tier system is in vogue for ensuring food quality and food safety. They are:

Government of India;
State/UT Governments;
Local Bodies.

The Prevention of Food Adulteration Act is a Central legislation. Rules and Standards framed under the Act are uniformly applicable throughout the country.

Besides, framing of rules and standards, the following activities are undertaken by the Ministry of Health and Family Welfare.

- Keeping close liaison with State/local bodies for uniform implementation of food laws.
- Monitoring of activities of the States by collecting periodical reports on working of food laws, getting the reports of food poisoning cases and visiting the States from time to time.
- Arranging periodical training programme for Senior Officer/Inspector/Analysts.
- Creating consumer awareness about the programme by holding exhibitions/seminars/training programmes and publishing pamphlet'.
- Approving labels of Infant Milk Substitute and Infant food, so as to safeguard the health of infants.
- Coordinating with international bodies like ISO/FAO/WHO and Codex.
- Carrying out survey-cum-monitoring activities on food contaminants like colours.
- Giving administrative/financial/technical support to four Central Food Laboratories situated in Kolkata, Ghaziabad, Mysore and Pune and providing technical guidance to the food laboratories set up by the States/Local Bodies.
- Holding activities connected with National Monitoring Agency vested with powers to decide policy issues on food irradiation.
- Formulation of Manual on food analysis method.

The Ministry of Health and Family Welfare is designated as the National Codex Contact Point in India to examine and formulate India's views on the agenda for the various meeting of Codex Alimentarius Commission, a joint venture of FAO/WHO dealing with International Food Standards and its subsidiary committees. The Ministry of Health and Family Welfare constituted a National Codex Committee (NCC) and an Assistant Director General (PFA) has been working as Liaison Officer for NCC. The NCC has further constituted 24 Shadow Committees corresponding to various Codex commodities committees for preparation and finalization of India's stand.

India has been regularly attending the various sessions of the Codex Alimentarius Commission and various Codex Commodity Committees to put forward her views and defend these views.

Harmonisation of PFA with Codex

After signing the Sanitary and Phytosanitary (SPS) and Technical Barrier to Trade (TBT) agreements by India and removal of quantitative restrictions on import of food products into India, the exercise of harmonization of standards for food products, use of food additives, microbiological requirements, harmonization of regulations, in line with international standards prescribed by Codex Alimentarius Commission and International Standards Organisation (ISO) had been initiated.

Role of State/UT Governments

Enforcement of the food laws primarily rests with the State/UTs. There are 28 States and 7 Union Territories in the country.

The implementation of the Act in most of the States is under the administrative control of the Directorate of Health Services, whereas, in a few States, the implementation is being combined with Drugs Administration under the Joint Food and Drug Administration.

The implementation has been left to the administrative setup of the States, but it has been stressed on the States that whatever the structure be, there should be a whole-time Senior Officer duly qualified and experienced in Food Science, Food Technology, Food Analysis with other supporting officers and

inspectors.

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State Governments are also empowered to make rules laying down details of licensing conditions of food, the establishments of food industries and prescribing license fees.

The provisions under PFA Rules have been amended nearly 360 times and standards of around 250 articles of food which are of mass consumption have been prescribed. While making amendments, standards formulated by Codex/technological development in the food industry sector/dietary habits/nutritional status of our population, social/cultural practices are taken into consideration.

By and large, in most of the States, implementation in corporation/municipal area rests with the Local Bodies which employ their own food inspectors. Licensing of food industries/establishments is also left to them.

There are 72 food laboratories in the country at District/Regional or State level in addition to four Central Food Laboratories set-up by the Central Government.

Almost every State has got one or more laboratory depending upon its need. About 12 of these laboratories are under the administrative control of the local bodies whereas the remaining ones are under the administrative control of the State Government.

Following constraints have been noticed in the programme:

Shortage of Food Inspectors with the States/Local Bodies,
 Deficiency in the testing laboratories on the following counts:
 Inadequate trained manpower,
 Inadequate testing facilities,
 Non-availability of sophisticated equipment,
 Inadequate budgetary provision,
 Non-availability of reference standard material,
 Non-availability of programme officer for PFA with the State/Local Bodies at State and District levels,
 Non-availability of separate legal cell for trial of PFA cases with the State/Local Bodies,
 Non-availability of regular refresher training programme for all the functionaries.
 Efforts of Central Government for Solving the Constraints

- Refresher training programmes are being arranged for all the functionaries namely: (a) Food Inspectors, (b) Local (Health) Authorities, (c) Food (Health) Authorities, (d) Public Analyst and Chemist. Training for Analysts and Chemists are being organized in their own laboratories by trainer deputed by the Central Government. These trainers stay in one lab for six working days and first of all they setup the laboratory as per Good Laboratory Practices and thereafter, the specific training is organized.
- Sophisticated equipments are being supplied to State Food Testing Laboratories so that at least one laboratory in each State is appropriately strengthened. Efforts are being made to ensure that warranty of the equipment so supplied are for minimum 3 years along with consumables and proper trainings is provided to the analysts/chemists by the supplier for handling and running the equipment.
- Efforts are also being made to ensure that each State is linked electronically with its District Headquarters.
- The expenditure for this is proposed to be provided from the World Bank Assisted Capacity Building Project for food and drugs being implemented by the Central Government. This will facilitate smooth sharing of information and networking.
- Efforts are being made to provide at least one analyst from the Central Budget through the World Bank Assisted Project in each Food Testing Lab for a period of 5 years.
- Standard reference material for pesticides, listed under Rule 65 of PFA Rules, all the metals listed under Rule 57 of the PFA Rules and aflatoxin are being supplied to one lab in each State.
- Books on methods of analysis like AOAC, Pearson, Food Chemical Codex, have already been supplied to a majority of the laboratories.
- Training programme for consumers, traders, vendors and street food hawkers have been organized and will be organized in future as a consumer education programme on food safety.
- Sensitisation training programmes have been organized for Port (Health) Officers/Customs Officers/Customs House Clearing Agents and importers on various provisions of PFA Act/Rules and other provisions namely packaged Commodity Order and Customs Act, so that these officers may appropriately handle the imported food product.
- The Food Safety and Standards Act, 2006: With the coming into effect of the Food Safety and Standards Act, 2006 (FSSA) enacted by Parliament in August 2006, the Prevention of Food Adulteration Act, 1954 stands repealed from the date on which Food Safety and Standards Act comes into force on such

date as the Central Government may, by notification in the Gazette.

Notwithstanding the repeal of the enactment and Orders specified in the Second Schedule, the standards, safety requirements and other provisions of the Act and the rules and regulations made there under and Orders listed in that Schedule shall continue to be in force and operate till new standards are specified under this Act or rules and regulations made there under. Provided that anything done or any action taken under the enactment and Orders under repeal shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

World Bank Assisted-Capacity Building Project on Food Safety

As trade in food commodities expands globally, food safety can no longer be considered a mere domestic issue.

The agreements under the WTO require the development of modern food control and safety programs by national Governments. The issue does not relate only to end product parameters but also to process control.

In order to strengthen the food safety infrastructure in the country, a 5 year World Bank Aided Capacity Building Project for Food Safety and Quality Control of Drugs has been launched by the Central Government.

The Project Objectives/Components are as below:

- To enhance the capacities of laboratories at the State and Central levels through infrastructure strengthening and training of personnel to upgrade their existing skills. It is separately proposed that only those labs be allowed to do statutory testing which are accredited to NABL (National Accreditation Board for Testing and Calibration Laboratories).
 - To introduce GMP (Good Manufacturing Practice) and HACCP (Hazard Analysis and Critical Control Points) in the medium and small-scale food processing operations and upgrade facilities in the laboratories including testing for microbiological contamination.
 - To create greater awareness of food safety and hygiene in the small, cottage and unorganised sectors including the street food sector through training,
 - To develop a system of continuous surveys of households to get client perceptions which will provide substantive inputs for policy development and program improvements.
 - Setting up of Management Information System and electronic linkages between Central and State Offices and Central and State Labs in the area of food to ensure better monitoring and data collection.
- Role of Central Government:

1. To review the provisions of PFA Act, Rules and Standards in consultation with the Central Committee for Food Standards, a statutory Advisory Committee under the Act and its 12 technical Sub- Committees and groups, which are:

Food Laws And Legal Advisory Sub-Committee
Nutrition, Foods For Special Dietary Uses Sub-Committee
Food Additives Sub-Committee
Edible Oils And Fats Sub-Committee
Milk And Milk Products Sub-Committee
Pesticide Residues Sub-Committee
Analysts Sub-Committee
Group On Spices And Condiments
Group On Fruits And Vegetable Products
Group On Sugar And Confectionery
Group On Cereals, Pulses And Their Products
Group On Packaged Drinking Water And Mineral Water

2. To conduct examination for the Chemists for their appointment as Public Analysts under the Act.
3. To organize training programmes for various functionaries (viz. Senior level Officers, Chemists, Food Inspector and Consumer Organizations) under the Act.
4. To approve the State PFA Rules.
5. To examine and approve the labels of Infant Foods.

6. To evaluate and monitor the progress of implementation of the Act in the States/UTs by collecting periodical reports and spot visits.
7. To liaise with National & International Food Quality Control Organisations i.e. BIS (associated with certification of processed food articles), Directorate of Marketing and Inspection Operating Agmark Scheme, Ministry of Food Processing Industries implementing Fruits Products Order (FPO) and Codex Alimentarius Commission.
8. To ensure quality of food imported into India, under the provisions of the Act.
9. To create Consumer Awareness and
10. To augment the Food Testing Laboratories

Central Food Laboratories

Four Central Food Laboratories have been established under the Act, which work as appellate laboratories for the purpose of analysis of appeal samples of food articles lifted by the Food Inspectors of States/UTs and Local Bodies.

The two Laboratories viz.

(i) Food Research and Standardisation Laboratory, Ghaziabad and (ii) Central Food Laboratory, Calcutta are under the Administrative control of the Directorate General of Health Services and the other two viz. (i) Central Food Laboratory, Pune and (ii) Central Food Laboratory, Mysore are under the Administrative control of Government of Maharashtra and Council of Scientific and Industrial Research, Government of India, respectively.

State Food Laboratories

There are 81 Food Laboratories under the administrative control of States/UTs Governments and Local Bodies.

Amendments to PFA:

The Prevention of Food Adulteration division has made a number of amendments to the provisions of Prevention of Food Adulteration Rules, 1955 and Standards of Food articles to align with international standards and also to keep the law abreast of the new developments in the fast changing sector.

CONCLUSION

One of the important amendments effected to protect the interests of consumers is to mention 'Best before date' on the package of Food articles as per international regulations. This notification was one among the 9 notifications released in the year 1998 and to be effective from 9th July 1999. This provision made consumers aware of the shelf life of the products they are buying.

Apart from the standards and mind blowing regulations, there is need of proper implementation of the policy and we must have a strong system to punish the people indulge in such malpractices and who are responsible for adulteration and thereby malnourishment of the people. On the other hand people also have to be aware about the food standards, so as to help the food standards authorities to make these standards powerful and a boon to Right to life. Food safety is a matter of concern in India which still requires proper attention and should be open for research so that people can have unadulterated and healthy food. India can become prosperous in real sense only when it turns into reality.

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