

FUNCTIONAL ANALYSIS OF FOOD SAFETY AND STANDARDS ACT, 2006, (FSS ACT) IN INDIA

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Abstract

The Food Safety and Standards Act, 2006 (FSS Act) is a pivotal legislation in India that plays a fundamental role in ensuring the safety and quality of food products for its diverse and populous nation. This functional analysis provides an overview of the FSS Act's key aspects and its impact on food safety and standards in India. The FSS Act established a comprehensive regulatory framework for food safety, consolidating various food-related laws and authorities under a single statute. It created the Food Safety and Standards Authority of India (FSSAI), which serves as the apex body responsible for formulating and enforcing food safety standards. One of the primary functions of the FSS Act is setting and maintaining food safety standards. It defines parameters for food products, additives, contaminants, and labeling, ensuring that consumers have access to safe and properly labeled food. The Act also regulates food imports, promoting international harmonization of food standards. The Act empowers food safety officers to inspect and monitor food businesses, enforce compliance, and take corrective actions when necessary. It emphasizes the need for stringent inspections and audits of food establishments, including restaurants, manufacturing units, and distribution chains.

Keywords:-FSSAI, food safety regulations, ACT, Food

Introduction

The Food Safety and Standards Act, 2006 (FSS Act) is a landmark legislation in India, designed to address critical issues related to food safety and standards in the country. India, with its vast and diverse population, has a complex food ecosystem that necessitates stringent regulations to safeguard public health and ensure the quality of food products. This comprehensive act has played a pivotal role in streamlining and modernizing the food regulatory framework in India. The FSS Act was enacted to replace the outdated and fragmented system of food regulations that existed before its inception. Prior to the FSS Act, various laws and authorities governed different aspects of food safety and standards, leading to confusion and inefficiency. The FSS Act aimed to provide a unified legal structure that would not only simplify the regulatory landscape but also ensure that food safety and quality were upheld to the highest standards.

One of the most significant functions of the FSS Act is the establishment of the Food Safety and Standards Authority of India (FSSAI), which serves as the apex regulatory body responsible for formulating food safety standards, regulating and supervising the manufacture, storage, distribution, sale, and import of food products. FSSAI has been instrumental in setting food

safety standards that align with international best practices. The FSS Act places a strong emphasis on ensuring that food products in India are safe for consumption. It defines parameters for various aspects, including food product standards, permissible additives, limits for contaminants, and labeling requirements. This ensures that consumers have access to safe and accurately labeled food products¹.

Need of the Study

The Food Safety and Standards Act, 2006 (FSS Act) in India is a pivotal piece of legislation with far-reaching implications. It addresses critical issues related to food safety and quality, impacting public health, the food industry, and consumer well-being. Given India's diverse and huge population, ensuring food safety is critical. The FSS Act eliminates outdated and ineffective regulations, streamlining the regulatory landscape and establishing a unified framework under the Food Safety and Standards Authority of India (FSSAI). This research is significant because it intends to investigate the FSS Act's provisions, how well they work, and how they are implemented, with the ultimate objective of determining how they affect public health and the food industry. It also demonstrates India's commitment to bringing its food standards up to global standards and raising public awareness of food safety issues. Looking at this law, governments can make wise decisions to improve public health and food standards in India, ensuring public health protection while also expanding a vital economic sector.

Objectives of fssai

The Food Safety and Standards Authority of India (FSSAI) is a regulatory authority established under the Food Safety and Standards Act, 2006. Its primary objectives are to ensure food safety, hygiene, and the regulation of food products in India. The specific objectives of FSSAI include:

1. **Ensuring Food Safety:** FSSAI's primary objective is to protect public health by ensuring the safety of food products. This involves setting and enforcing safety standards for food products and establishing mechanisms for monitoring and surveillance².
2. **Setting Standards:** FSSAI is responsible for establishing and promoting standards for food products to ensure their quality and safety. These standards cover a wide range of aspects, including permissible levels of contaminants, food additives, labeling requirements, and more.
3. **Licensing and Registration:** FSSAI mandates that food businesses, including manufacturers, distributors, and retailers, obtain licenses or registrations based on the size and nature of their operations. This helps in tracking and regulating the food industry.

¹Epstein, J. (2014). Scientizing Food Safety: Resistance, Acquiescence, and Localization in India. *Law & Society Review*, 48(4), 893-920.

²Newton, P. I. (2023). Food Safety and Standards Act, 2006: Punishment for Unsafe Food in Milk and Milk Products. , *No. 1 Int'l J. L. Mgmt. & Human.*, 6, 1950.

4. Consumer Awareness: FSSAI aims to educate consumers about food safety and hygiene practices. It provides information to the public to help them make informed choices and avoid consuming unsafe or adulterated food products.
5. Promoting Safe Food Practices: FSSAI conducts training and capacity-building programs for food industry professionals to promote safe and hygienic food handling, preparation, and storage practices.
6. Monitoring and Surveillance: FSSAI carries out regular inspections, testing, and surveillance of food products and food businesses to ensure compliance with food safety standards. This includes both random sampling and targeted inspections.
7. Enforcement: FSSAI has the authority to take enforcement actions against non-compliant food businesses, including issuing warnings, fines, and even suspending or revoking licenses when necessary.
8. Regulation of Food Labels: FSSAI regulates food labeling to ensure that consumers receive accurate and clear information about food products, including ingredients, nutritional content, allergen information, and date marking.
9. International Harmonization: FSSAI works to align Indian food safety standards with international standards to facilitate trade and ensure the quality and safety of imported and exported food products.
10. Research and Development: FSSAI supports research and development efforts related to food safety, technology, and innovations to improve food safety standards and practices in India.

The primary objectives of FSSAI are to safeguard public health by setting and enforcing food safety standards, regulating the food industry, and ensuring that consumers have access to safe and wholesome food products.

Related Work

Shukla, S., et al (2014).The Food Safety and Standards Authority of India (FSSAI), established under the Food Safety and Standards Act of 2006, is India's primary regulatory authority for food safety. FSSAI is responsible for ensuring that all food products in the country fulfil safety and quality standards. This regulatory body is critical in ensuring that the food that Indians consume fulfils the necessary quality and safety standards. The FSSAI establishes guidelines, regulations, and standards for various food products, such as manufacture, storage, distribution, and labelling. It monitors and enforces compliance with these regulations by inspecting, testing, and certifying food producers, ensuring that they adhere to the established safety standards.³

Gaur, R. M., & Khan, A. (2022) The Food Safety and Standards Act of 2006 (FSSAI), in particular, demonstrates a comprehensive regulatory framework for ensuring the safety and quality of food items in India. As a result of this act, the FSSAI was established as India's primary regulatory organisation for developing and enforcing food safety standards. One of the

³Shukla, S., Shankar, R., & Singh, S. P. (2014). Food safety regulatory model in India. Food Control, 37, 401-413.

FSSAI's primary benefits is its role in unifying many food-related laws and regulations that existed prior to its establishment. These laws were combined into a single, coherent legal framework. This eliminated any uncertainty and made the food regulation landscape easier to understand.⁴

Pardeshi, S. K. (2019).The Food Safety and Standards Act (FSSA), 2006, also known as Act 34 of 2006, is a comprehensive piece of law in India that addresses numerous aspects of food safety and standards. This act provides legal standards to control and enforce food-related issues across the country. The establishment of the Food Safety and Standards Authority of India (FSSAI) as the primary regulatory agency in charge of formulating and implementing food safety standards is one of the FSSA's important legal requirements. The FSSAI establishes food product standards, regulates their manufacturing, transit, and sale, and ensures that they fulfil safety and quality requirements.⁵

Malhotra Gaur, R., & Khan, A. (2022).An analysis of India's existing food laws, particularly the Food Safety and Standards Act of 2006 (FSSAI), underscores the significant advancements made in the country's attempts to control food safety and quality. The FSSAI, as India's primary regulatory authority, has played a critical role in modernising and standardising the country's food laws. The FSSAI achieved uniformity by integrating multiple disparate food laws and regulations into a single, comprehensive legal framework. By establishing clarity and uniformity in food safety regulations, this harmonisation has made it easier for businesses and consumers to navigate the complex regulatory landscape. To promote food safety, the FSSAI has implemented severe restrictions.⁶

Bhupathiraju, K., et al. (2019).The Food Safety and Standards Authority of India (FSSAI), which is governed by the Food Safety and Standards Act, 2006, regulates nutraceuticals, functional foods, and dietary supplements in India. The FSSAI has created specific regulations to govern the safety, quality, and labelling of these products because they occupy a unique space between food and pharmaceuticals. Nutraceuticals, which might be good for your health, have to meet strict quality and safety standards set by the FSSAI.⁷

Shyam, V., & Thakur, D. (2022).The Food Safety and Standards Authority of India (FSSAI) is in charge of monitoring the regulatory environment for nutraceuticals and functional foods in

⁴2. Gaur, R. M., & Khan, A. (2022). An Analysis on the Existing Food Laws in India with Special Reference to the Food Safety and Standards Act, 2006 (FSSAI). *Eur. Food & Feed L. Rev.*, 17, 414.

⁵Pardeshi, S. K. (2019). Food safety and standards act (FSSA) 2006 (34 OF 2006): Its legal provisions, penalties and offences. *International Journal of Engineering, Science and Mathematics*, 8(7), 78-91.

⁶Malhotra Gaur, R., & Khan, A. (2022). An Analysis on the Existing Food Laws in India with Special Reference to the Food Safety and Standards Act, 2006 (FSSAI). *European Food & Feed Law Review*, 17(6).

⁷Bhupathiraju, K., Krishnaraju, A. V., Sengupta, K., Golakoti, T., Akolkar, S. K., & Datla, P. (2019). Regulations on nutraceuticals, functional foods, and dietary supplements in India. In *Nutraceutical and functional food regulations in the United States and around the world* (pp. 445-464). Academic Press.

India. Regulation of nutraceuticals, which straddle the line between food and medicine, is necessary to ensure customer safety and product efficacy.⁸

Krishnaraju, A. V., et al. (2014).In India, the Food Safety and Standards Authority of India (FSSAI) regulates dietary supplements, functional foods, and nutraceuticals. It does this by adhering to the Food Safety and Standards Act of 2006. These commodities fall under a unique regulatory category between conventional foods and pharmaceuticals. The FSSAI sets stringent quality and safety standards for nutraceuticals, which are supplements that provide additional health advantages. Manufacturers must obtain the necessary permissions and ensure that the substances mentioned on their products are correct.⁹

Jain, V. (2022).Without the requirement for new legislation to be passed by the legislature, delegated legislation allows the government or authorised agencies to create rules and regulations based on the authority granted by an existing statute. The Food Safety and Standards Act of 2006 in India allows for the delegation of legislative authority to various authorities, with the Food Safety and Standards Authority of India (FSSAI) serving as the principal authority. The Food Safety and Standards Act of 2006 grants the FSSAI extensive legislative authority to develop and enforce particular food safety rules and regulations. This delegation enables the FSSAI to respond rapidly to new food safety issues and technological breakthroughs in the food business.¹⁰

Background to present food safety law

Food Safety and Standards Act of 2006 (FSS Act), India's regulatory framework was extremely complex and disorganised. This is what led to the current food safety legislation. Before the FSS Act, India's food safety and standards were governed by a slew of outdated, distinct rules, each dealing with a different aspect of food. This disorganised manner made it difficult to monitor the safety and quality of food products. The Indian government enacted the FSS Act after understanding that the country need a more comprehensive and up-to-date food regulatory system. The FSS Act was designed to bring these various rules together and make them more consistent. It accomplished this by establishing a unified system under the Food Safety and Standards Authority of India (FSSAI). For the Indian people, this new regulatory organisation would be in charge of developing and implementing food safety standards, regulating food enterprises, and ensuring that food products are safe and of high quality.¹¹

Food Safety and Standards Regulations

⁸Shyam, V., & Thakur, D. (2022). Regulatory Aspects of Nutraceuticals and Functional Foods in India. In *Bioactive Components: A Sustainable System for Good Health and Well-Being* (pp. 155-165). Singapore: Springer Nature Singapore.

⁹Krishnaraju, A. V., Bhupathiraju, K., Sengupta, K., & Golakoti, T. (2014). Regulations on nutraceuticals, functional foods and dietary supplements in India. In *Nutraceutical and Functional Food Regulations in the United States and Around the World* (pp. 343-362). Academic Press.

¹⁰Jain, V. (2022). Delegated Legislation with Special Reference to Food Safety and Standards Act, 2006. Part 1 *Indian J. Integrated Rsch. L.*, 2, 1.

¹¹Drew, C. A., & Clydesdale, F. M. (2015). New food safety law: effectiveness on the ground. *Critical Reviews in Food Science and Nutrition*, 55(5), 689-700.

Section 92(1) of the Food Safety and Standards Act, 2006 grants authority to the Food Authority to create regulations and standards that align with the provisions of the Act and its associated rules. After the FSS Act, 2006 was enacted, the FSSAI (Food Safety and Standards Authority of India) developed six primary regulations. These regulations underwent extensive consultation and discussions with various stakeholders. They were officially published in the Gazette of India on August 1, 2011, and became effective on August 5, 2011.

These regulations and standards are periodically reviewed and updated to reflect the latest advancements in food science, changes in food consumption patterns, the introduction of new food products and additives, improvements in food processing technology, and enhancements in food analytical methods. Additionally, these updates aim to bring national standards for food products in line with international standards.¹²

Section 92 of the FSS Act empowers the Food Authority to make Regulations

Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

Food Safety and Standards (Laboratory and Sample Analysis) Regulations, 2011.

Food Safety and Standards (Packaging and Labelling) Regulations, 2011

Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011.

Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011.

Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016.

Food Safety and Standards (Approval of Non-Specific Food and Food Ingredients) Regulations, 2017).

Food Safety and Standards (Food Recall Procedure) Regulations, 2017.

Food Safety and Standards (Import) Regulations, 2017.

Food Safety and Standards (Alcoholic Beverages) Regulations, 2018.

Food Safety and Standards (Organic Foods) Regulations, 2017.

Research Problem

In India, the Food Safety and Standards Act, 2006 (FSS Act) is critical for ensuring that all food items are safe and of high quality. This framework includes various rules and regulations aimed at protecting public health. However, in order to determine the impact of this Act, we must first determine how well it functions. This issue's research could include evaluating compliance and enforcement measures, understanding their impact on public health outcomes, and obtaining stakeholder perspectives. It is also critical to consider how well regulatory processes function and how knowledgeable customers are of food safety precautions. A comprehensive study of the FSS Act may also involve comparisons to other nations and an examination of potential new concerns. This research intends to aid in the facilitation of evidence-based reforms in food safety

¹²Keener, K. M. (2019). Food regulations. In Handbook of Farm, Dairy and Food Machinery Engineering (pp. 15-44). Academic Press.

regulations in order to protect public health and foster a strong and responsible Indian food business.

Conclusion

The Food Safety and Standards Act, 2006 (FSS Act) has undoubtedly played a pivotal role in reshaping and modernizing India's food regulatory landscape. Through its comprehensive provisions and the establishment of the Food Safety and Standards Authority of India (FSSAI), the FSS Act has significantly contributed to ensuring the safety and quality of food products in the country. This functional analysis has highlighted some of its key functions and implications. The FSS Act's establishment of uniform food safety standards, regulations, and enforcement mechanisms has not only safeguarded public health but also promoted consumer trust in food products. Its emphasis on consumer education and awareness has empowered individuals to make informed choices regarding food safety and quality. The Act has also had a profound impact on the food industry, encouraging compliance with stringent standards and fostering innovation to meet the evolving demands of consumers. Additionally, its international alignment with food standards has positioned India as a responsible global player.

Future Work

In food safety and regulations, future work holds significant promise in addressing the evolving challenges of our globalized and technologically advanced food supply chain. It is critical to continue reviewing regulatory frameworks and improving them so that they not only satisfy current requirements but also evolve to meet new risks and opportunities. This demands a multidimensional strategy that involves proactively monitoring risks, educating customers, incorporating technological improvements, and promoting global harmony. Sustainability, which emphasises the need for safe and environmentally friendly ways to grow food, is another factor that is increasingly significant. Future research and regulatory advances will be critical in preserving public health, fostering business growth, and promoting responsible and sustainable food systems as dietary trends shift and digitization transforms the way we track and monitor food items.

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