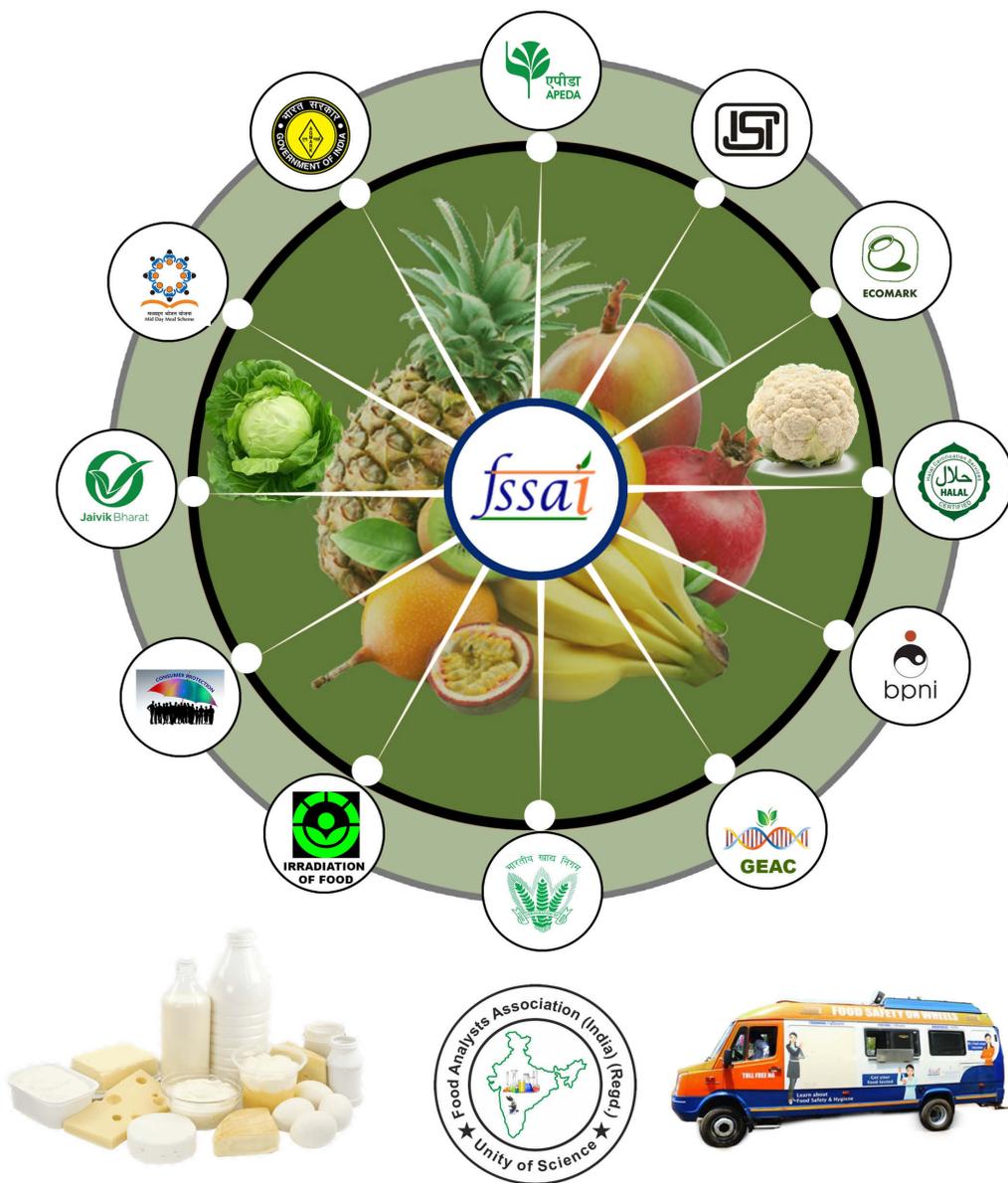


# A COMPENDIUM OF FOOD SAFETY AND RELEVANT LAWS IN INDIA

R.G. GUPTA



**Food Analysts Association (India) Registered**

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## Foreward

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Food laws are enacted by the governments to protect the public rights conferred by the Constitution of India. These laws are enforced by the food professionals in various departments dealing with food quality assurance for the masses. With the purpose of simplification of laws and regulations in India - in food safety domain too, the Government of India has enacted The Food Safety and Standards Act 2006 as an integrated statute to deal with the offences of food adulteration. Although the Government has repealed multiple food laws (as annexed in FSSAI second schedule: section 97), some food laws remain untouched and are still under operation in the country.

Under such situation, as many food laws are being implemented in the country, in addition to the FSS Act 2006 RR 2011, it becomes obligatory to possess the knowledge of all food laws relevant to food quality, for the officers of different departments like Food Safety, Agriculture, Health, BIS, F.C.I, APEDA, Environment Protection, etc. This is particularly critical as the officers need to reply to many queries under RTI and Parliamentary/Legislative Assembly Questions. Sometimes it is necessary to unambiguously specify which of the existing laws apply to a particular food commodity e.g., food grains are dealt under FSSAI and FC Act both. In addition, it is necessary for related officers to possess knowledge of the application of IPC and FSSAI for Launchings prosecution against the food adulterator, in the court of law.

It is in this context Mr. RG Gupta has brought-forward “A Compendium of Food Safety and Relevant Laws in India”, based on his long experience. This book covers 19 food laws and RTI Act, knowledge of which is crucial and necessary for all related officers/regulators to ensure right discharge of their duties.

This book will also serve as a concise reference material for students and candidates preparing for competitive recruitment examinations of various departments like food safety, FCI, Dairy, Agmark, BIS, Local Self Government, etc. A brief of all such laws should also be made a part of the course-curriculum of degree courses in Food Science and Technology, to equip future officers of the knowledge as expected by the honourable courts and administration. This will improve their confidence while dealing the matters relevant to food quality and assurance for public as per constitution of India.

Date.....

**Dr. Nirankar Nath**

## Preface to First Edition

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A large number of books are available on food laws, mainly, PFA/FSSA which are amended from time-to-time with Juridical Commentaries. The Food Safety and Standards Act 2006 (FSSA) postulates an over-riding effect over all-relevant laws like BIS, Agmark Act, which are existing in our country at present and it have repealed PFA, FPO, MFPO, VOP, EOP, SEODM, MMPO etc. also.

The Designated Officer (D.O.) is authorised to work as incharge officer for administration of enforcement of FSSA in a district. The D.O. has to function under overall supervision of the DM/Collector of the District (FSSA Rule 2.1.2.2). The FSO is required to work under control of the D.O. and F.A. works independently for one or more districts, having his office cum food laboratory mostly at Divisional level.

Though having special provisions to perform technical work independently the FSO and FA both are generally called by the D.O. and DM/ Collector in various meetings to decide mode of working and initiate action in case of incidents of food-poisoning or food adulteration in area. Here the F.A. is considered the most reliable officer/ expert and the F.A. have to come-out with solutions-suggestions for the local administration to short-out problems related to FSSA, IPC, FCI, BIS, AGMARK and other laws which creates confusion in mind of top management, media and public. Such examples are seen every year when the State Government purchases food grains from FCI and complaints of food quality reported from hostels of Government Social- justice department, raids by police in market, food-distribution under NFSA to public, ban on Tobacco-based products etc. Here the FA/FSO have to speak w.r.t. to provisions of various food laws as well as court-rulings already available on such matters.

Prosecution-witnesses are most important in all food-cases under trial in judicial courts, where questions are put-up by the defence counsel with sole aim of discrediting work of FSO/FA in court. Here the FSO/FA and D.O. also required to keep well acquainted with technical matter as well as legal-rulings available in various journals, to speak in Evidence with confidence which save time of court, administration and help them to announce decision of case

speedily. Example: Two statutes can run parallelly in a court but the offender will be awarded punishment only once and as per one Act. The IPC has not been repealed by FSS Act.

Hence this book “A compendium of Food Safety and Relevant Laws in India” has been prepared with an aim to provide basic information: different laws in force for food quality assurance and promotion and applicability of these laws under different situations faced by the administration.

It has been tried best to avoid the errors or omission, but being a human I cannot claim that no error has been made, so I request all Readers to forgive such mistakes if any. A feed back from readers will help the Food Analysts Association (India) in preparing improved edition of book in future and so I welcome all to send suggestions for further improvements.

**First Edition**  
**2022**

**RAM GOPAL GUPTA**  
**Jaipur (Rajasthan) India**

# Acknowledgement

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In compiling this book “A Compendium of Food Safety and Relevant Laws in India”, Many books & Journals were consulted. A large number of websites of all ministries/ departments of Government of India were consulted. Food Analysts Association (India) and its member Food Analysts help and motivation helped me a lot to bring out this book.

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*–Author*



# CONTENTS

<i>Foreward</i> .....	<i>v</i>
<i>Preface</i> .....	<i>vii</i>
<i>Acknowledgement</i> .....	<i>ix</i>
<b>1. Introduction</b> .....	<b>1</b>
<b>2. Food Safety and Standards Act - 2006</b> .....	<b>4</b>
<b>3. Advertising Standards Council of India - CODE</b> .....	<b>71</b>
<b>4. Indian Penal Code - 1860</b> .....	<b>82</b>
<b>5. IMS Act - 1992</b> .....	<b>89</b>
<b>6. BIS-Act 2016 and Rules 2018</b> .....	<b>101</b>
<b>7. Legal Metrology Act, 2009</b> .....	<b>142</b>
<b>8. The Export (Quality Control and Inspection) Act - 1963</b> .....	<b>204</b>
<b>9. AGMARK Act. 1937</b> .....	<b>223</b>
<b>10. A.P.E.D.A. Act - 1986 and 2009 (Amended)</b> .....	<b>263</b>
<b>11. NPOP/PGS India: Laws and Guidelines for Organic Food</b> .....	<b>280</b>
<b>12. Genetic Foods: Environment Protection Act - 1986</b> .....	<b>336</b>
<b>13. The Atomic Energy (Control of Irradiation of Foods) Rules 1991 (Amended in 1996 and 2012)</b> .....	<b>359</b>
<b>14. The Essential Commodities Act: 1955</b> .....	<b>385</b>

15. National Food Security Act (NFSA - 2013) .....	405
16. The Food Corporations Act: 1964 .....	429
17. Consumer Protection Act: 2019 .....	454
18. The Prevention of Cruelty to Animals Act: 1960–1982 .....	508
19. Halal Certification .....	532
20. COTPA: Cigarettes and Other Tobacco Products Act - 2003 .....	535
21. Right to Information Act (R.T.I. Act) 2005 .....	551
<i>Abbreviations</i> .....	582
<i>References</i> .....	586
<i>Index</i> .....	589