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**STANDING COMMITTEE ON AGRICULTURE
(2005-2006)**

FOURTEENTH LOK SABHA

MINISTRY OF FOOD PROCESSING INDUSTRIES

THE FOOD SAFETY AND STANDARDS BILL, 2005

SEVENTEENTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

February, 2006/Magha, 1927 (Saka)

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MINISTRY OF FOOD PROCESSING INDUSTRIES

THE FOOD SAFETY AND STANDARDS BILL,2005

Presented to Lok Sabha on 21.02.2006

Laid in Rajya Sabha on 21.02.2006



LOK SABHA SECRETARIAT

NEW DELHI

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Composition of the Standing Committee on Agriculture (2005-2006)

Prof. Ram Gopal Yadav – Chairman

MEMBERS

LOK SABHA

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Kuldeep Bishnoi
6. Smt. Anuradha Choudhary
7. Shri Shivraj Singh Chouhan
8. Shri Khagen Das
9. Shri Dharmendra
10. Shri Sharanjit Singh Dhillon
11. Shri Raghunath Jha
12. Shri Nihal Chand Chauhan
13. Smt. Rupatai Diliprao Patil Nilangekar
14. Shri Sippiparai Ravichandran
15. Shri K.J.S.P. Reddy
16. Shri Y.S. Vivekananda Reddy
17. Shri Harihar Swain
18. Shri M.P. Veerendra Kumar
19. Shri Mahboob Zahedi
- 20 * Shri Deepender Singh Hooda
- 21 # Vacant

RAJYA SABHA

22. Smt. Mohsina Kidwai
23. Shri Harish Rawat
24. Dr. M.S.Gill
25. Shri Pyarelal Khandelwal
26. Shri Raj Nath Singh
27. Shri Sk. Khabir Uddin Ahmed
28. Shri Bhagwati Singh
29. Shri Datta Meghe
30. Shri Bashistha Narain Singh
31. Shri Sharad Anantrao Joshi

* Shri Prakash V.Patil ceased to be a member of this Committee owing to his demise on 21 October, 2005 and the vacancy thus created was filled by nomination of Shri Deepender Singh Hooda, vide L.S. Bulletin Part-II, Para No.1905, dated 9th December, 2005

Shri Lal Chandra Kol ceased to be a member of this Committee due to his expulsion from Lok Sabha w.e.f. 23 December, 2005. vide L.S. Bulletin Part-II, Para No.1982 dated 23rd December, 2005

SECRETARIAT

1.	Shri John Joseph	-	Secretary
2.	Shri A.K.Singh	-	Joint Secretary
3.	Shri Hardev Singh	-	Deputy Secretary
4.	Shri D.S. Malha	-	Under Secretary
5.	Smt.P.Jyoti	-	Sr. Executive Assistant

INTRODUCTION

I, the Chairman, Standing Committee on Agriculture having been authorised by the Committee to submit the report on their behalf, present this Seventeenth Report on the 'Food Safety and Standards Bill, 2005' which was referred to this Committee by the Hon'ble Speaker, Lok Sabha for examination and Report.

2. The Standing Committee on Agriculture was constituted on 5th August, 2005. One of the functions of the Standing Committee as laid down in Rule 331E (1) (b) of the Rules of Procedure and Conduct of Business in Lok Sabha is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha, as the case may be, and make reports thereon. In pursuance of this rule Hon'ble Speaker referred the 'The Food Safety and Standards Bill, 2005' to the Committee on 30 August, 2005 for examination and report.

3. The Committee held a briefing meeting with the representatives of the Ministry of Food Processing Industries on 21st September, 2005, 14th October, 2005 and 8th November, 2005. Thereafter, they considered the memoranda received from various experts/NGO/ Farmers organizations in the field of food safety. The Committee heard the views of the representatives of the following organisations on 7th November, 2005 and 13th December, 2005:-

- (i) All India Food Processors Association (AIFPA), New Delhi.
- (ii) Centre for Science and Environment (CSE), New Delhi.
- (iii) Shetkari Sangthan, Maharashtra
- (iv) Confederation of Indian Industry, (CII), New Delhi
- (v) Gandhi Peace Foundation, (GPF), Kottayam;
- (vi) Voluntary Organisation in Interest of Consumer Education (VOICE), New Delhi;
- (vii) Consumer Coordination Council;
- (viii) All India Retailers Federation (AIRF)

4. The Committee took evidence of the representatives of the Ministry of Food Processing Industries; Ministry of Law; Ministry of Agriculture (Department of Agriculture & Co-

operation); Ministry of Agriculture (Department of Animal Husbandry, Dairying & Fisheries), Ministry of Consumer Affairs; Food and Public Distribution (Department of Consumer Affairs); Ministry of Human Resource Development (Department of Women & Child Development), Ministry of Small Scale Industries (Department of Commerce) (SSI), and Ministry of Health & Family Welfare.

5. The Committee wish to express their thanks to all officers of the Ministries / Departments for placing before them the material and information which they desired in connection with the examination of 'The Food Safety and Standards Bill, 2005' and for giving evidence before the Committee. The Committee also benefited from the views/suggestions of individuals/NGO and express their thanks to all of them who furnished memoranda and who tendered evidence before the Committee as referred to in para 3 above.

6. The draft Report was circulated to the members on 30th January, 2006.

The Committee considered and adopted the Report at their sitting held on 10th February, 2006.

NEW DELHI;
10, February 2006
21, Magha, 1927 (Saka)

PROF. RAM GOPAL YADAV
Chairman,
Standing Committee on Agriculture

REPORT

Background

Multiplicity of food laws and standard setting and enforcement agencies pervades different sectors of food, which creates confusion in the minds of consumers, traders, investors and manufacturers. Provisions regarding admissibility and levels of food additives and contaminants, food colours, preservatives etc. and the requirements of labeling have varied standards under these laws. The standards are often rigid and non-responsive to scientific advancements and enforced by multiplicity of inspectors under various laws.

2. Moreover, thin spread of manpower, food laboratories and other resources under various authorities administering these laws is not conducive to effective fixation of food standards and their enforcement. Such a situation is also detrimental to the growth of the nascent food processing industry, which is so vital for generating employment and enhancing income of farmers in our country.

3. At present there are a plethora of laws on food and its operations which lead to a lot of confusion in the minds of consumers, traders, investors and manufacturers. Some of the laws which affect the food and its operations are as under :-

- (i) The Prevention of Food Adulteration Act, 1954 (37 of 1954)
- (ii) The Fruit Products Order, 1955
- (iii) The Meat Food Products Order, 1973
- (iv) The Vegetable Oil Products (Control) Order, 1947
- (v) The Edible Oils Packaging (Regulation) Order, 1998
- (vi) The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967
- (vii) The Milk and Milk Products Order, 1992

A number of Ministries like Health and Family Welfare, Food Processing Industries, Agriculture, Commerce, Food and Consumer Affairs, etc administer these laws.

4. A need was felt for integration of all such laws for giving a boost to the food processing industries and regulating the quality of food. The matter regarding consolidation of the food

laws was considered by the Government on various occasions. The Committees which recommended for comprehensive legislation on food were :-

- (i) Prime Minister's Council on Trade and Industry in 1998;
- (ii) Joint Parliamentary Committee (JPC) on Pesticides residues in 2004
- (iii) Parliamentary Standing Committee on Agriculture in their report on Demands for Grants of the Ministry of Food Processing Industries in 2005' (12th Report, 14th Lok Sabha)
- (iv) The Law Commission recommended inter alia that the Prevention of Food Adulteration Act, 1954 be repealed and orders under the Essential Commodities Act, 1955 be subsumed within the proposed Integrated Food Law with certain modifications.
- (v) The Government of India constituted a Group of Ministers to propose legislative and other changes considered necessary for finalizing the proposed Integrated Food Law. The GOM approved the proposed Integrated Food Laws.
- (vi) The Cabinet at its meeting held on 04.08.2005 considered the proposal to enact "Food Safety and Standards Bill, 2005" and approved the same. Accordingly the Bill was introduced in the Lok Sabha on 25.08.2005.

The Hon'ble Speaker, Lok Sabha referred the Bill to the Standing Committee on Agriculture on 30.8.2005 for examination and report.

Objectives of the Bill :

The main objectives of The Food Safety & Standards Bill, 2005 are :-

- (i) single reference point for all matters relating to Food Safety & Standards, and regulations;
- (ii) lay food standards based on science, transparency and consultation;
- (iii) effectively regulate manufacture, storage, distribution and sale of food to ensure consumer safety and promote global trade;
- (iv) integrated response to strategic issues like novel/genetically modified foods, international trade;
- (v) shift from mere regulatory regime to self-compliance through Food Safety Management Systems;
- (vi) rationalize and strengthen existing enforcement mechanism,
- (vii) provision for graded penalties depending on the gravity of offence and accordingly, civil penalties for minor offences/lapses and criminal action for serious violations;
- (viii) pool infrastructure, manpower, testing facilities for better standard fixation and enforcement through their proper redeployment.

The Bill has 12 chapters containing 101 clauses briefly and 2 Schedules.

The Food Safety & Standards Bill, 2005 was introduced in the Parliament by the Ministry of Food Processing Industries with the objective of ensuring safe food to the consumers.

5. The Standing Committee on Agriculture deliberated on the Bill during its meeting held on 21.9.2005, 14.10.2005 and 8.11.2005. The Committee received the written views/suggestions on various provisions of the Bill and in an interactive session held on 7.11.2005 representatives of the following Associations/ Organizations attended the meeting and offered their views/comments on the Bill:-

- (viii) All India Food Processors Association (AIFPA); New Delhi.
- (ix) Centre for Science and Environment (CSE); New Delhi.
- (x) Shetkari Sangthan, Maharashtra

6. The Committee also heard the views of following Organizations at its meeting held on 13.12.2005:-

- (i) Confederation of Indian Industry; (CII)
- (ii) Gandhi Peace Foundation (GPF), Kottayam;
- (iii) Voluntary Organisation in Interest of Consumer Education (VOICE), New Delhi;
- (iv) Consumer Coordination Council;
- (v) All India Retailers Federation (AIRF).

7. The Committee took oral evidence of the representatives of the Ministries of Food Processing Industries, Law, Agriculture, Consumer Affairs, Food & Public Distribution, Women & Child Development, Human Resource Development, Commerce, Small Scale Industries and Health & Family Welfare on 21.9.2005, 14.10.2005 and 8.11.2005.

8. The recommendations and observations of the Committee on various clauses of the Bill are dealt with in the subsequent paragraphs.

(1) **Introductory Para/Preamble**

9.1 The introductory para reads as under:-

A Bill 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 and for matters connected there with or incidental thereto.

9.2 While VOICE suggested that the nomenclature of “The Food Safety and Standards Bill, 2005” should be “Food Authority of India”, the GPF desired that it should be named as “Food Safety Authority of India”.

9.3 The Committee feel that since standards for food safety would be laid down in the Rules and Regulations under the Act, the nomenclature “ The Food Safety and Standards Bill” proposed by the Ministry is appropriate.

(2) Definitions (clause 3 of the Bill)**(a) Food**

10.1 Clause 3(1) (j) of the Bill reads as under:

3(1)(j), "food" means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food, genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances: Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

10.2 The AIFPA in their written views submitted to the Committee indicated that the food industry uses water supplied by municipalities/ Jal Boards for various operations including addition into the finished products and hence the food industry should not be penalized for using such water. They suggested that the words 'water used into the food during its manufacture, preparation or treatment' should be deleted from the clause. The CSE stated that if the definition of the word food includes water used into the food during its manufacture, the civic institutions that are responsible for supply of water will need to be taken as manufacturers of food as well. Under the PFA Act, water is excluded from the definition of food Clause 2(v)-{'food' means any article used as food or drink for human consumption other than drugs and water}.

10.3 The Committee are aware that the quality of water differs from place to place all over India. In a majority of the places especially in the countryside, groundwater is used as water supply by the municipal authorities/Jal Boards is not available. The Committee feel that certain minimum standards of the quality of drinking water/water used in preparation of food have to be fixed for prevention of diseases spreading through contaminated water and for the health of the human beings.

10.4 The Committee therefore, opine that the definition of Food should include drinking water/water provided or supplied to consumers by Municipal Authorities/ Jal Boards, etc. for free or by charging a consideration; and the words, “ including water used into the food during its manufacture, preparation or treatment” should be substituted by the following:

10.5 “including drinking water/ water provided or supplied to consumers by Municipal Authorities/ Jal Boards/ Civic Institutions/Private Suppliers for free or by charging a consideration and/or procured by any other ways and means and used into the food during its manufacture, preparation or treatment, including usage of water as an addition into the finished product, by the manufacturer, producer of that food himself or by people engaged or hired by the manufacturer or producer of that food”.

(b) **Food Business**

11.1 Clause 3 (1) (n) reads as under:-

‘Food Business means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, storage, transportation distribution of food and includes food services, sale of food or food ingredients;

11.2 VOICE had indicated in their written submission that import, packaging and catering services may be included in the clause. They desire that the clause may be modified as under:-

‘Food Business means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of **import**, manufacture, processing, **packaging**, storage, transportation and distribution of food and includes food services, sale of food or food ingredients;’

11.3 The Committee are aware that several instances have come in the Press where people have fallen ill or even died due to bad food served at marriage parties, mid-day meal schemes etc. To prevent recurrence of such cases, catering services who prepare food at such parties/functions or the contractors who supply meals to the schools, should also be included in the definition of ‘food business’.

11.4 **The Committee recommends that the words ‘import’, ‘packaging’ and ‘catering services’ may also be included in the definition.**

(c) **Package**

12.1 Clause 3 (1)(zh) of the Bill reads as under :

“package” means a box, bottle, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or other thing in pre-packed condition, in which an article of food is packed.

12.2 These days, the commodities are sold either in pre-packed containers or in multi-piece and wholesale packages as well.

12.3 **The Committee, therefore, recommend that pre-packed commodities, multi-piece packages and wholesale packages may also be incorporated in the definition of ‘package’ in the above clause.**

(d) **Primary Food**

13.1 Under Clause 3 (1) (zk) "primary food" means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, result from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer;

13.2 Since fish is also a produce of aquaculture in its natural form, the fisherman should also be included in the definition.

13.3 **The Committee, therefore, recommends that the words ‘or fisherman’ should be included at the end of the sub-clause after the word ‘farmer’.**

(e) **Sale**

14.1 Clause 3(1)(zr) of the Bill reads as under

“Sale” with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

14.2 A lot of sale is also done through the vending machines, specially in the big cities.

14.3 **The Committee, therefore, recommend that sale through the vending machines should also be included in the definition of “sale”.**

(f) **Unsafe food**

15.1 Clause 3(1) (zz) reads as under:

"unsafe food" means an article of food whose nature, substance or quality is so affected as to render it injurious to health:

- (i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substances; or
- (ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or
- (iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or
- (iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or
- (v) by addition of a substance directly or as an ingredient which is not permitted; or
- (vi) by the abstraction, wholly or in part, of any of its constituents; or
- (vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or
- (viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof or
- (ix) by the article having been infected or infested with worms, weevils or insects; or
- (x) by virtue of its being prepared, packed or kept under in sanitary conditions; or
- (xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter.

15.2 **The Committee recommend that the definition of 'unsafe food' may include another sub-clause after (xi) as under:**

- (xii) By virtue of containing pesticides and other contaminants.**

Composition of Food Authority

16.1 Clauses 4 and 5 of the Bill read as under:

4 (1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act,

(2) The Food Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

5. (I) The Food Authority shall consist of a Chairperson and the following eighteen members namely:-

(a) Seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with-

(i) Agriculture,

(ii) Commerce,

(iii) Consumer Affairs,

(iv) Food Processing,

(v) Health,

(vi) Legislative Affairs,

(vii) Small Scale Industries

who shall be Members ex officio;

(b) two representatives from food industry of which one shall be from small scale industries;

(c) two representatives from consumer organizations;

(d) one eminent food technologist or scientist;

(e) five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;

(f) one person to represent farmers organisation.

16.2 In view of the large variety and diversity of food and food products, it is felt that experts in the field of toxicologist, microbiology and nutrition may be represented on the Authority. To safeguard, the interests of farmers, their representation should be increased.

The AIRF had desired that few members from the retailers should be included in the Authority.

16.3 **The Committee recommend that the representation of the following categories on the Food Authority may be increased as under:**

- (i) **Instead of one eminent food technologist or scientist, there should be three eminent scientists having expertise in any discipline of food science-one Food Technologist, one Food Microbiologist and one Nutritionist or expert in Food Hygiene. [Clause 5(1)(d)]**
- (ii) **Instead of one, there should be two persons to represent farmers organization [Clause 5(1)(f)]**
- (iii) **One member from recognized retailers organization. [new sub clause]**

16.4 **The Committee note that women form fifty percent of the total population in the country. The Committee, therefore, recommend that adequate representation should be given to the fair gender and as far as possible, one-third of the representatives on the Food Authority should be women.**

Selection Committee for selection of Chairperson and Members of Food Authority

17.1 Clause 6 (1) reads as of the Bill as under:

The Central Government shall, for the purpose of selection of the Chairperson and the Members other than ex officio Members of the Food Authority, constitute a Selection Committee consisting of-

- (a) Cabinet Secretary - Chairperson,
- (b) Secretary-in-charge of the Ministry of Food Processing Industries as the convener Member,
- (c) Secretary-in-charge of the Ministries or the Departments of the Central Government dealing with Health, Legislative and Personnel -Members,
- (d) Chairman of the Public Enterprises Selection Board - Member,
- (e) *An* eminent food technologist to be nominated by the Central Government-Member.

17.2 The Committee observe that the Selection Committee is highly bureaucratic in nature.

There is no representation of elected representatives in the Committee. Several Autonomous Body of the Government have MPs on their Boards, like APEDA, MPEDA, Governing Body of ICAR, etc. The Committee feel that two members of Parliament should be represented on the Selection Committee to derive benefit out of their wisdom and experience. The Chairman of the Selection Committee should be the Minister of Food Processing Industries. The Secretary Incharge of the Ministry of Agriculture should also be one of the members of the Selection Committee.

17.3 **The Committee therefore recommend that in addition to the existing members:**

- (a) The Minister of Food Processing Industries should be the Chairman of the Selection Committee (instead of the Cabinet Secretary);**
- (b) Two Members of Parliament should be members of the Committee; and**
- (c) Secretary Incharge of the Ministry of Agriculture should also be one of the members [sub-clause(c)]**

Officers and Other Employees of Food Authority

Functions of the Chief Executive Officer

18.1 Clause 9, 10 and 17 of the Bill read as under:

9(1) There shall be a Chief Executive Officer of the Food Authority, not below the rank of Additional Secretary to the Government of India, who shall be ex-officio Commissioner of Food Safety, to be appointed by the Central Government.

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10. (1) The Chief Executive Officer shall be the legal representative of the Food Authority and shall be responsible for-

(a) the day-to-day administration of the Food Authority;

(b) drawing up of proposal for the Food Authority's work programmes in consultation with the Central Advisory Committee;

(c) implementing the work programmes and the decisions adopted by the Food Law Authority;

(d) ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panel;

(e) ensuring that the Food Authority carries out its tasks in accordance with the requirements of its users, in particular with regard to the adequacy of the services provided and the time taken;

(f) the preparation of the statement of revenue and expenditure and the execution of the budget of the Food Authority; and

(g) developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees.

Clause 17(5)

18.2 The Chief Executive Officer shall take part in the meetings of the Food Authority but without a right to vote.

In each Organisation the senior most officer has been given autonomous as well as independent powers. But in this case the Chief Executive Officer (CEO) is neither a Member nor a Secretary to the Food Authority and in view of this he is not having even a voting right. Since the Chief Executive Officer would be a key functionary of the Food Authority, the Committee recommend that he should also function as the Member Secretary to the Authority.

Central Advisory Committee

19.1 Clause 11 of the Bill reads as under:

11. (1) The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.

(2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories, and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be ex-officio member.

(3) The representatives of the concerned Ministries or Departments of the Central Government in Agriculture, Animal Husbandry and Dairying, Bio-technology, Commerce and Industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public Distribution shall be invitees to the deliberations of the Central Advisory Committee.

(4) The Chief Executive Officer shall be ex officio Chairperson of the Central Advisory Committee.

(5) The Central Advisory Committee shall follow such rules of procedure including its transaction of business as may be specified by regulations.

19.2 Under the extant Provision of Food Adulteration Act 1954, there is a Central Committee for Food Standards which advises the Central and State Governments on matters rising out of the administration of the Act and to carry out the other functions assigned to it under the Act (Clause 3 of the PFA Act). The Committee consists of the following members namely:-

- (a) The Director-General, Health Services, ex-officio, who shall be the Chairman;
- (b) The Director of the Central Food Laboratory or, in a case where more than one Central Food Laboratory is established, the Directors of such Laboratories, ex-officio;
- (c) Two experts nominated by the Central Government;
- (d) One representative each of the Departments of Food and Agriculture in the Central Ministry of Food and Agriculture and one representative each of the Central Ministries of Commerce, Defence, Industry and Supply and Railways, nominated by the Central Government.
- (e) One representative each nominated by the Government of each State;

- (f) Two representatives nominated by the Central Government to represent the Union Territories;
- (g) One representative each nominated by the Central Government to represent the agricultural, commercial and industrial interests;
- (gg) Five representatives nominated by the Central Government to represent the consumer's interests, one of whom shall be from the hotel industry;
- (h) One representative of the medical profession nominated by the Indian Council of Medical Research;
- (i) One representative nominated by the Indian Standards Institution referred to in Clause (e) of section 2 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952).

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19.3 Under the present Bill, the Central Advisory Committee (Similar to the Central Committee under the PFA Act) would consist of 51 members as categorized below:

(i)	Two members each to represent the interests Of food industry, agriculture, consumers, Relevant research bodies and food laboratories	-	10
(ii)	All Commissioners of Food Safety	-	28
(iii)	Chairperson of the Scientific Committee	-	1
(iv)	Representatives of Ministries/Depts. of Central Govt.	-	11
(v)	Chief Executive Officer	-	1

19.4 **To render proper and professional advice, the Committee recommend that a representative each from the following Organisations/Institutes may also be included in the Central Advisory Committee:-**

- (i) **Indian Standards Institute;**
- (ii) **Indian Council of Medical Research; and**
- (iii) **Recognized farmers organizations.**

The Committee also feel that the member of representatives of Ministries/Departments of Central Government mentioned above may be reduced from 11 to 5 but giving special representation to the Ministries of Food Processing Industries, Agriculture and Health.

General Principles to be followed in administration of the Act

(Clause 18)

20.1 Clause 18(2) of the Bill reads as:

(2) The Food Authority shall, while framing regulations or specifying standards under this Act (a) take into account-

(i) prevalent practices and conditions in the country including agricultural practices and handling, storage and transport conditions; and

(ii) international standards and practices, where international standards or practices exist or are in the process of being formulated, unless it is of opinion that taking into account of such prevalent practices and conditions or international standards or practices or any particular part thereof would not be effective or appropriate means for securing the objectives of such regulations or where there is a scientific justification or where they would result in a different level of protection From the one determined as appropriate in the country;

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20.2 **Although the above provision provides that the Food Authority shall, while framing regulations or standards, take into account the prevailing practices and conditions in the country, including agricultural practices and handling, storage and transport, conditions, the Committee feel that the poor uneducated farmers will neither be able to comprehend the complicated provisions of the Act nor be able to meet the stringent standards prescribed under the Act.**

20.3 **The Committee, therefore, strongly recommend that the provisions of the Act should not apply to any farmer/fishermen or farming operations or crops, including fisheries, livestock, and supplies used or produced in farming or products of crops produced by a farmer at farm level or the fishermen in their operations.**

Restriction on Advertisement and prohibition as to unfair trade practices

21.1 Clause 24 of the Bill reads as under:

24. (1) No advertisement shall be made of any food which is misleading or contravenes the provisions of this Act, the rules and regulations made thereunder.

(2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food o: adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation which-

(a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;

(b) makes a false or misleading representation concerning the need for, or the usefulness;

(c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

21.2 **The Committee feel that the process of advertisement should be a healthy process.**

With the advent of new technology and day to day projections on TV and media the experience has shown that food products mostly of different varieties find a place on the Ads thus attracting the notice of the general public. No fool proof system has been proposed in the Act that could deter the Advertisers of sub-standard items from projecting such Ads.

Revised

21.3 **The Committee, therefore, recommend that a proper mechanism needs to be evolved to check such misleading ads, including ads relating to sale of soft drinks, sodas, etc., manufactured by companies which manufacture/sell liquor also by the same brand name, before they are released in the print or electronic media.**

Liability of the manufacturers , distribution and sellers

22.1 Clause 27 of the Bill reads as under :-

- (1) The manufacturer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder.
- (2) The distributor shall be liable under this Act for any article of food which is-
- (a) supplied after the date of its expiry or which is likely to expire; or
 - (b) stored or supplied in violation of the safety standard; or
 - (c) misbranded, or
 - (d) unidentifiable of manufacturer from whom the article of food have been received; or
 - (e) stored or handled or kept in violation of the provisions of this Act, the rules and regulations made thereunder.
- (3) The seller shall be liable under this Act, for any article of food which-
- (a) is sold after the date of its expiry or which is likely to expire; or
 - (b) is handled or kept in unhygienic conditions; or
 - (c) is misbranded; or
 - (d) unidentifiable the manufacturer or the distributor from whom such article of food were received; or
 - (e) received by him with knowledge of being unsafe.

22.2 VOICE had suggested that sub-clause (2) may be modified as under :-

The distributor shall be liable under this Act for any article of food which is:-

- (a) Supplied after the date of its expiry or which is likely to expire; or
- (b) Stored or supplied in violation of the Safety Instructions of the Manufacturer, **or wholesaler or packer** or
- (c) Misbranded, or
- (d) **Unsafe, or**
- (e) Unidentifiable of manufacturers or **wholesaler or packer** from whom the article of food have been received; or
- (f) Stored or handled or kept in violation of the Provisions of this Act, the rules and regulations made thereunder.

22.3 **The Committee agree with the above suggestion and desire that the words “wholesaler or packer” and “unsafe” be included at the appropriate places in the Clause.**

Unsafe Food

23.1 Clause 28 of the Bill reads as under:

(1) If a food business operator considers or has reason to believe that a food which it has processed, manufactured or distributed is not in compliance with this Act and the rules and regulations made thereunder, it shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator' shall immediately inform the competent authorities and co-operate with them, if it considers or has reasons to believe that a food which it has placed on the market may be injurious to human health.

23.2 **Clause 28(2) provides in the public interest how the unsafe food, which is injurious to human health be recalled from the market and the Committee recommend**

Clause 28(2) may be rewritten as :-

(2) A food business operator' shall immediately inform the competent authorities and co-operate with them, if he/ it considers or has reasons to believe that a food which he/ it has placed on the market may be 'unsafe for the health of purchasers' (instead of 'injurious to human health').

Licensing and Registration of Food Business

24.1 Clause 31 of the Bill reads as under:

(1) No person shall commence or any on any food business except under a license food.

(2) Nothing contained in sub-section (1) shall apply to such petty manufacturer who himself manufactures or sells any article of food or a retailer as may be notified by the Food Authority, or a hawker, itinerant vendor or a temporary stall holder:

Provided that such petty manufacturer, retailer, hawker, itinerant vendor or a temporary stall holder shall only register their business with concerned municipality or the Panchayat, as the case may be.

(3) Any person desirous to commence or carry on any food business shall make an application for grant of a license to the Designated Officer in such manner containing such particulars as may be specified by regulations.

xx xx xx xx

24.2 Under the above clause, each person is required to obtain a licence for starting or carrying on any food business, except any petty manufacturer, retailer, hawker, itinerant vendor or a temporary staff holder, who are required to register their business with the concerned Municipality or Panchayat, as the case may be.

The Committee feel that such petty manufacturer, retailer, hawker, itinerant vendor or a temporary staff holder, may not be able to adhere to the standards to be prescribed under the Act. Even the small scale or cottage industries engaged in food business may not be able to meet the standards.

24.3 The Committee, therefore, recommend that the food operators may be classified into the following three categories and different standards be prescribed for them:

- (a) Petty manufacturer who himself manufactures or sells any article of food or a retailer, hawker, itinerant vendor or a temporary staff holder;**
- (b) Small scale, cottage, tiny food business operator; and**
- (c) Other food business operators.**

Categories (a) and (b) above may be exempted, without prejudice to the availability of safe and wholesome food for human consumption or affecting the interests of the

consumers, from the requirements of the Act relating to licensing or registration or regulations thereunder. A suitably worded clause to this effect may be included in the **Bill.**

Designated Officer

25.1 Clause 36 of the Bill reads as under:

- (1) The Commissioner of Food Safety shall, by order, appoint the Designated Officer, who shall not be below the rank of a Sub-Divisional Officer, to be in-charge of food safety administration in such area as may be specified by regulations.
- (2) There shall be a Designated Officer for each district.
- (3) The functions to be performed by the Designated Officer shall be as follows namely :-
 - (a) to issue or cancel license of food business operators;
 - (b) to prohibit the sale of any article of food which is in contravention of the provisions of this Act and rules and regulations made thereunder;
 - (c) to receive report and samples of article of food s from Food Safety Officer under his jurisdiction and get them analysed;
 - (d) to make recommendations to the Commissioner of Food Safety for sanction to launch prosecutions in case of contraventions punishable with imprisonment;
 - (e) to sanction or launch prosecutions in case of contraventions punishable with fine;
 - (f) to maintain record of all inspections made by Food Safety Officers and action taken by them in the performance of their duties;
 - (g) to get investigated any complaint which may be made in writing in respect of any contravention of the provisions of this Act and the rules and regulations made thereunder;
 - (h) to investigate any complaint which may be made in writing against the Food Safety Officer; and
 - (i) to perform such other duties as may be entrusted by the Commissioner of Food Safety

25.2 The Committee feel that the Food Safety Officer in each district may be harassed by submitting false complaints. Therefore, the Committee recommend that in case any false complaint is made against a FSO and it is proved so, provision be made for giving exemplary punishment to such a complainant under the law.

Liability of Food Safety Officer in Certain Cases

26.1 Clause 39 of the Bill reads as under:

39. Any Food Safety Officer exercising powers under this Act or the rules and regulations made thereunder who-

- (a) vexatiously and without any reasonable ground seizes any article of food or adulterant; or
- (b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty, shall be guilty of an offence under this Act and shall be punishable for such an offence with fine which may extend to twenty-five thousand rupees.

26.2 Clause 39 is about liability of Food Safety Officer in certain cases. Under this clause, any food safety officer while exercising powers under this Act commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty, shall be guilty of an offence under this Act and shall be punishable for such offence with fine which may extend to Rs. 25,000 only.

26.3 The Committee feel that this officer is the most important officer while executing his duties in food related matters and the ordinary public can be very badly injured if by intention or otherwise he commits a crime/mistake. Deterrent punishment should therefore be given to the Food Safety Officer for any malafide action.

26.4 To prevent any Food Safety Officer from harassing the food business operators/vendors, etc. the Committee recommend that he/she should be punished with a minimum fine of Rs.50,000/- extending upto Rs.1 lakh besides making an entry in his CR dossier. Disciplinary proceedings may also be initiated against the guilty officer by having a time-bound summary trial procedure.

Powers of Search, Seizure, investigation, prosecution and procedure thereof.

27.1 Clause 41 of the Bill reads as under:

The Food Safety Officer may search any place, seize any article of food or adulterant, if there is a reasonable doubt about them being involved in commission of any offence relating to food:

Provided that no search shall be deemed to be irregular by reason only of the fact that witness for the search are not inhabitants of the locality in which the place searched is situated.

27.2 **The Committee note that wholesome and safe food is a must for the people and therefore the Committee recommend that Clause 41(1) may be re-written as :-**

The Food Safety Officer may search any place including the ordinary vendor, etc. who are exempted in proviso to Clause 31 (2) or seize any article of food or adulterant, if there is a reasonable doubt, to be recorded in writing about them being involved in commission of any offence relating to food.

Analysis of Food

28.1 Clause 43 of the Bill reads as under:

43. (1) The Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency for the purposes of carrying out analysis of samples by the Food Analysts under this Act.

(2) The Food Authority shall, establish or recognize by notification, one or more referral food laboratory or laboratories to carry out the functions entrusted to the referral food laboratory by this Act or any rules and regulations made thereunder.

(3) The Food Authority may frame regulations specifying-

(a) the functions of food laboratory and referral food laboratory and the local area or areas within which such functions may be carried out;

(b) the procedure for submission to the said laboratory of samples of articles of food for analysis or tests, the forms of the laboratory's reports thereon and the fees payable in respect of such reports; and

(c) such other matters as may be necessary or expedient to enable the said laboratory to carry out its functions effectively.

28.2 The Committee note that a network of laboratories is essential as analysis of food is possible only if analysis of samples is conducted in a proper and smooth manner and therefore, the Committee recommend that a new provision has to be introduced requiring the Food Safety Authority to specify the criteria to be used to recognize laboratories and referral laboratories for the purposes of the Act.

Revised

28.2 The Committee requested the Ministry of Food Processing Industries in October 2005 for detail of Food Testing Laboratories functioning at present in the country, state-wise and whether they have been equipped properly along with the required manpower including as implementation of this Bill mainly depends on testing/analysis food samples. The reply of the Ministry revealed that a proper infrastructure(laboratories) is yet to be established.

The Committee feel that in the absence of fully equipped laboratories with adequate trained staff, it is not possible to implement the Act effectively. The Committee, therefore, recommend that immediate steps should be taken to establish at least one fully equipped lab with trained manpower in each district of the country. The standards for analyzing various categories of food may also be laid down.

Functions of Food Analyst

29.1 Clause 46 of the Bill reads as under:

46(1) On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the Food Analyst shall compare the seal on the container and the outer cover with specimen impression received separately and shall note the conditions of the seal thereon: Provided that in case a sample container received by the Food Analyst is found to be in broken condition or unfit for analysis, he shall within a period of seven days from the date of receipt of such sample inform the Designated Officer about the same and send requisition to him for sending second part of the sample.

(2) The Food Analyst shall cause to be analyzed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorised under this Act.

46(3) The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for analysis, send:

- (i) where such sample is received under section 38 or section 47, to the Designated Officer, four copies of the report indicating the method of sampling and analysis; and
- (ii) where such sample is received under section 40, a copy of the report indicating the method of sampling and analysis to the person who had purchased such article of food with a copy to the Designated Officer:

Provided that in case the sample can not be analyzed within fourteen days of its receipt, the Food Analyst shall inform the Designated Officer and the Commissioner of Food Safety giving reasons and specifying the time to be taken for analysis.

29.2 The representatives of All India Retailers Federation (AIRF) and Confederation of Indian Industries (CII) in their presentation before the Committee submitted that the Food Business Operator should be authorized to send the fourth sample to an accredited laboratory and the analysis report of that laboratory should be allowed to be used by the food business operator as an evidence before the Court of Law.

29.3 **The Committee tend to agree with the above views and recommend that the food business operator may be entitled to send the fourth sample analysed by an accredited laboratory, etc. and the report thereof may be considered as a part of evidence. The Food Safety Officer must ensure that the fourth sample given to the Food Business Operator is sealed properly and signed to make it tamper proof.**

Penalty for selling food not of the nature or substance or quality demanded.

30.1 Clause 50 of the Bill reads as under:

(1) Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made there under, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding two lakh rupees.

30.2 **The Committee note that ordinary vendor, petty manufacturer, hawker, etc. is not in a position to pay a sum of rupees 2 lakhs in the form of fine and therefore, the Clause 51 may be re-written as:-**

“Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not less than Rs.5 lakh excluding the petty manufacturer/ ordinary vendor, etc. who may pay penalty not exceeding Rs. 25,000/-.

Punishment for carrying out a business without licence

31.1 Clause 63 of the Bill reads as under:

If any person or food business operator himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distribute or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to one lakh rupees.

31.2 The Committee held discussion on traditional food culture/ordinary manufacturers, retailers, hawkers, temporary stall holder, etc. to be exempted from the license. Therefore, the Committee recommend that Clause 63 may be re-written as follows :-

If any person or food business operator, except the persons exempted under the Act, himself or by any person on his behalf who is required to obtain licence, manufactures, sells, stores or distributes or imports any article of food without licence, shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to Five lakh rupees.

Compensation in case of any injury or death to the Consumers

32.1 Clause 65 of the Bill reads as under:

(1) Without prejudice to the other provisions of this Chapter, if any person whether by himself or by any other person on his behalf, manufactures or sells or imports any article, of food causing injury to the consumer or his death, it shall be lawful for the Adjudicating Officer or as the case may be, the court to direct him to pay compensation to the victim or the legal representative of the victim, a sum-

- (a) not less than five lakh rupees in case of death;
- (b) not exceeding three lakh rupees in case of grievous injury; and
- (c) not exceeding one lakh rupees, in all other cases of injury.

(2) Where any person is held guilty of an offence leading to grievous injury or death, the Adjudicating Officer or the court may cause the name and place of residence of the person held guilty, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the Adjudicating Officer or the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

(3) The Adjudicating Officer or the court may also,-

- (a) order for cancellation of licence , re-call of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;
- (b) issue prohibition orders in other cases

32.2 The Committee feels that the victims should be paid compensation at the earliest and in no case later than six months from the date of occurrence of the incident. In case of death, interim relief may be paid to the next of kin of the victim within fifteen days of the incident. Suitable clauses(s) to this effect may be incorporated in the Bill.

Offences by Companies

33.1 Clause 66 of the Bill reads as under:

66. (1) Where an offence under this Act which has been committed by a company every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Chief Executive or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit.

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purpose of this section,-

(a) " company" means any body corporate and includes a firm or other association of individuals; and

(6) "director" in relation to a firm, means a partner in the firm.

Clause 66(1) if involvement in any offence is proved, the concerned must not go without punishment but proviso to 66(1) reads as Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Chief Executive or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit.

33.2 **The Committee feel that all persons nominated by the company should be held responsible for food safety. The Committee, therefore, recommend that the second proviso to Clause 66(1), which read as under, should be deleted:**

“Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence”.

Check in Policing and Inspector Raj

34.1 The primary objective of the Bill is to ensure availability of safe and wholesome Food for human consumption. Further, the Bill intends to shift from mere regulatory regime to self-reliance through Food Safety Management Systems. But this laudable step of the Ministry to have a consolidated Food Law, may not be successful if the ambiguities, existing in the Bill are not removed.

34.2 The Bill has stressed more on fine/punishment than on protecting the common man/farmers/consumers/fisherman etc. Penalty clauses in general do not specify a minimum fine or a minimum imprisonment till rising of the court, etc.

This requires a modification/amendment in all the concerned clauses.

New **especially those relating to grant of licence, enforcement of the act, analysis of food**
additions **offences and penalties, etc.**

Administration of the Act

35.1 Some of the Organisations during the course of their presentations before the Committee mentioned that since the Ministry of Food Processing Industries in a promotional Ministry in respect of food, it should not be the regulatory Ministry as well. They suggested that the Ministry of Health may more appropriately administer the proposed Act.

35.2 In this regard, the position in respect of similar laws in some of the foreign countries is as under:-

(1) **USA :-** The Organisation which is responsible for public health in the USA is the US Food and Drug Administration (FDA). The FDA falls within the executive branch of the US government under the Department of Health and Human Services. The FDA is headed by a Commissioner of Food and Drugs, who is appointed by the President of the United States, confirmed by the US Senate, and serves at the President's discretion. The Office of the Commissioner (OC) oversees all the Agency's components and is responsible for the efficient and effective implementation of FDA's mission.

“The FDA is responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics and products that emit radiation. The FDA is also responsible for advancing the public health by helping to speed innovations that make medicines and foods more effective, safer and more affordable, and helping the public get the accurate, scientific based information they need to use medicines and foods to improve their health”.

The Office of Regulatory Affairs (ORA) is the lead office of FDA's field activities. The ORA strives to achieve effective and efficient compliance of regulated products through high-quality, science-based work that maximizes consumer protection.

(2) **UK :-** In UK the Food Standards Agency (FSA) is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. The Agency is led by a Board appointed to act in public interest

and not to represent particular sectors. The FSA provides advice and information to the public and Government on food safety from farm to fork, nutrition and diet. It also protects consumers through effective food enforcement and monitoring.

Although the FSA is a Government agency, it works at arm's length from Government because it does not report to a specific minister and is free to publish any advice it issues.

35.3 During the course of presentation by various organizations, it was suggested that the Ministry of Food Processing Industries (MFPI) being the promotional Ministry, should not perform the duties and responsibilities of a regulatory Ministry. The prevailing Prevention of Food Adulteration Act, 1954 (PFA) is being administered by the Ministry of Health and Family Welfare. According to the Annual Report of the MFPI, the Codex contact point in India is presently the Director-General of Health Services in the Ministry of Health and Family Welfare. Moreover, the MFPI does not have the necessary infrastructure like testing labs, etc. to enforce the provisions of the Act. It was therefore, suggested that it would be more appropriate if the Ministry of Health administers the proposed Act.

35.4 The Committee tends to agree with the views expressed by these organizations and recommend that the Act may be administered by the Ministry of Health as they have lot of experience in the field with fully equipped labs for testing of food samples.

Revised

35.4 Several organizations who appeared before the Committee suggested that the Ministry of Food Processing Industries, which is a promotional Ministry in so far as food products are concerned, should not be the regulatory Ministry as well. Moreover, as informed by the representatives of the Ministry of Food Processing Industries, at present there are not enough laboratories for sampling and analysis of food articles and the same would be established in due course. The existing few laboratories are under the control of Ministry of Health and Family Welfare.

Since the analysis of food article is crucial for food safety and health of the consumers, the Committee recommend that the Food Safety and Standards Act should be administered by the Ministry of Health as they have a lot of experience in the field with fully equipped labs for testing of food samples.

FIRST SCHEDULE**[See Section 5(1)(e)]****Zone I**

1. Andhra Pradesh
2. Assam
3. Bihar
4. Gujarat
5. Kerala
6. Madhya Pradesh
7. Tamil Nadu

Zone II

1. Maharashtra
2. Karnataka
3. Orissa
4. Punjab
5. Rajasthan
6. Uttar Pradesh
7. West Bengal

Zone III

1. Jammu and Kashmir
2. Nagaland
3. Haryana
4. Himachal Pradesh
5. Manipur
6. Tripura
7. Meghalaya

Zone IV

1. Sikkim
2. Mizoram
3. Arunachal Pradesh
4. Goa
5. Chattisgarh
6. Uttaranchal
7. Jharkhand

Zone V

1. Delhi
2. Andaman and Nicobar Islands
3. Lakshadweep
4. Dadra and Nagar Haveli
5. Daman and Diu
6. Pondicherry

7. Chandigarh

36 **The Committee recommend that the zones should be classified as under so that people in States with similar food habits are, as far as possible, included in the same zone:**

Zone I

1. Andhra Pradesh
2. Tamil Nadu
3. Kerala
4. Karnataka
5. Maharashtra
6. Goa
7. Orissa

Zone II

1. Jammu and Kashmir
2. Punjab
3. Haryana
4. Himachal Pradesh
5. Uttaranchal
6. Uttar Pradesh

Zone III

1. Rajasthan
2. Gujarat
3. Madhya Pradesh
4. Bihar
5. West Bengal
6. Jharkhand
7. Chattisgarh

Zone IV

1. Assam
2. Arunachal Pradesh
3. Meghalaya
4. Mizoram
5. Nagaland
6. Manipur
7. Sikkim
8. Tripura

Zone V

1. Delhi
2. Andaman and Nicobar Islands
3. Lakshadweep
4. Dadra and Nagar Haveli
5. Daman and Diu
6. Pondicherry
7. Chandigarh

APPENDIX -I**MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON WEDNESDAY, THE 21 SEPTEMBER, 2005 AT 1110 HRS. IN COMMITTEE ROOM 'E', BASEMENT, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1110 hrs. to 1302 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Girdhari Lal Bhargava
3. Shri Nihal Chand Chauhan
4. Shri Lalchand Kol
5. Shri Khagen Das
6. Shri A. Ravichandran
7. Shri Mehboob Zahedi

RAJYA SABHA

8. Smt. Mohsina Kidwai
9. Shri Harish Rawat
10. Shri Pyarelal Khandelwal
11. Shri Khabir Uddin Ahmed
12. Shri Bashistha Narain Singh
13. Shri Sharad Anantrao Joshi
14. Dr.M.S.Gill

SECRETARIAT

- | | | | |
|----|---------------------|---|--------------------|
| 1. | Shri John Joseph | - | Secretary |
| 2. | Shri Devender Singh | - | Director |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 4. | Smt. Ratna Bhagwani | - | Assistant Director |

WITNESSES

- | | | | |
|----|--------------------|---|-----------------|
| 1. | Shri D.P.Singh | - | Secretary |
| 2. | Shri A.N.P.Singh | - | Joint Secretary |
| 3. | Dr.Sanjay Singh | - | Joint Secretary |
| 4. | Shri Gautam Sanyal | - | Director |

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members of the Committee and representatives of the Ministry of Food Processing Industries and thereafter, requested the Secretary to introduce his colleagues.

2. After introduction of the officials, the Secretary gave a brief overview, objectives and salient features of 'the Food Safety and Standards Bill, 2005' and also of the role of the Ministry in this regard.

3. The Chairman and the Members raised various queries regarding facilities of Testing Laboratories, States' representation in Food authority, danger of 'inspector raj', protection of interests of small scale entrepreneurs, role of KVK's in ensuring implementation of the provisions of the Bill etc. Some member suggested one more meeting on this Bill to have more information of various aspects of the Bill. . The representatives of the Ministry replied to the queries one by one and assured to send replies to some questions which could not be answered during the sitting.

2. A copy of the verbatim proceedings has been kept.

The witnesses then withdrew

The Committee then adjourned with a vote of thanks to the Chair.

APPENDIX -II**MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON FRIDAY, THE 14 OCTOBER, 2005 AT 1100 HRS. IN COMMITTEE ROOM 'C', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1240 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Sharanjit Singh Dhillon
6. Smt. Rupatai D. Patil Nilangekar
7. Shri A. Ravichandran
8. Shri M.P. Veerendra Kumar
9. Shri Mehboob Zahedi

RAJYA SABHA

10. Smt. Mohsina Kidwai
11. Shri Harish Rawat
12. Shri Khabir Uddin Ahmed
13. Shri Bashistha Narain Singh
14. Shri Sharad Anantrao Joshi

SECRETARIAT

- | | | | |
|----|-------------------|---|------------------|
| 1. | Shri A. K. Singh | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 4. | Shri D.S. Malha | - | Under Secretary |

LIST OF WITNESSES

1. Shri D.P. Singh, Secretary, Ministry of Food Processing Industries
2. Shri A.N.P. Sinha, Joint Secretary, Ministry of Food Processing Industries
3. Dr. Sanjay Singh, Joint Secretary, Legislative Department, Ministry of Law
4. Shri P.K. Agarwal, Joint Secretary, D/o Agri. & Co-operation, Ministry of Agriculture
5. Smt. Jayshree Gupta, Joint Secretary, D/o Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution
6. Shri Chaman Kumar, Joint Secretary, D/o Women & Child Development, Ministry of Human Resource Development
7. Shri Rahul Khullar, Joint Secretary, D/o Commerce
8. Shri Sanjay Kaul, Joint Secretary, D/o Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution
9. Shri Praveer Kumar, Joint Secretary (SSI), Ministry of Small Scale Industries
10. Smt. Neerja Rajkumar, Joint Secretary, D/o Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members of the Committee and representatives of the Ministry of Food Processing Industries and other Ministries/Departments, and thereafter, requested the Secretary, Ministry of Food Processing Industries to introduce his colleagues.

2. After introduction of the officials, the Secretary briefly stated that during the last sitting of the Committee held on 21.09.2005 some points were raised by the Members and the Ministry has already provided relevant material to the Committee and the representatives of the Ministries present there could answer various points of the members of the Committee would like to ask.

3. The Chairman and some members raised several queries and gave some suggestions regarding the need for self-contained/self-explanatory written replies to the points raised by the Committee related to “The Food Safety and Standards Bill, 2005”; the need for making the Bill more suitable for ground level/village/District level implementation in order to avoid any possible misuse by the implementing officers; need for proper representation of States/regions in the proposed Food Safety and Standards Authority to avoid over/under representation of

some States; need to develop infrastructure/network of standard laboratories; need to include the provisions relating to mandatory declaration and detection of traceability factor of Genetically Engineered/Modified food in the Bill; need to reduce the over-bureaucratic structure of National Food Safety and Standards Authority; need to make provisions in the Bill to minimize the danger of spreading ‘Inspector Raj’ in the name of Food Safety in the country; need to make enough provisions in the Bill to safeguard the interest/livelihood of small business, petty manufacturers, retailers, hawkers, itinerant vendors, temporary stall holders; etc. Some members suggested that some more meetings on the Bill should be held to have clause by clause consideration and obtain more information on various aspects of the Bill.

4. The representatives of the Ministry replied to the queries one by one and assured that they will come before the Committee with the valuable points as suggested during the meeting held on 14.10.2005 along with the replies to some questions which could not be answered during the sitting.

5. A copy of the verbatim proceedings of the meeting has been kept.

The witnesses then withdrew.

The Committee then adjourned with a vote of thanks to the Chair.

APPENDIX -III**MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON MONDAY, THE 7TH NOVEMBER, 2005 AT 1100 HRS. IN COMMITTEE ROOM 'D', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1308 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Lalchandra Kol
6. Shri Khagen Das
7. Shri Sharanjit Singh Dhillon
8. Shri Nihal Chand Chauhan
9. Shri Sippiparai Ravichandran
10. Shri M.P. Veerendra Kumar
11. Shri Mehboob Zahedi

RAJYA SABHA

12. Dr.M.S.Gill
13. Shri Pyarelal Khandelwal
14. Shri Sk. Khabir Uddin Ahmed
15. Shri Bhagwati Singh
16. Shri Bashistha Narain Singh

SECRETARIAT

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|----|-------------------|---|------------------|
| 1. | Shri A.K.Singh | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 4. | Shri D.S. Malha | - | Under Secretary |

NON-OFFICIAL WITNESSES

1. Shri Gokul Patnaik - Past President, All India Food Processor's Association (AIFPA), New Delhi
2. Shri C.K.Basu - Chairman Advisory Committee, AIFPA, New Delhi
3. Ms. Sunita Narayan - Director, Centre for Science and Environment (CSE), New Delhi
4. Ms. Saroj Kashikar - President, Shetkari Sanghathan, Maharashtra
5. Shri Madan Diwan - Representative, Shetkari Sanghathan

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members of the Committee and representatives of the organisations invited to give their views before the Committee. After introduction of the non-officials experts, Shri Gokul Patnaik, Past President of the All India Food Processors' Association (AIFPA) spoke at length about various aspects/shortcomings of 'The Food Safety and Standards Bill, 2005' and suggested that the law should be simplified and made flexible. After the presentation by Shri Patnaik, Ms. Sunita Narayan of the Centre for Science and Environment, New Delhi and Ms. Saroj Kashikar of Shetkari Sanghathan expressed their views on the Bill.

2. The Chairman and some members raised questions on some issues related to the said Bill and sought suggestions from the Experts.
3. The representatives of the NGOs replied to queries one by one and assured that the relevant reference and background material which could not be provided during the sitting, would be sent to the Committee.
4. A copy of the verbatim proceedings of the meeting has been kept.

The witnesses then withdrew.

The Committee then adjourned with a vote of thanks to the Chair.

APPENDIX-IV**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON TUESDAY, THE 8TH NOVEMBER, 2005 AT 1100 HRS. IN COMMITTEE ROOM 'E', BASEMENT, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1250 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Manoranjan Bhakta
3. Shri Girdhari Lal Bhargava
4. Shri Lalchandra Kol
5. Shri Khagen Das
6. Shri Nihal Chand Chauhan
7. Smt. Rupatai D.Patil Nilangekar
8. Shri Sippiparai Ravichandran
9. Shri Y.S.Vivekananda Reddy

RAJYA SABHA

10. Shri Harish Rawat
11. Dr.M.S.Gill
12. Shri Pyarelal Khandelwal
13. Shri Sk. Khabir Uddin Ahmed
14. Shri Bhagwati Singh
15. Shri Bashistha Narain Singh
16. Shri Sharad Anantrao Joshi

SECRETARIAT

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|----|-------------------|---|------------------|
| 1. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 3. | Shri D.S. Malha | - | Under Secretary |

LIST OF WITNESSES

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|-----|--------------------------|--|
| 1. | Shri D.P. Singh | - Secretary, M/o Food Processing Industries |
| 2. | Shri Satyanand Mishra | - Additional Secretary, M/o. Small Scale Industries |
| 3. | Shri A.N. P. Sinha | - Additional Secretary, M/o Food Processing Industries |
| 4. | Dr. Sanjay Singh | - Joint Secretary, Legislative Department |
| 5. | Mrs. Rita Teatolia | - Joint Secretary, Ministry of Health & Family Welfare |
| 6. | Shri P.K. Agarwal | -Joint Secretary, D/o Agriculture & Co-operation |
| 7. | Mrs. Alka Sirohi | -Additional Secretary, D/o Consumer Affairs |
| 8. | Mrs. Shashi Prabha Gupta | -Technical Advisor, D/o Women & Child Development |
| 9. | Shri Rahul Khullar | -Joint Secretary, D/o Commerce |
| 10. | Shri Sanjay Kaul | -Joint Secretary, D/o Food & Public Distribution |
| 11. | Shri Praveer Kumar | -Joint Secretary, Ministry of SSI |

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members of the Committee and representatives of the Ministry of Food Processing Industries. After introduction of the officials, the Secretary Ministry of Food Processing Industries briefly stated the role of Food Safety Officers, the role and powers of Central and State Government, etc, under the proposed Bill.

2. The Chairman and some members raised questions regarding number of laboratories for testing food articles, protecting the interest of small hawkers, fixing of responsibility, fixing standards, whether State infrastructure is sufficient to enforce the above mentioned laws etc.
3. The representatives of the Ministry replied to the queries one by one and assured that the replies will be sent to the questions which could not be answered during the sitting.
6. A copy of the verbatim proceedings of the meeting has been kept.

The witnesses then withdrew.

The Committee then adjourned with a vote of thanks to the Chair.

APPENDIX-V**MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON TUESDAY, THE 13TH DECEMBER, 2005 AT 1500 HRS. IN COMMITTEE ROOM 'B', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1500 hrs. to 1700 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Smt. Rupatai D.Patil Nilangekar
3. Shri Sippiparai Ravichandran
4. Shri K.J.S.P. Reddy
5. Shri Y.S.Vivekananda Reddy
6. Shri M.P. Veerendra Kumar
7. Shri Mehboob Zahedi
8. Shri Deepender Singh Hooda

RAJYA SABHA

9. Smt. Mohsina Kidwai
10. Dr.M.S.Gill
11. Shri Bhagwati Singh
12. Shri Sharad Anantrao Joshi

SECRETARIAT

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|----|-------------------|---|------------------|
| 1. | Shri Hardev Singh | - | Deputy Secretary |
| 2. | Shri K.D. Muley | - | Under Secretary |
| 3. | Shri D.S. Malha | - | Under Secretary |

LIST OF WITNESSES**Confederation of Indian Industry**

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|----|----------------------|---|---|
| 1. | Shri Abhiram Seth | - | Chairman, CII Food Regulatory Affairs Expert Group |
| 2. | Shri Sanjay Khajuria | - | Head Legal – Nestle India Ltd. |
| 3. | Shri R.K.Gupta | - | Head, Quality Assurance and System, – Mother Dairy Food Processing Ltd. |
| 4. | Shri Ketan Joshi | - | General Manager – Legal and Administration, Rasna International Ltd. |
| 5. | Shri S.K.Verma | - | General Manager –Haldirams Marketing Pvt. Ltd. |
| 6. | Shri Surinder Kumar | - | General Manger-Legal& Company Secretary Glaxo Smithkline |
| 7. | Ms. Indrani Kar | - | Senior Director and Head-Agriculture and Food Processing-CII |
| 8. | Shri D.S. Chadha | - | Technical Advisor, Food Regulatory Affairs - CII |

The Gandhi Peace Foundation

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|----|-------------------|---|--------------------------|
| 1. | Shri George Isaac | - | Chairman |
| 2. | Shri K.P.Sareen | - | Advisor, Food Processing |

All India Retailers Federation

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|----|---------------------------|---|------------------------|
| 1. | Shri Yashpal Gupta | - | President |
| 2. | Sardar Tirlok Singh Jaggi | - | Senior Joint Secretary |
| 3. | Shri Het Ram Aggarwal | - | Senior Vice-President |
| 4. | Shri Onkar Goyal | - | Vice-President |
| 5. | Shri Krishan Singla | - | Executive Member |

Voluntary Organisation in Interest of Consumer Education (VOICE) And Consumer Coordination Council

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|----|--------------------|---|----------------|
| 1. | Shri Bejon Misra | - | C.E.O., VOICE |
| 2. | Ms. Debi Mukherjee | - | Advisor, VOICE |

At the outset, the Chairman, Standing Committee on Agriculture informed the members of the Committee about the sad demise of Shri Prakash V. Patil, MP who was a member of the Committee. All members of the Committee stood in silence for a while as a mark of respect to the departed soul. Thereafter the representatives of the organisations were called inside the Committee Room to give their views before the Committee. After introduction of the non-official experts, Shri Abhiram Seth, Chairman, Confederation of Indian Industries Food Regulatory Affairs Expert Group; Shri George Issac Chairman, Gandhi Peace Foundation, Kottayam; Shri Yashpal Gupta, President of All India Retailers Federation; and Shri Bejon Misra, CEO, VOICE were called one by one to give the views of their respective Organisations on 'The Food Safety and Standards Bill', 2005'. The representatives of the organizations gave their views/suggestions on the Bill, like competitiveness of the food sector, taxation and fiscal issues, poor infrastructure, licensing, laboratory testing, proportional representation on the food authority, etc.

2. The Chairman and some members raised questions on some issues related to the said Bill and sought suggestions from the Experts.
3. The representatives of the various organisations replied to queries and assured that the relevant reference and background material which could not be provided during the sitting, would be sent to the Committee.
4. A copy of the verbatim proceedings of the meeting has been kept.

The witnesses then withdrew.

The Committee then adjourned.

APPENDIX –VI**MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON WEDNESDAY, THE 18TH JANUARY, 2006 AT 1100 HRS. IN ROOM, '139', FIRST FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1330 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Khagen Das
6. Shri Raghunath Jha
7. Smt. Rupatai D.Patil Nilangekar
8. Shri Y.S.Vivekananda Reddy
9. Shri M.P. Veerendra Kumar

RAJYA SABHA

10. Smt. Mohsina Kidwai
11. Shri Harish Rawat
12. Dr.M.S.Gill
13. Shri Pyarelal Khandelwal
14. Shri Sk. Khabir Uddin Ahmed
15. Shri Bashistha Narain Singh
16. Shri Sharad Anantrao Joshi

SECRETARIAT

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|----|-------------------|---|------------------|
| 1. | Shri A.K.Singh | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 4. | Shri D.S. Malha | - | Under Secretary |

At the outset, the Hon'ble Chairman, welcomed the Members to the sitting of the Committee and requested them to deliberate on the first item of the agenda of that day, i.e., the consideration of the statement prepared by the Committee Secretariat comprising the comments/suggestions received from various organisations on 'The Food Safety and Standards Bill, 2005' and after some deliberation decided that the draft report on the said Bill may be prepared by the Secretariat and be circulated to the Committee for their consideration by the first week of February, 2006.

2. Thereafter, the Committee took up Memoranda No. 2 containing draft 13th Action Taken Report on the 9th Report on Demands for Grants (2005-06) of the Ministry of Agriculture (Department of Agriculture and Cooperation) for consideration and adoption.

[Smt. Mohsina Kidwai, MP in the chair.]

The Committee also took up Memoranda Nos. 3, 4 and 5 containing draft 14th, 15th and 16th Action Taken Reports on the 10th, 11th and 12th Reports on Demands for Grants relating to the Ministry of Agriculture (Department of Agricultural Research and Education); Ministry of Agriculture (Department of Animal Husbandry Dairying and Fisheries); and Ministry of Food Processing Industries for consideration and adoption.

3. The Committee then adopted the draft Action Taken Reports with certain additions/modifications as suggested by members of the Committee.

4. The Committee thereafter authorized the Chairman to present the above-mentioned Reports to the House on a date and time convenient to him.

The Committee then adjourned.

APPENDIX-VII**MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON FRIDAY, THE 10TH FEBRUARY, 2006 AT 1100 HRS. IN ROOM, 'D', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1235 hrs.

PRESENT

Prof. Ram Gopal Yadav – Chairman

MEMBERS**LOK SABHA**

2. Shri Hiten Barman
3. Shri Girdhari Lal Bhargava
4. Shri Khagen Das
5. Shri Sharanjit Singh Dhillon
6. Shri Mehboob Zahedi

RAJYA SABHA

7. Smt. Mohsina Kidwai
8. Shri Harish Rawat
9. Dr.M.S.Gill
10. Shri Pyarelal Khandelwal
11. Shri Sk. Khabir Uddin Ahmed
12. Shri Bhagwati Singh
13. Shri Bashistha Narain Singh

SECRETARIAT

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|----|-------------------|---|------------------|
| 1. | Shri A.K.Singh | - | Joint Secretary |
| 2. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri K.D. Muley | - | Under Secretary |
| 4. | Shri D.S. Malha | - | Under Secretary |

At the outset, the Hon'ble Chairman, welcomed the Members. Thereafter, the Committee took up for consideration the Draft Report on "The Food Safety and Standards Bill, 2005".

2. The Committee adopted the Draft Report with minor additions and modifications, as suggested by members of the Committee.

3. The Committee then authorised the Chairman to finalise the above-mentioned Report on "The Food Safety and Standards Bill, 2005" and present it to the House on a date and time convenient to him.

4. The Chairman thanked the Members for their cooperation and giving valuable suggestions during the consideration of the aforesaid bill.

The Committee then adjourned with a vote of thanks to the chair.