



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ७(२)]

बुधवार, फेब्रुवारी २६, २०२०/फाल्गुन ७, शके १९४१

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असाधारण क्रमांक १४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Food Safety and Standards (Maharashtra Amendment) Bill, 2020 (L. A. Bill No. VI of 2020), introduced in the Maharashtra Legislative Assembly on the 26th February 2020, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. VI OF 2020.

A BILL

*further to amend the Food Safety and Standards Act, 2006,
in its application to the State of Maharashtra.*

34 of
2006.

WHEREAS it is expedient further to amend the Food Safety and Standards Act, 2006, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Food Safety and Standards (Maharashtra Short title. Amendment) Act, 2020.

34 of
2006.

2. In section 32 of the Food Safety and Standards Act, 2006, in its application to the State of Maharashtra (hereinafter referred to as "the Amendment of section 32 of Act 34 of 2006.

principal Act”), in sub-section (4), the words “whose decision thereon, shall be final” shall be deleted.

Insertion of a new section 32A in Act 34 of 2006.

3. After section 32 of the principal Act, the following section shall be inserted, namely :—

Appeal to Government.

“ **32A.** Any person aggrieved by an order of the Commissioner of Food Safety under sub-section (4) of section 32, may file an appeal to the State Government, within thirty days from the date of order; and the decision of the State Government in such appeal shall be final. The provisions of section 5 of the Limitation Act, 1963 shall, *mutatis mutandis*,³⁶ apply to such appeal.” of 1963.

STATEMENT OF OBJECTS AND REASONS

The Food Safety and Standards Act, 2006 (34 of 2006) is enacted to regulate the manufacture, storage, distribution, sale and import of food. The said Act provides for the standards for food, prohibits manufacture, sale or distribution of misbranded, adulterated and substandard food, regulates manufacture, sale or distribution of food of standard quality under license issued thereunder and provides for punishment for violation of the provisions of the Act and Rules and Regulations framed thereunder.

2. Section 31 of the said Act provides for the licensing authority, forms, terms and conditions *etc.* in respect of licenses for manufacture, sale, storage and distribution of food. Food Business Operators are given sufficient time to comply with an improvement notice and failing such compliance the licences are suspended or cancelled by the licensing authorities.

Regulations 2.1.1, 2.1.2, 2.1.8 and 2.1.12 of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 made under the said Act provides for cancellation or suspension of above referred licenses by the licensing authorities if, in their opinion the licensee has failed to comply with any of the conditions of any provisions of the Act or Rules framed thereunder.

3. Clause (c) of sub-section (4) of section 32 of the said Act provides for appeal against an order of cancellation or suspension or revocation of license to the Commissioner of Food Safety. However, the said Act does not contain any provision for appeal against the order of the Commissioner of Food Safety in such appeal.

To ensure that the aggrieved persons gets an additional opportunity to appeal against the order of cancellation or suspension or revocation of license, it is considered expedient to provide for second appeal to the State Government. It is, therefore, considered expedient to insert a new section 32A in the said Act, in its application to the State of Maharashtra.

4. The Bill seeks to achieve the above objectives.

Mumbai,

dated the 17th February, 2020.

RAJENDRA SHINGANE,

Minister (Food and Drugs).