REPORT NO.
110

PARLIAMENT OF INDIA
RAJYA SABHA
DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON HEALTH AND FAMILY WELFARE

ONE HUNDRED TENTH REPORT

On

FUNCTIONING OF FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

(Ministry of Health and Family Welfare)

(*Presented to the Rajya Sabha on 9th August,* 2018)
(*Laid on the Table of Lok Sabha on 9th August*, 2018)

Rajya Sabha Secretariat, New Delhi

August, 2018/ Sravana, 1940 (SAKA)

Website: http://rajyasabha.nic.in
E-mail : rs-chfw@sansad.nic.in

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON HEALTH AND FAMILY WELFARE

ONE HUNDRED TENTH REPORT

On

FUNCTIONING OF FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

(Ministry of Health and Family Welfare)

(*Presented to the Rajya Sabha on 9th August,* 2018)
(*Laid on the Table of Lok Sabha on 9th August*, 2018)

Rajya Sabha Secretariat, New Delhi
August, 2018/ Sravana, 1940 (SAKA)

CONTENTS

---

* to be appended at printing stage

COMPOSITION OF THE COMMITTEE
(2017-18)

1. Prof. Ram Gopal Yadav - Chairman

RAJYA SABHA

*2. Shri Manas Ranjan Bhunia

^3. Dr. Santanu Sen
4. Dr. R. Lakshmanan
5. Dr. Vikas Mahatme
6. Shri Jairam Ramesh
7. Shri Ashok Siddharth
8. Shri K. Somaprasad
9. Dr. C. P. Thakur
10. Shri Ronald Sapa Tlau
11. Shrimati Sampatiya Uikey

LOK SABHA

12. Shri Thangso Baite
13. Shri Nandkumar Singh Chouhan (Nandu Bhaiya)
14. Dr. (Ms.) Heena Vijaykumar Gavit
15. Dr. Sanjay Jaiswal
16. Dr. K. Kamaraj
17. Shri Arjun Lal Meena
18. Shri Anoop Mishra
19. Shri J.J.T. Natterjee
20. Shri Mahendra Nath Pandey
21. Shri Chirag Paswan
22. Shri C. R. Patil
23. Shri M.K. Raghavan
24. Dr. Manoj Rajoria
25. Dr. Shrikant Eknath Shinde
26. Shri Gyan Singh
27. Shri Bharat Singh
28. Shri Kanwar Singh Tanwar
29. Shrimati Rita Tarai
30. Shri Dasrath Tirkey
31. Shri Manohar Utawal
32. Shri Akshay Yadav

SECRETARIAT

Shri P.P.K. Ramacharyulu	Secretary
Shri J. Sundriyal	Joint Secretary & Financial Advisor
Shri Rakesh Naithani	Director
Shri Dinesh Singh	Additional Director
Shri Bhupendra Bhaskar	Additional Director
Shrimati Harshita Shankar	Under Secretary
Shri Pratap Shenoy	Under Secretary
Shrimati Gunjan Parashar	Research Officer

---

* ceased to be member of the Committee w.e.f 23rd June, 2018
^nominated to be member of the Committee w.e.f 23rd June, 2018

COMPOSITION OF THE COMMITTEE
(2016-17)

1. Prof. Ram Gopal Yadav - Chairman

RAJYA SABHA

2. Shrimati Renuka Chowdhury
3. Shri Rajkumar Dhoot
4. Dr. R. Lakshmanan
5. Dr. Vikas Mahatme
6. Shri Jairam Ramesh
7. Shri Ashok Siddharth
8. Shri Gopal Narayan Singh
9. Shri K. Somaprasad
10. Dr. C. P. Thakur

LOK SABHA

11. Shri Thangso Baite
$12. Shrimati Ranjanaben Bhatt
13. Shri Nandkumar Singh Chauhan
14. Dr. Ratna De (Nag)
15. Dr. (Smt.) Heena Vijay Gavit
16. Dr. Sanjay Jaiswal
17. Dr. K. Kamaraj
18. Shri Arjunlal Meena
19. Shri Anoop Mishra
20. Shri J. Jayasingh Thiyagaraj Natterjee
21. Shri Chirag Paswan
22. Shri C. R. Patil
23. Shri M.K. Raghavan
24. Dr. Manoj Rajoria
25. Dr. Shrikant Eknath Shinde
26. Shri R.K. Singh (Arrah)
27. Shri Bharat Singh
28. Shri Kanwar Singh Tanwar
29. Shrimati Rita Tarai
30. Shri Manohar Untwal
31. Shri Akshay Yadav

SECRETARIAT

Shri P.P.K. Ramacharyulu	Additional Secretary
Smt. Arpana Mendiratta	Director
Shri Rakesh Naithani	Joint Director
Shri Dinesh Singh	Joint Director
Smt. Harshita Shankar	Assistant Director
Shri Pratap Shenoy	Committee Officer

$ ceased to be member of the Committee w.e.f 20th October, 2016.

COMPOSITION OF THE COMMITTEE
(2015-16)

1. Prof. Ram Gopal Yadav - Chairman

RAJYA SABHA

2. Shri Ranjib Biswal
3. Shri Rajkumar Dhoot
4. Dr. Bhushan Lal Jangde
5. Shrimati B. Jayashree
6. Dr. R. Lakshmanan
7. Shrimati Kahkashan Perween
8. Shri Ambeth Rajan
9. Shri Jairam Ramesh
10. Dr. T.N. Seema

LOK SABHA

11. Shri Thangso Baite
12. Dr. Subhash Ramrao Bhamre
13. Shrimati Ranjanaben Bhatt
14. Shri Nandkumar Singh Chauhan
15. Dr. Ratna De (Nag)
16. Shri Devendra *alias* Bhole Singh
17. Dr. (Smt.) Heena Vijay Gavit
18. Dr. Sanjay Jaiswal
19. Dr. K. Kamaraj
20. Shri Arjunlal Meena
21. Shri J. Jayasingh Thiyagaraj Natterjee
22. Shri Chirag Paswan
23. Shri C. R. Patil
24. Shri M.K. Raghavan
25. Dr. Manoj Rajoria
26. Dr. Shrikant Eknath Shinde
27. Shri R.K. Singh
28. Shri Kanwar Singh Tanwar
29. Shrimati Rita Tarai
30. Shri Manohar Untwal
31. Shri Akshay Yadav

SECRETARIAT

Shri P.P.K. Ramacharyulu	Joint Secretary
Shri Pradeep Chaturvedi	Director
Shri Dinesh Singh	Joint Director
Shri Rajesh Kumar Sharma	Assistant Director
Shri Pratap Shenoy	Committee Officer

Preface

I, the Chairman of the Department-related Parliamentary Standing Committee on Health and Family Welfare, having been authorized by the Committee to present the Report on its behalf present this One-Hundred Tenth on the Functioning of Food Safety and Standards Authority of India (FSSAI).

2. The previous Committee had identified the subject 'Food Safety and Standards Authority of India (FSSAI)' at its meeting held on *23rd September, 2015 and **29th September, 2016. However, it could not conclude its examination of the subject. The present Committee also took up the subject for detailed examination at its meeting held on ***25th October, 2017.

3. The Committee issued a Press Release on 23rd January, 2018 to elicit the views of various stakeholders on the subject. In response, a large number of memoranda have been received.

4. The Committee examined the subject, in its sittings held on 16th February, 2016 24th May, 2016, 10th November, 2016, 18th May, 4th June, 2018 and 7th August, 2018. During the course of the examination it took oral evidences of representatives of the Ministry of Health and Family Welfare and experts on the subject. The Committee also received written submissions from experts.

5. The Committee also benefitted from discussions with certain stakeholders and representatives of the State Governments during its study visit to: (i) Bengaluru, Mumbai and Goa from 20th to 26th October, 2016 and (ii) Jodhpur, Rishikesh and Bhopal from 01st to 08th July, 2018.

6. During the finalization of its Report, the Committee relied upon the following documents/ papers:-

(i) Background Note on FSSAI received from Department of Health and Family Welfare;
(ii) Oral Evidence tendered by Secretary, Department of Health and Family Welfare alongwith the CEO of FSSAI;
(iii) Oral Evidence tendered by Experts/ Stakeholders;
(iv) Written submissions made by Experts/ stakeholders; and
(v) Replies to the questionnaires received from the Department of Health and Family Welfare;
(vi) Websites of Ministry of Health and Family Welfare and FSSAI;
(vii) Articles published in various fora; and
(viii) Other relevant documents

---

* Rajya Sabha Parliamentary Bulletin Part II, No.54584, dated 28th September, 2015;
** Rajya Sabha Parliamentary Bulletin Part II, No.55908, dated 21st October, 2016; &
*** Rajya Sabha Parliamentary Bulletin Part II, No.57018, dated 13th November, 2017.

5. The Committee considered the Draft Report and adopted the same in its meeting held on 7th August, 2018.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report and also reproduced at the end of the Report in 'Observations/Recommendations-at a Glance' .

NEW DELHI
7th August, 2018
Sravana 16, 1940 (Saka)

PROF. RAM GOPAL YADAV
Chairman,
Department-related Parliamentary
Standing Committee on Health
and Family Welfare

CHAPTER 1

INTRODUCTION

1.1 Food safety is vital for the economic growth and progress of a country. With an increasing population, rising economy and rapid urbanisation India faces many challenges in its quest for food safety. Use of excessive pesticides, growth hormones, exposure to toxic waste etc. result in food contamination at the farm level. Additives, contaminants, chemicals, environmental pollutants, adulterants, toxic colourants or preservatives etc render the food unsafe for consumption. At any stage of food production, right from the primary production to processing, packaging and supplying, the quality of the food can be compromised. Every step, thus, poses a challenge for enforcement of food safety regulations.

1.2 Food adulteration has been reported widely in the country. In the present scenario, when food adulteration is so common, one cannot be sure of the quality of food he/she eats. Several manufacturing units have been accused of not adhering to the food safety norms and many more are still indulging in unfair practices and resort to supply of sub-standard quality food to the consumers. Our country has a large unorganized food sector that provides inexpensive food to the economically weaker sections. The street food is popular for its rich aroma and complex flavours but the hygiene and sanitary practices are a matter of grave concern. One of the most common adulterated foods is milk and milk products.

1.3 According to WHO, more than 200 diseases are spread through contaminated food ranging from diarrhoea to cancers. South East Asia has the second highest burden of foodborne diseases after Africa. It is estimated that two million deaths occur every year from contaminated food or drinking water. According to media reports, the recent data put out by the Ministry of Health and Family Welfare's Integrated Disease Surveillance Programme (IDSP) has indicated that food poisoning is one of the commonest outbreaks reported in 2017 apart from acute diarrhoeal disease (ADD). The data suggest that 312 of the 1649 outbreaks reported till the third week of December, 2017 were due to ADD and 242 were due to food poisoning. The IDSP has interpreted that the incidence of ADD and food poisoning is high in places where food is cooked in bulk such as canteens, hotels and wedding venues.

1.4 In a Power Point Presentation before the Committee, the Ministry of Health & Family Welfare *inter-alia* submitted that food-borne illnesses are a greater health burden comparable to malaria, HIV/AIDS or tuberculosis.

1.5 In a two day round table meeting chaired by Union Health and Family Welfare Minister in January, 2018, the health ministers of different states adopted a joint resolution with seven point charter. It was recognized that the developing world has always been at a higher risk of food borne diseases. The root cause of these diseases and deaths is unsafe, contaminated food and water. Preventive health care is the first of the seven pillars of the New Health Policy and these deaths & diseases are easily preventable. It was agreed that improved convergence between NHM and Safe and Nutritious food campaigns initiated by FSSAI was essential. The need of the hour was innovative food safety solutions and an effective regulatory mechanism so that the country's large population is provided with safe and nutritious food.

1.6 For a country that has to feed nearly 1.3 billion people, strict monitoring of the food supply chain can be an uphill task but not impossible. Sadly the present food safety scenario in India speaks volumes of how we have failed as a State in providing safe and wholesome Food to its population. The Supreme Court in its 2013 judgment had ruled that right to life also includes right to pure food, beverages. The Court was of the view that:

> *"Enjoyment of life and its attainment, including right to life and human dignity encompasses within its ambit availability of articles of food, without insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, etc*,"
>
> *"We may emphasize that any food article which is hazardous or injurious to public health is a potential danger to the fundamental right to life guaranteed under Article 21 of the Constitution of India. A paramount duty is cast on the States and its authorities to achieve an appropriate level of protection to human life and health...*,"

1.7 The Committee is of the view that India as a welfare State has primary responsibility to take a key role in establishing a robust food safety mechanism for the welfare of its citizens but time and again the State has failed to address the same. The policies and the existing food laws are inadequate and are weakly enforced. This poor implementation of the Food Law has resulted in rampant food adulteration and various food scandals. Substandard quality food has been reaching the market and causing irreparable damage to public health. The fundamental right to pure food has been compromised and long since forgotten. Food Safety, nutrition and food security are intricately interlinked. Poor food safety infrastructure

inadvertently poses a threat to public health as nutritious and safe food is fundamental to good health.

BACKGROUND

1.8 The Food Safety & Standards Act was passed in 2006 to create a single reference point for all matters relating to Food Safety & Standards, and regulations. FSS Act also led to the formation of the Food Safety and Standards Authority of India (FSSAI) as an apex authority responsible for formulating science based standards for food in the country and regulating the manufacture, storage, distribution, sale and import of food to ensure consumer safety.

1.9 Previous to the Food Safety and Standards Act 2006, there were a number of Food legislations. The erstwhile laws, rules and regulations like the (i)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 were consolidated in a homogenous whole in the FSS Act. Food Safety and Standards Authority of India (FSSAI) was established in 2008 as envisaged under Section 4 of the FSS Act, 2006. It is the regulatory body for all matters relating to food safety and food standards and represents a shift from multi level, multi departmental control to a single line of command. It also indicated three paradigm shifts from a fragmented approach to a single food law, from combating adulteration in food product to food safety across food chain, from prosecution to prevention and capacity building to build a culture of self-compliance. One of the major responsibilities of the FSSAI is the development of science based food standards by harmonising the same with codex standards, whenever possible. The Food Safety and Standards Act became operational with effect from 5.8.2011. The food regulatory framework has now moved from limited 'prevention of food adulteration' regime to 'safe and wholesome' food regime.

1.10 Since FSSAI is mandated to play a pivotal role in regulating the food sector and responsible for ensuring safe and wholesome food in the country, the Committee decided to holistically examine its role and functioning with the ultimate aim of suggesting veritable solutions to the inadequacies that are currently plaguing the food safety and food quality surveillance mechanism in the country.

1.11 The Committee issued a Press Release on January, 2018 to illicit views of the stakeholders as well as general public on the subject. The Committee received a number of memoranda and also heard the views of following stakeholders:-

(i) Association of Food Scientists and Technologists (India);
(ii) Confederation of All India Traders;
(iii) Defence Food Research Laboratory, DRDO, Mysuru;
(iv) National Dairy Research Institute, Karnal;
(v) ICMR- National Institute of Nutrition, Food Analysts Association (India);
(vi) Food Safety Officer Cadre Association Uttar Pradesh;
(viii) The Solvent Extractors/ Association of India; and
(ix) Shri Pradip Chakraborty, Former Director, FSSAI.

A complete list of stakeholders heard by the Committee is at **Annexure I**.

1.12 The Committee also heard the views of Secretary, Department of Health and Family Welfare and Chairman and Chief Executive Officer of Food Safety Standards Authority of India on the subject.

1.13 The Committee on Health and Family Welfare/ its Sub-Committee also undertook study visits in connection with examination of the functioning of Food Safety and Standards Authority of India (FSSAI) to: (i) Bengaluru, Mumbai and Goa from 20th to 26th October, 2016; (ii) Imphal, Shillong and Guwahati from 15th to 22nd January,2018**;** and (iii) Jodhpur, Rishikesh and Bhopal from 01st to 08th July, 2018. The Committee visited food testing laboratories and held discussion with their representatives, the representatives of food processing industries and state government on the implementation of Food Safety and Standards Act, 2006 and rules and regulations made there under and the functioning of Food Safety and Standards Authority of India (FSSAI). During its visit to Rishikesh in July, 2018, the Committee also visited a mega food park viz. Patanjali Food and Herbal Park(P) Ltd at Haridwar.

SALIENT FEATURES OF THE FSS ACT, 2006

1.14 The salient features of the Food Safety and Standards Act, 2006 are as follows:-

(a) movement from multi-level and multi-departmental control to integrated line of command;
(b) integrated response to strategic issues like novel/genetically modified foods, international trade;

(c) licensing for manufacture of food products, which is presently granted by the Central Agencies under various Acts and Orders, would stand decentralized to the Commissioner of Food Safety and his officer;

(d) single reference point for all matters relating to Food Safety and Standards, regulations and enforcement;

(e) shift from mere regulatory regime to self-compliance through Food Safety Management Systems;

(f) responsibility on food business operators to ensure that food processed, manufactured, imported or distributed is in compliance with the domestic food laws; and

(g) provision for graded penalties depending on the gravity of offence and accordingly, civil penalties for minor offences and punishment for serious violations.

Mandate of FSSAI

1.15 The Ministry of Health and Family Welfare in its power point presentation submitted the following mandate of FSSAI:-

(i) Food Standards & Safe Practices
(ii) Food Testing
(iii) Food Safety Compliance
(iv) Training & capacity building

1.16 The Committee learnt about the following activities of FSSAI in respect of its mandate:-

(i) **Food Standards and safe practices**

- Horizontal standards for residues of toxins and chemicals such as pesticides and antibiotics and micro-biological
- Vertical standards for food products (>500)
- Health supplements and nutraceuticals
- Organic food and GM food regulations(In the process of notification)
- Packaging, labelling and claims regulations(In the process of notification)
- 20 Scientific Panels (3 new panels) involving over 250 scientists and experts (Harmonization with Codex (global)
- 8 Standards Review Groups
- Schedule 4-Sanitation & hygiene Standards (FSMS/HACCP)
- 9 Technical Panels-Guidance Documents/Code of practices & Inspection Metrics

1.17 The Committee has also been informed that FSSAI has an Integrated Food Standards -Quick Access for being a single platform for all vertical and horizontal food standards as one point source for easy and quick access and elimination of ambiguity and integration with lab management system. FSSSAI also has Food Safety Knowledge Assimilation Network of experts/scientists to develop science-based standards.

(ii) Food testing- following are the features available:-

- There are total 249 Food Labs which include 72 State food labs including 13 NABL accredited +59 in transition, 18 FSSAI notified Referral Labs, 159 FSSAI notified labs.
- Support for State Food Labs
- Capacity Building including overseas training
- New Testing Methods
- -Simplified Self Tests for Combating Adulteration
- IT Platform (Indian Food Laboratory Network)
- Surveillance of Milk, edible oil, anti-biotic residues, packaging material
- Increased availability of Food Analysts
- 14 manuals for method of analysis
- FoTeST- Food Testing Staff's Training

FSSAI also has Food Safety Wheels which are Mobile Testing Labs.

(iii) **Food Safety Compliance parameters comprise of:-**

(a) Domestic Food Control

- Rapid increase in licensing and registrations (18,632 Central, 4,43,399 State licenses and 36,60,138 registrations)
- Driving smart and digital compliance (FoSCoRIS)
- Compliance through risk-based inspections
- Manufacturing/processing of food for exports to meet standards of importing country
- Simplified forms & processes, upgrading online systems, thorough review of licensing and registration regulations
- Regulation for food recalls

(b) Food Import Control

- FSSAI's presence at 20 Points of Entry (PoEs), 396 PoEs with Custom Authorities
- Risk-based inspections, sampling and testing
- Rectification of labelling defects
- Provisional NOC for perishables and packaged food items

- Single Window Clearance for Imports to facilitate 'Ease of doing business'
- Testing done in food labs in neighbourhood of PoEs
- Food labs in Bhutan, Bangladesh recognised
- Review and appeal in respect of rejected consignments
- Surveillance of imported food in the market

(iv) **Training and Capacity building provides for:-**

- Competency-based training courses (16 finalised so far)
- Technology-enabled portal to manage the process
- Market based and participatory (with funding coming from food businesses, CSR or as fees from participants)
- 100+ Training Partners
- Resource persons and master trainers
- Over 25,000 persons trained across the country in first year
- One trained/certified persons for every 25 food handlers at all food premises being mandated
- Structured training of regulatory staff and food lab staff.

COMPOSITION OF FSSAI

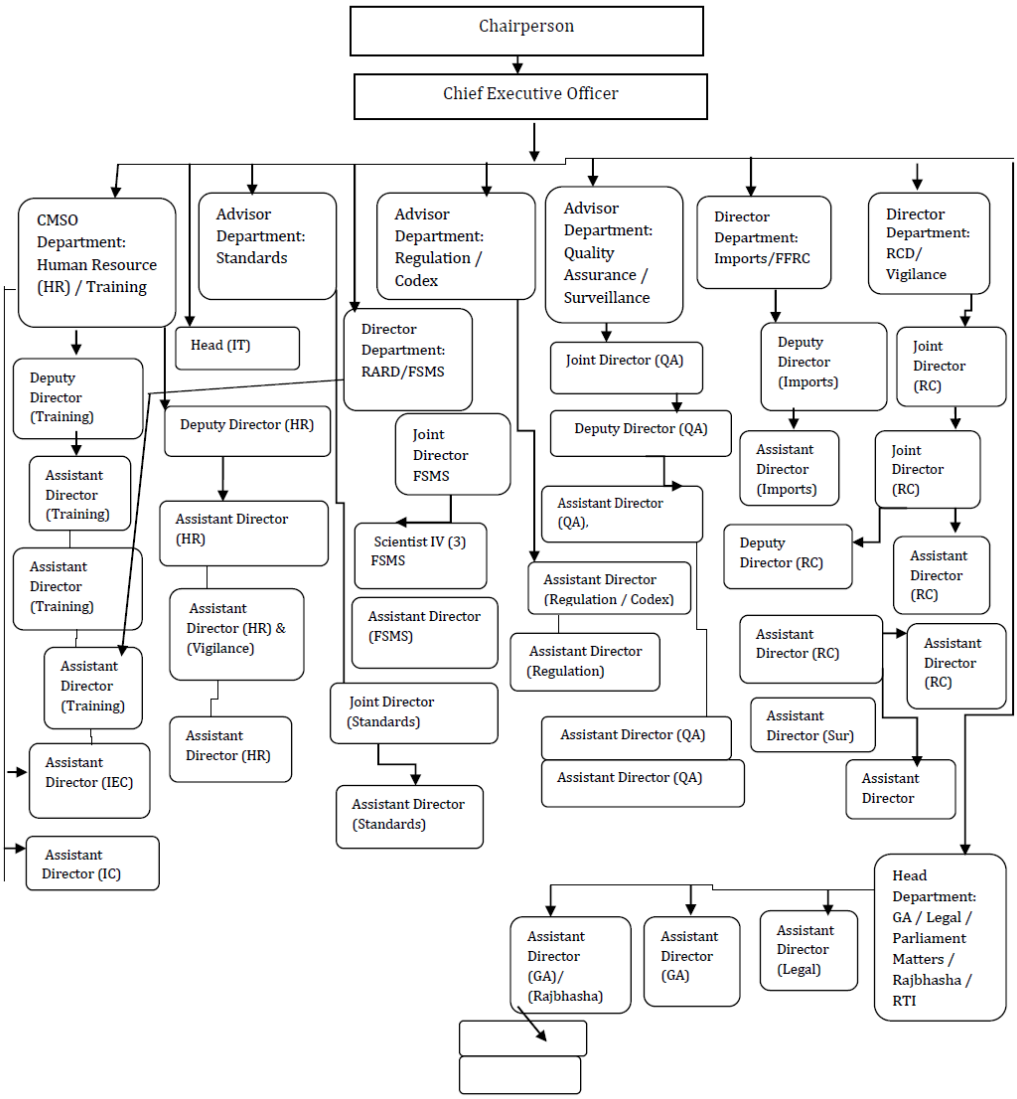
1.18 As per Section 5 of the FSS Act, the Food Authority shall consist of a Chairperson and twenty two members including seven members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to represent the following Ministry or Departments of 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 ex-officio members.

(b) Two representatives from the food industry of which one shall be from small scale industries;
(c) Two representatives from consumer organizations;
(d) Three eminent food technologists or scientists,
(e) Five members to be appointed every three years, on rotation one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;

(f) Two persons to represent farmers' organizations and
(g) One person to represent retailers' organizations.

1.19 The Chairperson and Chief Executive officer of FSSAI are appointed by the Central Government. The Chief Executive Officer (CEO) is the legal representative of the Food Authority and also the member secretary of the Food Authority. The following diagram depicts the organisational structure of FSSAI:-



1.20 It has been given to understand that FSSAI is presently operating with staff from state apparatus. The Committee opines that FSSAI cannot function to its optimum level without employing technical persons as permanent staff. The Committee recommends that FSSAI should be

restructured and persons with domain knowledge and expertise in the food sector should be employed to run the organization.

1.21 An expert during the course of his deposition submitted that since FSSAI is a science based organisation, CEO should be a senior food technologist having experience in food industry and not a bureaucrat. Only Food Science professionals should be appointed in technical posts and not bureaucrats. The Committee was informed that the 150th Joint Parliamentary Standing Committee had recommended to depute subject specialist only for international meetings/ Training programs. Instead, officials with no food science background have been deputed to foreign training/ Codex Alimentarious Commission meetings. It was suggested that the Food Authority may reconstitute the scientific panels every three years to maintain transparency. The Members should have industrial experience also. Since there is no dearth of Food Scientists in the country, best available talents with industrial experience should be in the scientific panel. Concerns have been expressed by some stakeholders that the present system of pick and choose method for selection of scientific panel members should be stopped. Attempt is being made right from the beginning to accommodate the manpower from own known sources other than science background and the process of recruitment is going on either deputation basis or on contractual terms.

1.22 The Committee notes that FSSAI is the apex regulatory body for food safety in the country and the Preamble to FSS Act *inter-alia* seeks to lay down science based standards for articles of food and ensure availability of safe and wholesome food for human consumption. Food safety is thus a specialized job and FSSAI being a science based organization should be equipped with proper tools and capabilities and headed by someone with the requisite technical acumen and appropriate expertise to address the challenging task of food regulation for a country like India. Engaging man-power with technical skill and competence, therefore, becomes imperative for effective rendering of important mandate given to FSSAI. The Committee is of the opinion that the regulatory body should be run by experts/ scientists in the food sector with bureaucratic support. The Committee, therefore, recommends that the qualifications and procedures of selection and appointment of Chairman and CEO of FSSAI be reviewed so that the best professionals with domain expertise are selected for this onerous regulatory responsibility. While reviewing and modifying the process of selection and appointment of Chairman and CEO, the

Government may take a cue from similar regulatory mechanisms functioning in some of the developed countries like USA, UK, Australia etc.

Composition of Central Advisory Committee

1.23 Section II of the FSS Act, 2006 provides for establishment of the Central Advisory Committee. Section 11 of the FSS Act, 2006 provides for establishment of the Central Advisory Committee (CAC) and Section 12 delineates the functions of the CAC. The Central Advisory Committee ensures close coordination between the Food Authority and the Enforcement Agencies and Organizations operating in the field of food. The primary mandate of the Committee is to advise the Authority on the work programme, prioritization of work, identifying potential risks and pooling of knowledge. The Central Advisory Committee consists of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories. In addition, all the Commissioners of Food Safety and the Chairperson of the Scientific Committee are ex–officio members. The Chief Executive Officer is the ex-officio Chairperson of the Central Advisory Committee.

1.24 The representatives of the Ministries 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 or government institutes or organizations and government recognised farmers' are invitees to the deliberations of the Central Advisory Committee.

1.25 The Committee notes that as per the information available on the website of FSSAI, out of its 9 members of Central Advisory Committee (CAC) representing the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories, 5 are from Delhi as in Annexure II. The ex-officio Chairman of CAC is also Delhi based which makes this number six. Given the fact that there are 24 chapters under trade laws dealing with food and scope of FSSAI and there is a vast pool of expertise available country-wide, this Delhi centric composition of CAC hardly represents various interest groups. The Committee feels that this factor is certainly depriving FSSAI of the sage advice and expertise of the immense talent present in the food sector in the country. This also leads the Committee to the conclusion that there is no transparent procedure for selection of members of CAC.

1.26 The Committee, therefore, recommends that there should be written guidelines on the selection process of members of CAC and the whole selection criteria should be made transparent. Bio data of selected candidates and their areas of competency/proven track record should be displayed on the website of FSSAI. It also recommends that the composition of CAC be broad based so that the pool of expertise in the food sector spread across the country could be tapped.

Scientific Committee and Scientific Panels

1.27 FSSAI also has Advisory and Scientific Committees/panels. The development of standards in Food Authority is undertaken by a Scientific Committee and 17 Scientific Panels comprising of more than 190 subject experts/Scientists. The Scientific Committee comprises of the Chairpersons of 17 Scientific Panels and six independent scientific experts not belonging to the any of the Scientific Panels. This committee is responsible for providing scientific opinion to the Food Authority, general coordination necessary to ensure consistency of scientific opinion and harmonization of working methods of the Scientific Panels. The Scientific Committee also deals on multi sectorial issues falling within the competence of more than one Scientific Panels and sets up working groups on issues which does not fall under mandate of any Scientific Panels.

1.28 The Committee recommends that proper guidelines for selection of members in the Scientific Committee must be made and strictly adhered to. The Scientific Panel should also have some members with industrial experience so that the diverse views from other sectors are also accommodated.

GENERAL FUNCTIONING OF FSSAI

1.29 Apart from the main Act governing the functioning of FSSAI, the Rules and Regulations which help in the implementation of the said Act have been notified. The FSSAI has notified the following regulations in the Gazette of India which came into force from 5th August, 2011:-

(i) Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011
(ii) Food Safety and Standards (Packaging and Labelling) Regulations, 2011

(iii) Food safety and Standards (Food product Standards and Food Additives) Regulations, 2011
(iv) Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011
(v) Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011
(vi) Food Safety and Standards (Laboratory and sampling analysis) Regulations, 2011

1.30 The Ministry of Health and Family Welfare has informed that the exercise for review of existing Food Standards and their harmonization with Codex and other international best practices has been initiated and the Scientific framework put in place with the establishment of Scientific Panels and the Scientific Committee as the risk assessment bodies.

1.31 As regards the enforcement of food safety in States/UTs, the structure in the States include Designated Officer at the District level and Food Safety Officers at Sub-District level. The Food Safety Commissioner is the head of this machinery at the State level. Most of the State Governments have appointed the Food Safety Commissioner and also have in place the structure for the enforcement of the Act.

1.32 The Food Safety and Standards (Licensing and Registration) Regulations, 2011 defines the procedures and conditions of Licensing and registration. While Schedule I of these Regulations provides the list of business under the purview of the Central Licensing Authority Act other business categories fall under the domain of State Licensing and Registration. The Central Licensing Authorities are Designated Officers appointed under Section 36(3)(i) of the FSS Act by the Chief Executive Officer of the FSSAI. The State Licensing Authorities and Registering Authorities are notified by the respective Commissioner of Food Safety of Stat/UT. Central Licensing is carried out at 5 regional offices located at Chennai, Delhi, Kolkata, Mumbai and Guwahati respectively. According to the Ministry, 18,632 & 4,43,399 Central and State Licences respectively have been issued.

1.33 The Committee understands that the State authorities have been requested to bring maximum number of FBOs under the ambit of FSSAI through licensing/registrations in the following ways:

(a) Special drives for identification of FBOs may be carried out by State Authorities in terms of Sub-Clause 2.1.3(4)(iii)(f) of FSS Rules which

requires FSO to maintain a database of all food business within the area assigned to him.

(b) The data available with State agencies like local bodies and State departments, Ministry of Small and Medium Enterprises(MSME), Central Board of Excise and Customs(CBEC),Ministry of Corporate Affairs etc may be utilized for the purpose of identification of FBOs which can thereafter be checked with Food Licensing and Registration System(FLRS) to identify unlicensed/unregistered FBOs.

1.34 The Progress of the enforcement activities *w.r.t.* implementation of FSS Act in States/UTs is as under:-

(i) 21 Central Advisory Committee meetings have been conducted till date
(ii) 25 States/UTs have established Appellate Tribunals in their respective States/UTs
(iii) 32 States/UTs have established Steering Committee in their respective States/UTs
(iv) 35 States/UTs have adopted online for Licensing/Registration (FLRS)

BUDGETARY ALLOCATION FOR FSSAI

1.35 The approved Budget of the Food Safety and Standards Authority of India (FSSAI) under Central Sector Scheme for Strengthening of FSSAI was Rs. 72.00 crore each during the Financial Years 2015-16 and 2016-17. The funds utilized towards Salary, Professional Services, Office Expenses, Travelling Expenses, Rent Rates & Taxes, IEC, Motor Vehicle and Maintenance etc. against the available funds of Rs. 78.30 Crore (Rs. 54.61 Crore + Rs. 23.69 crore unspent balance of previous year) is Rs. 76.16 Crore in the F.Y 2016-17 leaving thereby an unspent balance of Rs. 2.14 Crore.

1.36 The budgetary allocations of FSSAI during last four financial year has been as follows:

Year	Projected Outlay (in Crores)	Allocations (in Crores)
2015-16	-	69.20
2016-17	131.75	78.30
2017-18	324.75	185.58
2018-19	342.45	141.50

1.37 The Ministry has submitted that there is huge gap in the projected outlay and the allocations for the years 2016-17, 2017-18 and 2018-19 which is mainly because of a Central Sector Scheme, approved with an outlay of Rs. 482 Crores for strengthening of laboratories.

1.38 Comparing India with other countries in terms of manpower and financial resources, India is well below international benchmarks, both in overall and per capita terms. India has a population base of over 1252 million compared to base of approx. 324 million, 36 million, 64 million and 4.75 million vis-à-vis other major countries like USA, Canada, United Kingdom and Ireland respectively. However, the annual budget allocated to Food Safety and Standards Authority of India (Principal organization for administering Food Standards) is merely. $8.2 million approximately which is quite low compared to annual budget of $ 1.5 billion, $ 650 million, $106 million and $ 16.7 million of counterpart organisations in USA, Canada, UK and Ireland respectively.

1.39 A study by 'Food for All' partnership of the World Bank Group and the Netherlands Government revealed that food borne diseases cost India almost 28 billion dollars (Rs.178,100 crores) annually i.e. around 0.5% of the country's gross domestic product. It was also found that the number of food borne diseases is expected to rise from 100 million in 2011 to 150-177 million in 2030. The cost of Food borne diseases reach between 7-8.4 billion dollars in 2030 which represents a significant increase from 3 billion dollars estimated in 2011. To reduce the economic burden, India needs to invest in ensuring food safety for the masses. Indians are moving from simple staples to more nutritious food. The study highlights that despite growing recognition of the importance of food safety, India's public funding priorities do not reflect the substantive investments to standardise the food safety system. It was also emphasized that efforts needed to be made to improve the country's food safety policy through coordination across the value chain, develop key infrastructure such as cold chains, storage facilities, better testing capacity crop protection and animal health to improve food safety. Further, India needed to strengthen training and education across all levels of the value chain, ensure "faster collaboration'' amongst state governments, producers and consumers and embed food safety in nutrition programmes.

1.40 The Committee notes that FSSAI has cited financial constraint as one of the main reasons in its failure to upgrade the food safety mechanism in the country. The annual budget allocated to FSSAI is extremely low when

compared to annual budgets of counterpart organizations in different countries. This highlights the inadequate attention being given to matters related to food safety. The Committee would like to emphasize that food safety not only ensures good health but is also vital for economic growth and progress. The food processing industry has tremendous potential to generate employment, boost exports of agro-products and provide remunerative prices to farmers for their produce. However, tapping such opportunities is possible only if our food safety apparatus is brought at par with international standards.

1.41 The Committee underlines the need for an effective allocation of financial resources to FSSAI coupled with an effective State Food regulatory mechanism to strengthen the food safety infrastructure in the country. The Committee, accordingly, recommends a quantum jump in the budgetary allocation for FSSAI. The States should also enhance outlay for food safety to ensure safe and wholesome food for the citizens.

1.42 The Committee observes that the responsibility for surveillance and enforcement of food laws lies squarely on the State/UT Governments. But given the resource crunch in the States, it would be unrealistic to expect that the States would be in a position to improve the infrastructure and increase the manpower without central assistance for overhauling their food regulatory system. The Committee, therefore, recommends that the Ministry of Health and Family Welfare should work out a fully Centrally Sponsored Scheme for up gradation of manpower, strengthening of food safety infrastructure including food testing laboratories and setting up a robust surveillance system at State level.

CHALLENGES BEFORE FSSAI

1.43 On a specific query about the challenges/obstacles faced by FSSAI in ensuring a robust safety food mechanism in the country, the Ministry of Health and Family Welfare shared the constraints in the implementation of the Act on account of legacy issues, weak enforcement in several States and the problems carried forward from primary production. The Food Safety and Standards (FSS) Act was enacted in 2006 by consolidating all existing food safety legislations spread across numerous Ministries and Departments. The FSS Act expanded its focus from merely preventing adulteration to a more holistic approach of ensuring safe and wholesome food. It was submitted that ideally,

implementation of this entirely new philosophy should have been built on a fresh foundation, with resources aligned to the new policy. In reality, the existing employees and institutional structures were cobbled together under the new system, resulting in legacy issues like severe shortage of manpower at Central level, each state having its own individual structure (often spread across different departments and Ministries), employees from the old regime being essentially enforcement/inspection oriented etc. The result has been fragmented and weak systems and structures in many State Food Authorities, problems in staffing (both in terms of capacity and numbers), and budget constraints. Consequently, FSSAI is not able to monitor even centrally licensed FBOs directly losing thereby adequate oversight and supervisory control over State Commissioners of Food Safety, who in turn are also grossly understaffed.

1.44 FSSAI has a total of 356 posts against a requirement of 960 posts for its various offices. The proposal to sanction additional posts is under consideration of the Department of Expenditure. The Recruitment Regulations have also been formulated and are pending approval of the Legislative Department, Ministry of Law.

1.45 There is shortage of regulatory staff with the States/UT Governments to implement the FSS Act. As against a modest requirement of 4850 Food Safety Officers (FSOs), there are only 3130 FSOs in the country at present. There is also shortage of other functionaries in regulatory compliance of States/UTs so much so that as against requirement of 835 Designated Officers, there are at present only 651. Besides, most of Designated Officers as well as Commissioners of Food Safety in States/UTs have additional charge, thus leaving very little time and resource to devote to food safety.

1.46 Further, there is need to simplify the procedure for registration, licensing etc. and also the requirement of making penalties more stringent wherever there are wilful illegal activities of adulteration endangering public health and safety.

1.47 Another challenge faced is that the officers in the field are not fully conversant with relevant law which leads to different interpretations. This is being addressed by imparting structured capacity building modules to regulatory staff through comprehensive material. Recently, an updated Manual for FSOs has been prepared and circulated among all concerned and has also been uploaded on the FSSAI's website.

1.48 Another constraint is that the Food Testing Laboratories in most of the States are not adequately equipped with manpower as well as equipment. As

against 62 functional public labs in States, only 13 are NABL accredited and notified by FSSAI. The remaining labs are functioning under transitory provisions as provided under Section 98 of FSS Act, 2006.There is need to develop a National Reference Lab System as well as IT platform to improve credibility and proficiency of testing.

1.49 The Committee learnt that FSSAI is addressing these issues through several initiatives within their limited means. A proposal to increase the staff strength of FSSAI has been taken up with the Government. At the State level, the Food Safety Commissioner is the head of the enforcement machinery. Food Safety Officers (FSOs) & Designated Officers (DOs) are frontline officials to ensure compliance and enforcement of the food safety laws in the country. The Central Advisory Committee at its meeting held on 1st August, 2014, recommended that all States/UTs should have 1 DO for every District and 1 FSO for each Development Block in rural areas and 1 FSO for every 1000 Food Business Operators (FBO) in urban areas. (The Administrative Structure in States/UTs is at **Annexure-III**). FSSAI has been coordinating with States/UTs through letters, video-conferences and CAC meetings. The issues have also been raised at the highest levels in the Conference of State Health Ministers and Secretaries held in January, 2018. As a result of these efforts, the proposal for creation of posts in FSSAI is at an advanced stage of consideration by the government. The total number of FSOs in the country has also increased from 2324 to 3130 in last three years. Significant increase has been noticed in Uttar Pradesh (200%), Karnataka (191%), Delhi (100%), Kerala (97%) and Gujarat (25%). However, there are some States like Punjab (43%), Rajasthan (25%) and Madhya Pradesh (13%).where there has been a decline in no. of FSOs

1.50 Apart from the challenges/obstacles faced by FSSAI the following issues/problem areas in the arena of food safety and standards need to be looked into:

(i) Absence of database on food business
(ii) Overuse of pesticides and its residue in food chain
(iii) Increased incidences of food-borne diseases and toxins
(iv) Regulation of farmer/fisherman/farming operations/crops/livestock/aquaculture
(v) Irregularities in monitoring/cancellation of Licenses
(vi) Insufficient number of laboratories and inadequate testing infrastructure in States/UTs
(vii) Lack of accreditation of food testing laboratories in the country
(viii) Shortage of regular staff and technical expertise in the field of food safety

(ix) Ambiguous and multiple food safety Standards in the country
(x) Non-harmonization of domestic food safety standards with CODEX/Global standards
(xi) Lack of information and clarity on compliance to food safety regulations.
(xii) Lack of ability of food business operators to track procedural, compliance and regulatory changes
(xiii) Ineffective enforcement of food safety norms and standards
(xiv) Non-Compliance with International trade agreements and regulatory coherence
(xv) Antimicrobial Resistance (AMR) challenge
(xvi) Inadequate regulatory framework on novel foods, genetically modified crops, organic food etc,
(xvii) Inefficient grievance redressal systems
(xviii) Regulation of unorganized food sector
(xix) Lack of raining of food handlers and vendors
(xx) Absence of guidelines for the tolerances of macro and micro nutrients based on the category of food like general foods, Food Supplements, Food for special medical Purpose etc
(xxi) Absence of a regulatory body at ports
(xxii) No documented policies & procedures on Risk analysis/assessment/communication and management

CAG REPORT No 37 of 2017- Performance Audit on Implementation of Food Safety and Standards Act, 2006

1.51 The performance audit on food safety was taken up by the CAG in 2017 in ten selected states. The important findings of the performance audit on some crucial areas have been highlighted in succeeding paras:

(i) Regulatory and Administrative Framework:

- Even after more than a decade of the enactment of the Act, the Ministry and Food Authority are yet to frame regulations governing various procedures, guidelines and mechanisms enunciated in different sections of the Act.
- Food Authority failed to devise action plans to identify areas on which standards are to be formulated/revised within specified time frames and the manner of selection of food products for formulation of standards. FSSAI has, for some food categories, entrusted the task of suggesting revision of standards to

representatives of the food business operators (FBO), whose opinions cannot be considered unbiased. FSSAI notified regulations and standards without considering the comments of stakeholders. Primarily because of the absence of policy guidelines and standard operating procedures (SOP), Food Authority took between one year and three years to notify amendments.

- Possibility that unsafe/declared unsafe food articles continued to be manufactured and sold is not ruled out due to failure of the Authority to monitor and cancel licenses issued under the product approval system declared unlawful by the Supreme Court.
- FSSAI continues to issue directions without following the procedure of previous approval of the Central Government, previous publication and notification (as contained in section 92 of the Act), the placing of such regulations and rules before Parliament (as contained in section 93 of the Act), despite the Supreme Court declaring such procedure as mandatory. Audit noticed many instances where FSSAI issued directions and notified regulations without the requisite approval of Food Authority and the Ministry.
- Despite recommendation of the Central Advisory Committee (CAC) that at least 75 per cent of the food license fee collections should be used for Information, Education and Communication (IEC) activities, most states had not allocated any budgets for these activities.

(ii) <u>Licensing, Registration, Inspection and Sampling</u>

- FSSAI and state food safety authorities did not conduct survey for enforcement and administration of the Act and of the FBOs under their jurisdiction, though required to do so under the Act.
- Licenses were issued on the basis of incomplete documents in more than 50 per cent of cases test checked in Audit.
- Neither FSSAI nor the state food authorities have documented policies and procedures on risk based inspections, and the FSSAI does not have any database on food business.
- FSSAI has failed to ensure that the Customs authorities follow up the Non-Conformance Reports issued by the FSSAI, and take appropriate action to ensure that unsafe foods do not enter the country.

(iii) Analysis of Food and Prosecution

- 65 out of the 72 State food laboratories to which FSSAI and state food safety authorities sent food samples for testing do not possess National Accreditation Board for Testing and Calibration Laboratories (NABL) accreditation. Consequently, the quality of testing by these laboratories cannot be assured.
- Though the Act stipulates gazette notification of empanelled food laboratories, FSSAI empanelled, between September 2011 and March 2014, 67 food laboratories through office orders.
- FSSAI has no data on public analysts declared eligible under the erstwhile Prevention of Food Adulteration Act who continue to function under the FSS Act. FSSAI also has no data on whether all the notified empanelled food laboratories have qualified food analysts. Audit test check found that 15 out of the 16 test checked food laboratories did not have qualified food analysts.
- Shortage of qualified manpower and functional food testing equipment in state food laboratories and referral laboratories resulted in deficient testing of food samples.
- There were significant delays in finalization of cases by Adjudicating Officers. Further, a significant portion of the penalty imposed remained uncollected.

(iv) Human Resources

- Failure of the Ministry and the FSSAI to frame the recruitment regulations even after a decade of the enactment of the Act, resulted in acute shortages of regular staff at various levels.
- Acute shortage of licensing and enforcement officers (Designated Officers and Food Safety Officers) in the states severely affected food safety measures in the states.

1.52 Based on the audit findings, some of the recommendations of the CAG are given below:

(i) Ministry/FSSAI may expedite the notification of regulations on areas that have been specified in the Act, but are yet uncovered.

(ii) FSSAI may frame standard operating procedures on the formulation and review of standards, and ensure that these are adhered to.

(iii) FSSAI may ensure that all licenses issued under the erstwhile system of product approvals are reviewed, and licenses cancelled and reissued as warranted under the present procedure.

(iv) FSSAI may review all directions issued under section 16(5) of the Act in the light of directions of the Hon'ble Bombay High Court and Hon'ble Supreme Court.

(v) FSSAI and state food authorities may conduct surveys of food business activity under their jurisdiction to ensure a comprehensive and reliable database of FBOs and to ensure better enforcement and administration of the FSS Act.

(vi) FSSAI may frame and notify policy guidelines and procedures on risk based inspections, including the periodicity of inspections. All states may be persuaded to specify the periodicity of inspections and ensure that the periodicity is adhered to. - - Ministry is required to ensure accreditation of all state food laboratories, and ensure that state food laboratories and referral laboratories are fully equipped and functional.

(vii) The Ministry/FSSAI may take steps to expeditiously notify the recruitment regulations and fill up vacancies.

1.53 The Committee notes the shortcomings pointed out by CAG report about the administration of food safety laws. The Committee opines that there is a need to restructure or revamp the FSSAI so as to enable it to meet the multiple challenges in the arena of food safety and regulation. The Committee, therefore, recommends that only technically competent officers with expertise in subject of food science should be appointed/selected in FSSAI so that they are most suitable for the task assigned to them by FSS Act 2006.

1.54 The Committee would like the Ministry to launch a national level awareness programme to sensitize all the sections of the society on the food safety subject aiming to infuse a national commitment towards reduction of food contamination from all the stages of food chain. This sort of a mission mode project will assure that the stakeholders take full ownership and responsibility and ensure self compliance to the FSS Act, 2006. Also, a

comprehensive food policy must be devised and the shortcomings of the present Act need to be rectified.

CHAPTER 2
EFFICACY OF THE REGULATORY FRAMEWORK

2.1 Under the FSS Act the, FSSAI is tasked with the responsibility of improving the food safety status of India. Effective implementation of the food regulatory policy is fundamental for ensuring a safe food environment. The current FSS Act was formed after the integration of previous laws but there have been inordinate delays in the framing of regulations and standards. Overlapping of standards by other regulatory bodies still exists. Needless to say such ambiguous and multiple Standards create confusion among various stakeholders and lead to non-conformance to FSS Act. FSSAI has failed to ensure the successful execution of the already framed regulations. Risk based approach is missing from the food quality control mechanism adopted by FSSAI. Lack of coordination and cooperation between the FSSAI and States/UT Governments has led to food safety issues being neglected in India. FSSAI has yet to collect and collate data regarding food businesses, contamination, risk based inspections etc. Awareness regarding healthy eating is missing amongst the masses. Integration of the consumers to the food safety program is essential. Also, the food safety machinery in the States Food Safety department is inefficient to tackle the growing menace of food adulteration. FSSAI has to play a significant role in safeguarding the right to healthy food for all the citizens and therefore it is incumbent upon the Authority to regularly review the rules and regulations and suggest amendments in the Act to make it more enforceable.

Regulatory Analysis

2.2 Indian Beverage Association through its written submission has pointed out the need of regulatory Impact Assessment to monitor existing regulations of the FSS Act to understand if the intended objectives are met or need modifications. Dr. Prathap Kumar Shetty, Professor and Head, Department of Food Science and Technology, Pondicherry University has also suggested that a thorough review is required to assess whether the systems, procedures, duties, and functions as mandated by the Act are in place or proceeding in accordance with the Act

2.3 The Committee notes that the first objective of FSSAI, is to lay down science based standards for articles of food and regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food. However, the indicators of food safety show that the

objective of formation of FSSAI has not been fulfilled as the quality of food stuffs is deteriorating and use of contaminants is increasing day by day. Milk and food which were safe previously are no longer safe because adulteration and use of hazardous chemicals for artificial ripening of fruits and vegetables have witnessed tremendous increase in the recent past. The Committee observes that FSSAI has failed to assess the impact of the FSS Act on food safety and therefore recommends that FSSAI should systematically evaluate the performance of the FSS Act, its rules and regulations. Certain indicators need to be developed to measure the outcomes of the food safety policy and institutions.

Regulations yet to be framed

2.4 Parliament enacted the FSS Act 2006 by subsuming various legislations. In 2008, FSSAI was established as an institutional framework responsible for safe and wholesome food. More than a decade has passed since the enactment of FSS Act and FSSAI has not framed regulations under the Act as also pointed out in CAG Report No 37 of 2017 in the following areas.

(i) Accreditation of certification bodies engaged in certification of food safety management systems for food businesses (Section 16 (2) (c));
(ii) Accreditation of laboratories and notification of the accredited laboratories (Section 16 (2) (e));
(iii) Conduct survey of enforcement and administration of the Act in the country (Section 16 (2) (g));
(iv) Food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods (Section 16 (2) (h));
(v) Risk analysis, risk assessment, risk communication and risk management shall be undertaken (Section 16 (2)(i));
(vi) Making or amending regulations in view of urgency concerning food safety or public health (Section 92 (2) (g));
(vii) The respective areas of which the Designated Officer shall be in-charge for food safety administration (Section 92 (2) (p));
(viii) Financial regulations to be adopted by the Food Authority in drawing up its budget (Section 92 (2) (t));
(ix) Participation in Codex meeting and preparation of response to Codex matters (Section 92 (2) (u)); and
(x) Genetically engineered or modified food (Section 22)

2.5 The Ministry informed that out of the 32 areas listed in the Act, regulations have already been notified in 25 areas. Further, in three areas, regulations are in process of final notification and one regulation is at the draft stage. While in respect of urgency regulation, the Ministry of Law has opined that regulation is not required, in the area of risk analysis and risk assessment guidelines/ orders have been issued. Guidelines for risk assessment of GM food are being prepared and the same would be suitably framed as regulations. Details of all these regulations are at **Annexure IV.**

2.6 **The Committee understands that the process of framing regulations involves extensive consultations with various stakeholders including related ministries, agencies, NGOs, farmer organizations, etc. However, failure to examine the requirement to frame regulations in respect of remaining seven areas even after a decade of enactment of the Act is indicative of FSSAI's lethargy and procrastinated decision making in the matter. The Committee, therefore, recommends that FSSAI should frame and notify the remaining regulations within a period of one year from the date of presentation of this Report to the Parliament.**

Inordinate delays while notifying amendments

2.7 CAG in its Report No. 37 of 2017 has pointed out that the:
FSSAI has not formulated internal time frames for the processing of standards that cause inordinate delays which are primarily attributable to lack of policy guidelines and standard operating procedures (SOP). Even after approval by the Scientific Panels, FSSAI took between 14 to 24 months to notify six amendments, and between 28 to 39 months to notify five amendments.

2.8 The Ministry has clarified that as the meetings of Scientific Committee and Food Authority are generally held once every quarter, the process of development of draft regulations/standards by a Scientific Panel up to its approval by the Food Authority usually takes 3-6 months depending upon the schedule of meetings. Further, the concerned Division also requires adequate time to incorporate the recommendations of Scientific Committee / Food Authority in the draft regulation/standard originally recommended by a Scientific Panel. The entire process till the final notification takes somewhere between 6 to 18 months depending on the complexity of food standards. The delays were mainly due to practical difficulties and lack of frequent meetings of Scientific panels and committee. Remedial steps are however being taken by FSSAI. The

process of developing standards has substantially improved by conducting frequent meetings of Scientific Panels and Scientific Committee. The number of the Panels has increased from 8 to 17 as of now, and these are likely to go up to 20 in near future. Draft regulations are being notified to WTO at pre-draft notification stage. For setting standards with timelines, SOP has been developed so that delays do not occur.

2.9 **The Committee would like to draw the attention of the Ministry to the recommendation of the Lok Sabha Committee on Subordinate Legislations which has stipulated (December 2011) that the rules should be notified within six months of last date of receipt of comments from stakeholders if a large number of such comments/ suggestions have been received and within three months if nil or less comments are received. The CAG Audit observed that though only one to two comments of minor nature were received on the draft notifications in four cases, FSSAI took five to ten months for final notification. FSSAI while notifying rules should consider the recommendations of the Lok Sabha Committee on Subordinate Legislation and work to strengthen its scientific and administrative machinery so that further delays are avoided. Moreover, the frequency of meetings of Scientific Committee and Panels and Food Authority should be increased and a strict timeline should be set and adhered to.**

Product Approval System

2.10 The Committee's attention has also been drawn to the Product Approval System followed by FSSAI and discussed in the CAG Report No 37 of 2017.

This system was quashed by the Hon'ble Bombay High Court on 01 August 2014 and the Hon'ble Supreme Court dismissed the appeal on 19 August 2015 on the ground that the advisories issued by FSSAI without following the procedure have no force of law. CAG Audit observed that though the FSSAI discontinued the product approval system, it neither took steps to withdraw the licenses issued under the now invalid system, nor ensured product recalls. Consequently, the possibility that unsafe foods continued to be imported/ produced/ distributed/ sold based on the now invalid licenses cannot be ruled out."

2.11 The Committee has been informed by the Ministry that, FSSAI initiated the process of reviewing all cases of NOCs granted prior to orders of Supreme Court. A notice was issued to all FBOs holding NOCs on 1st January, 2018

through FSSAI Website. These FBOs were advised to ensure complete compliance with the requirements of the various new regulations issued by the Authority in last 2-3 years. In cases, where a product was still not covered under any of the new regulations, the FBOs were advised to get their NOCs granted to them revalidated by submitting the necessary documents to the Authority as per the requirements under the new Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017. Till date, FSSAI has received response against 19 NOCs and all except one FBO have confirmed that the products for which NOCs were granted to them are in complete compliance with the existing regulations. While it can be assumed that other businesses which have been granted NOCs are either covered under new regulation or do not hold license anymore, however, as a matter of abundant precaution, before finally withdrawing the NOCs, FSSAI is issuing a notice to the remaining 192 applicants to respond within a four weeks' time, to the Authority regarding the status of the NOCs issued to the Product(s).

2.12 Considering all the facts, the Committee is constrained to observe that though the Supreme Court struck down the Product Approval System based on the advisories issued by FSSAI in August 2015, FSSAI took a very long time to review all the cases of NOCs granted under this system. The status of 192 NOCs is still not clear as to whether these products are covered under any new regulations or not. The Committee endorses the view of CAG that FSSAI failed to ensure the cancellation of licenses issued under this suspended system. There is every likelihood that FBOs with invalid licenses under this system are still producing and selling unsafe food to the consumers. FSSAI should therefore expedite the whole process of withdrawal of such NOCs and carry out within six months inspection of the FBOs that claim to comply with the new regulations.

State Level Steering Committee

2.13 The CAG highlights the absence of State Level Steering Committee (SLSC) or State Advisory Committee (SAC) in some States. Audit test check in ten States revealed that SACs had not been constituted in Odisha and West Bengal. In Delhi, Haryana, Himachal Pradesh and Tamil Nadu, the SACs did not hold any meetings. In Assam, Gujarat, Uttar Pradesh, the SACs met only once during the entire audit period while in Maharashtra it met twice. Most of the Districts in the States have not constituted District Level Steering Committee (DLSC).

2.14 The Committee observes that the Central Advisory Committee (CAC) of FSSAI has emphasized on regular meetings of State and District Level Steering Committees wherein States/UTs may also invite representatives from FSSAI to attend the concerned meeting as special invitee. The Committee notes that State Level Steering Committee (SLSC) have not been constituted in Odisha and Sikkim and Lakshadweep.

2.15 The Committee recommends that the State Level Advisory Committee should be constituted in every State with the Food Safety Commissioner as the Chairperson and all the stakeholders as its members. The guidelines for its constitution and role should be issued. The Committee agrees with Central Advisory Committee (CAC) that the Director of the State Food Testing Lab, officers of the Food Authority and representatives from the industry associations should also be included as its members. The Committee feels that the presence of such a system at State and District level will not only help in better handling of licensing/registration regulations but also facilitate integration of local bodies with the Food Safety Administration. The Committee would like the Authority to nudge the State Governments to expedite the formation of State and District Level Advisory Committees. Monthly meetings should be conducted by these Committees and appropriate actions taken to ensure robust food safety surveillance in the State. Section 70 of the FSS Act requires the State Government to establish one or more tribunals to be known as the Food Safety Appellate Tribunal to hear appeals from the decisions of the Adjudicating Officer under Section 68. The Committee observes that there is no Food Safety appellate tribunal in Bihar, Goa, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Mizoram, Nagaland, Odisha, Sikkim and Tamil Nadu even after more than a decade of the FSS Act. The Committee therefore recommends establishing of tribunal in each of these States so that the litigation process can be fast tracked.

Absence of separate food safety Department

2.16 The Committee observes that many States do not have a Separate food safety Department in place. As per information available with FSSAI, only a few states/UTs like Goa, Gujarat & Jharkhand have full time Food Safety

Commissioners. In some states like Chhattisgarh, Haryana, Jammu & Kashmir, Madhya Pradesh, Maharashtra and Tamil Nadu, food safety and drugs departments are being looked after by the same officer as a dual charge. In most of the remaining States/UTs, officers in Health Department are holding additional charge of food safety department. As per Food Safety and Standards Regulations, all States/UTs are required to develop their own surveillance plans. The officers in-charge of food safety department in states/UTs are required to keep surveillance on food products being traded/ sold in the market/ to the consumers. FSSAI also shares, model surveillance plan with the states from time to time, especially during the festival seasons.

2.17 **The implementation and enforcement of Food Safety and Standards Act, 2006 rests primarily with the State/ UT Governments, for which regular surveillance, monitoring and inspection are required to be undertaken by them. The Committee however notes that many States do not have a separate food safety Department. The Committee is of the view that food adulteration, lack of quality checks, misleading labelling, sale of defective food products etc. that have become the norm these days are primarily an offshoot of absence of a dedicated and robust food safety apparatus at the State level. The Joint Committee of Parliament on the Prevention of Food Adulteration (Amendment) Act, 1974 had recommended long back that for effective implementation of the Act, a separate food safety department under the control of the Director of Health should be established in all the States. Endorsing the same view, the Committee strongly recommends establishment of a separate agency or Department of Food Safety in each State for enforcing a robust food safety mechanism in the country. The Committee also recommends that the creation of a dedicated food regulatory mechanism in each State be taken up by the Union Government with the State Governments at the highest level.**

2.18 In some States/UTs officers in Health Department are holding additional charge of food safety department. Section 30 of the FSS Act states that the State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under the Act. The Section spells out the functions of the Commissioner of Food Safety in terms of (i) regulating manufacture, storage, distribution or sale of any article of food in the interest of public health, (ii) carrying out survey of the industrial units engaged in manufacture or processing of food, (iii) conducting or organising

training programmes for the personnel, (iv) generating awareness of food safety, (v) ensuring an efficient and uniform implementation of the standards and (vi) sanctioning prosecution for offences etc. The Committee understands that the Food Safety Commissioner has to perform a wide range of functions. It, therefore, recommends that the officer should be conversant with food science and technology and should be a whole time officer. Part time arrangement for such important functions in many States/UTs will not serve the interests of the Act.

Amendments required in FSS Act

2.19 Section 2 of the Act stipulates that: It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

The UP Food Safety Cadre Association submitted before the Committee that the FSS Act is enforced in the State according to the available resources which leads to different extent of effectiveness and intensity of enforcement in different states. Such a casual attitude towards enforcement of food safety regime forfeits the aim of the Act. They suggested that Section 2 of the Act should be implemented in letter and spirit. Implementation of the Act as well as enforcement should be taken under the control of the central government providing uniform rational framework of human resources and infrastructure to the States.

2.20 The Committee notes that there is no uniformity in the food safety infrastructure across the country. Some States do not even have a food safety department and a food safety appellate tribunal. The food testing laboratories lack functional equipments as well as technical manpower. This inadequate arrangement has failed to control food adulteration in the country. Therefore the Committee recommends removal of this existing inconsistency and introduction of a uniform structure across the country. The Central Government should work in cooperation with the State Government to establish a uniform food safety regulatory regime in the country. It is also very important for the food testing laboratories across States/UTs to follow uniform procedure/methodology and guidelines so that consistent results are obtained.

2.21 Section 3(1)(j) defines "food" as follows:-

"Food" means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), 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.

2.22 The UP Food Safety Officer Cadre Association pointed out that the Drinking/ Potable water is not included in the definition water due to which the food business operator are at liberty to provide water of low quality as drinking water. The association has suggested that in the definition after packaged drinking water, 'Drinking/Portable water' should also be added.

2.23 The Committee notes that packaged drinking water is already included in the definition of food. The Committee recommends that the definition of drinking/ portable water should also be added to Section 3 (1) (j). The water that is served as drinking water in the eateries should also come under the purview of the FSS Act. The water that is provided in the food business premises such as eating outlets should also be timely inspected. All this should be done to ensure that the FBOs provide clean drinking water in their eateries.

2.24 Section 3.1(zz) defines unsafe food as:-

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

(viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof;

2.25 The Office of the Commissioner of Food Safety, Kerala in its written submission mentioned that at present the law is silent as to whether a food article

is unsafe or substandard if the prescribed colouring matter exceeds the limit permitted under regulation. In such situations some Food Analysts report the food article as substandard and in certain cases as unsafe. To avoid such ambiguity, the law should specify whether permitted colour which exceeds the prescribed limit should be included either in the category substandard or unsafe. It also suggested that the provision may be included in the category of substandard, as it is only a variation from the prescribed Standard. It has also proposed following amendments in the Section

Section 3.1(zz) "unsafe food" means an article of food whose nature, substance or quality is so affected as to render it injurious to health:

(viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof or

if the amounts of the prescribed coloring matter which is present in the food article not within the prescribed limits of variability.

2.26 The Committee notes that the use of food dyes has to be regulated because time and again, the food dyes have been linked to health problems. Excessive use of colouring matter in food may cause allergic reaction to some people or hyperactivity in sensitive children. The Food Authority should ensure that the artificial coloring matter used in food meets the strict food safety requirements. The uniform guidelines for food dyes will ensure that the food samples are correctly analysed and labelled as substandard or unsafe as per the the prescribed limit. The Committee recommends that the provisions proposed by the office of Food Safety Commissioner, Kerala be considered for addition to the Section after due legislative vetting. Use of coloring matter above the prescribed limit or use of non-permitted coloring matter should both be punishable and stringent action should be taken against FBOs involved in this practice.

2.27 The Committee gathers that a large number of food products are sold as health food, "rich in...., contains added...., fortified with..., added with....., natural, herbal, organic" etc. As of now, there are no definitions for these products under the FSS Act, 2006 and consumers are also not aware of these terms and their health implications. Though large number of products is sold by manufacturers under these claims, these terms are not clear to manufacturers either. Even the food inspectors have their own interpretation due to which corrupt practices are prevailing. The Committee is of the view that since these claims have health as well as financial implications for the consumers, the matter should not be left to market

forces and manufacturers. In fact all terms and claims used on the label must be defined under the Act or the rules and no one should be allowed to make claims without scientific evidence or data. Besides all these terms must have verification criteria and reporting system under the law.

2.28 Section 18(3) provides the General principles to be followed in administration of the Act as under:-
"The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations".

2.29 The Committee has been given to understand that the exclusion of primary production from the purview of FSSAI poses a major challenge in the path of food safety. While the Food Authority prescribes maximum level of contaminants antibiotic residues and maximum residue levels (MRLs), the source of these contaminants is from primary production viz. agricultural farms, animal husbandry, dairy produce etc. There was a suggestion before the Committee that FSSAI should be empowered to make guidelines/code of practices and the Ministry of Agriculture may be asked to impose restrictions on pesticides to address the issue.

2.30 The Committee notes with concern that many of the harmful components and contaminants enter the food system at the time of primary production whereas such primary food production is exempted from the coverage of the law. The Committee believes that this exclusion of farmer/fisherman or farming operations including fisheries, livestock from FSS Act is a major challenge and lacuna in the Act because unless the raw material is of good quality, the good quality of final product cannot be ensured. The Committee agrees that it is important to ensure that the food is safe right from the beginning of the food chain and for this, the Food Authority will have to work closely with the primary producers. The major issues in primary production like overuse of pesticides, use of growth hormones, drug use in livestock etc. pose health risks and a significant threat to ensuring food safety. The Committee is convinced that without primary production system coverage, food will never be safe. The Committee is aware that once hazardous contaminants, excessive antibiotic residues and pesticide residues etc. enter the food system, there is no technology by which they can be removed from the foods. The Committee, therefore, expects the

Ministry of Health and Family Welfare to make guidelines/ code of practices and the Ministry of Agriculture to impose restrictions on pesticides and harmful components. The issue of amendment to necessary guidelines/code of practices may be taken up with the highest authorities concerned.

2.31 The Committee further recommends that all the laws including Agricultural Produce Marketing Committee Act hurting safe food production should be reviewed and amended to ensure food safety for citizens. The Committee desires to be apprised about the outcome in this matter.

2.32 The Committee also recommends that there must be a nationwide campaign on Good Agricultural Practices across all food sectors. Ministry of Agriculture must establish dedicated website for this purpose in regional languages to communicate good practices. Agriculture Universities of respective States be roped in to educate farmers about Good Agriculture and Animal Production Practices and maintaining database on contamination. Additionally, FSSAI/ State Food Safety Authorities should conduct training and awareness program about the Act and best agricultural practices for the primary producers. The focus of such training should be to prevent food contamination at the primary level and evolve a proper monitoring mechanism.

2.33 *Section 38 (1) provides that The Food Safety Officer may-*

(a) take a sample-

(i) of any food, or any substance, which appears to him to be intended for sale, or to have been sold for human consumption; or

(ii) of any article of food or substance which is found by him on or in any such premises;

Which he has reason to believe that it may be required as evidence in proceedings under any of the provisions of this Act or of the regulations or orders made thereunder; or

(b) seize any article of food which appears to the Food Safety Officer to be in contravention of this Act or the regulations made there under;

The Committee notes that Section 38 (1) (a) and (b) gives sole discretion to Food Inspectors to pick up samples and is a major source of corruption under FSSAI. In reply to a query regarding the number of food inspectors punished for

corrupt practices, during the last five years, the Ministry of Health and Family Welfare has informed that all Food Safety Officers work under the administrative control of the State/UT Government concerned as per the conduct rules prescribed by the respective State/UT Governments. As the FSOs are State Government employees, the details regarding the number of food inspectors punished for corrupt practices are not available with FSSAI.

2.34 **The Committee has taken cognizance of certain sting operations conducted by some TV Channels showing some food inspectors' readiness to approve sub-standard products against payment of bribes or sometimes even manipulate food items if the supplier does not pay them bribe. Lack of an effective accountability mechanism for malpractices and provision of absolute discretion of food inspectors in the matter of picking up samples leaves the door wide open for corruption. There appears a clear nexus between corrupt food inspectors and unethical Food Business Operators. Once a food product is found to have violated food safety procedures by the Food Regulator, there is no effective recourse available because the appeal procedure is entirely internal and departmental and even a legal challenge is too slow to be effective. Taking into consideration the above, the Committee recommends that an anti-corruption unit be created to prevent food inspectors from engaging in bribery and extortion.**

2.35 Section 47(4) deals with sampling and analysis. It provides that:
an article of food or adulterant seized, unless destroyed, shall be produced before the Designated Officer as soon as possible and in any case not later than seven days after the receipt of the report of the Food Analyst.

2.36 It has been submitted before the Committee by stakeholders that there is a provision to seize food article and adulterant but the procedure and manner of disposal of seizure is not provided in the Act. The UP Food Safety Officer Cadre Association suggested that disposal of seizure under section 47(4), should be under the jurisdiction of the court in which the case has been filed. If the court finds the sample conforming to the standards, the Designated Officer may release the seized article.

2.37 The Committee underlines the need of suitable guidelines for the disposal of seized and confiscated food items. The Food Safety Officer and the Designated Officers need to be trained on the disposal of seized articles of food so that the seized articles do not pose any threat. The Committee is in

total agreement with the suggestion that the disposal of seized item/article be within the jurisdiction of the court in which the case has been filed. The Committee, therefore recommends, that Section 47 (4) be modified suitably to ensure a provision for prescribing procedure and manner for disposal of seizure in the Act.

2.38 It has been pointed out that though the Section 38(1)(c) pertains to seizure of the article but the Act is silent in case it is not possible to keep the seized article in safe custody of food business operator. It was suggested that Act should be amended to take care of such eventuality.

2.39 The Committee recommends that some provisions fixing the responsibility for the custody of the seized article should be introduced in the FSS Act. A provision should be added that in cases where it is not possible for food business operator to keep the seized article, the Food Safety Officer should maintain the seized article in his safe custody. A proper storage facility should be provided to the FSO. Also, in case the seized article is in the custody of FBO, special attention should be paid that the FBO does not attempt to sell the same articles in the market. Proper record of the seized article should be maintained by the FSO.

2.40 It has also been pointed out that often the FBOs do not cooperate with the regulatory authority particularly when contingency arises to use power

to break open any package in which any article of food may be contained or to break open the door of any premises where any article of food may be kept for sale; Such power is provided for in PFA Act, 1954

2.41 The Committee feels that such power to the Food Safety Officer may be misused by some unscrupulous officers to harass the food business operator. But at the same time inspecting the food packages is essential and fundamental duty of a Food Safety Officer. The Committee recommends that FSO should be empowered to check any package and break open the door of any premises where any article of food may be kept for sale but all this should be within the prescribed guidelines and the same must be videographed for solid evidence. The FSO should keep a record of packages inspected and the number of packages that were opened during inspection. The Committee feels that the Food Authority should also ensure that the Food Safety Officers are not bullied and harassed. The FBOs and the FSOs

should both respect and support each other. FSSAI should be committed to ensuring safe working environment for the FSOs as well as the FBOs. Any kind of harassment, intimidation, bullying or discrimination from both sides should be condemned. The Committee recommends that the above provision in Section 10 (5) of the PFA Act may be incorporated in this Act after due consideration in the Ministry and vetting by Ministry of Law and Justice.

2.42 Sections 34, 59, 60, 61 and 63 of the FSS Act deal with the punishment but a minimum punishment is not specified in the Act. A suggestion has been made that these sections should provide for a minimum imprisonment for three months. The punishment sections in which imprisonment may be extended to more than one year, a minimum imprisonment of six months to be inserted.

2.43 The Committee learnt that FSSAI has recently proposed amendments for stringent punishment for adulteration to the FSS Act. The amendment proposes that any person who "adds an adulterant to food so as to render it injurious for human consumption with an inherent potential to cause his death or is likely to cause grievous hurt, irrespective of the fact whether it causes actual injury or not, shall be punishable for a term which shall not be less than 7 years but which may extend to imprisonment for life and also fine which shall not be less than Rs 10 lakh". The Committee endorses the proposed amendments and recommends its inclusion in the FSS Act subject to the condition that adequate provisions may also be made to prevent its misuse.

2.44 FSS Act carries provisions for prosecution and appeal. Section 42 deals with procedure for launching prosecution. It provides that the *Designated Officer after scrutiny of the report of Food Analyst shall decide as to whether the contravention is punishable with imprisonment or fine only and in the case of contravention punishable with imprisonment, he shall send his recommendations within fourteen days to the Commissioner of Food Safety for sanctioning prosecution.*

Section 46 provides that a*n appeal against the report of Food Analyst shall lie before the Designated Officer who shall, if he so decides, refer the matter to the referral food laboratory as notified by the Food Authority for opinion.*

2.45 UP Food Safety Officer Cadre Association has submitted that Section 46(4) provides FBO an opportunity to appeal against food analyst report before

concerned designated officer for sending a part of sample for referral to food laboratory. The time period available for the FBO to appeal is 30 days from the receipt of the FA report which contravenes the time limit of 14 days as mentioned in section 42(3). It has also suggested that the word 'scrutiny' of Section 42(3) should be defined by inserting a proviso in the concerned section as below provided that the time of 14 days shall start after the completion of the scrutiny by the designated officer. The scrutiny shall include the final disposal of objection/appeal raised on food analyst report.

2.46 **The Committee notes that this conflict in time period may lead to practical difficulties and cause unnecessary confusion and delays. The Committee therefore recommends that a clause must be added to Section 42(3) specifying that the time of 14 days shall start after the completion of the scrutiny of the food analyst report by the designated Officer. The scrutiny shall include the final disposal of objection/appeal raised on food analyst report. A different timeframe has to be established for perishable items. Special attention should be paid that the perishable food items with a short shelf life are tested before getting spoiled so that the test reports are authentic.**

2.47 Section 46 deals with the functions of the Food Analyst.

Section 46(3) states that 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 cannot be analysed 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.

2.48 Stakeholders have submitted before the Committee that the stipulated time of 14 days for analysis is too less to examine in the present circumstance. In PFA Act, the stipulated time period was within forty days. It was also suggested that the section 46(3) be amended accordingly.

2.49 The Committee notes that the time of 14 days stipulated for analysis of samples of food articles seems inadequate given the state of the present lab infrastructure in the country, but the efforts should be made to decrease this time limit rather than increasing it. Reliable and speedy food testing is important for determining the qualitative parameters of the food. The Committee therefore, recommends that the food authority and the State/UT Governments should ensure that the laboratories where the food is sent for analysis have adequate number of technical staff and are technically equipped so that the time frame of fourteen days can become a practical possibility.

2.50 Section 68 deals with Adjudication.
Providing that an officer not below the rank of Additional District Magistrate of the district shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.

2.51 The UP Food Safety Officer Cadre Association in its submission has stated that the Second proviso of Rule 3.1.1.9 provides that the Adjudicating Officer shall pass the final order within 90 days from the date of first hearing but in most of the States the application for adjudication is being decided in more than 90 days. They added that Food safety related cases are technical in nature which is easy to adjudicate for an officer having the science background and working experience of food safety. The section 68 of the FSS Act, 2006 states that the Adjudicating officer should not be below the rank of Additional District Magistrate. This clause has not been taken in the true spirit of the act and the Additional District Magistrates by post are notified as Adjudicating Officers. Only a person with science background and experience in implementation of the Food Safety and Standard Act, 2006 can adjudicate the applications speedily and qualitatively. These officers do not necessarily possess the science background as well as food safety experience. UP Food Safety Officer Cadre Association has therefore, suggested that Section 68 be amended to provide the adjudicating authority with science background.

2.52 The Committee recommends that all the States should strictly adhere to the FSS regulations and the final order should be passed within 90 days from the date of first hearing. The Adjudicating Officer should be a full time officer. The practice of appointing Additional District Magistrates as Adjudicating Officers should be reviewed. It becomes difficult for Officers

working on additional charge to do justice to their job. Also it is important for adjudicating officers to be knowledgeable and experienced while dealing with cases involving food safety. Therefore, the Committee recommends that only officers having experience and expertise in food safety should be appointed as adjudicating officer. The Committee also recommends that the adjudicating officer should set a timeframe and actively monitor the progress of each case. Attempts should be made to incorporate technology into the proceedings by digitizing all the records.

Rules

The Committee also had the occasion to deliberate on rules framed under FSS Act.

2.53 *Rule 2.1.3 (4)(i): Without prejudice to the powers conferred on him under section 38 of the Act, where the Food Safety Officer is of the opinion or he has reason(s) to be recorded in writing that in the given situation it is not possible to comply with the provision of section 38 (1) (c) or the proviso to section 38(1) for reasons like non availability of the Food Business Operator, the Food Safety Officer may seize the adulterant or food which is unsafe or sub-standard or mis branded or containing extraneous matter, may seal the premises for investigation after taking a sample of such adulterant or food for analysis.*

2.54 UP Food Safety Officer Cadre Association submitted that Rule 2.1.3 (4) (i) restricts the power of sealing the premises of FBO only if the compliance with the provision of section 38(1) (c) is not possible. There is another provision in the Act in section 31 according to which no person shall commence or carry on any food business except under a license. But it is not given in the Act how to stop a person running a food business without a license with immediate effect. It is therefore suggested that the premises of such food business operator should be sealed after ensuring the same and for the above provision rule 2.1.3(4)(i) should be amended.

2.55 The Committee recommends that provisions regarding sealing the premises of FBO that operate without license and actions to be taken against such an FBO should be added in the Act. The Food Safety Officer should stop the production of any food article and immediately send the food sample for analysis. The food articles that have been supplied to the market should immediately be recalled and information regarding the same should

be intimated to the general public. Strict actions have to be taken against such FBOs operating without licenses/registrations and heavy penalty must be imposed.

CHAPTER 3

LICENSING, REGISTRATION, INSPECTION AND SAMPLING

3.1 As per Section 31 of the Food Safety and Standards Act, 2006 all food business operators are required to take a license or get a registration for starting or carrying on any business. The Licensing/Registration of the food business is regulated under Food Safety & Standards (Licensing & Registration of Food Businesses), Regulations, 2011.

3.2 As per the information submitted by FSSAI, The Food Safety and Standards (Licensing and Registration) Regulations, 2011 defines the procedures and conditions of licensing and registration. The salient features of the regulations include:

i. Single Window for issuing Registration certificate, State and Central License with unified procedure

ii. Distinction between "Registration" and "Licensing".

iii. Minimum documentation for Small FBOs so that they can easily register themselves.

iv. Sectors with high Installed capacity are covered under Central License.

v. More efforts on Safety, Sanitary and Hygiene requirements.

vi. Encouraging Self-Compliance by FBOs.

3.3 As per data furnished by FSSAI, 18,632 Central & 4,43,399 State Licenses, respectively had been issued. Besides there were 36, 60,138 registrations of FBOs as on 31.03.2018.

Licensing and registrations issues

3.4 The Committee has been given to understand that under the Food Safety and Standards Act, 2006, licensing and registration is an important activity through which the Food Authority and Commissioners of Food Safety at the State/UT level exercise oversight over the working of food businesses in so far as food safety related issues are concerned. For this purpose, the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 were notified and brought into operation with effect from 5th August, 2011. A centralized IT platform – Food Licensing and Registration System (FLRS) was

put in place for licensing and registration. Central Licensing is carried out at 5 regional offices (Chennai, Delhi, Kolkata, Mumbai and Guwahati).The Central Licensing Authorities are Designated Officers appointed under the section 36(3)(i) of the FSS Act by the Chief Executive Officer of the FSSAI. The State Licensing Authorities and Registering Authorities are notified by the respective Commissioner of Food Safety of State/UT.

3.5 Attention of the Committee has been drawn to many deficiencies in the license issuing and registration process at the Central and State Level. The same has been pointed out by CAG in its Report. The CAG audit test revealed the following-

- Neither the Ministry nor FSSAI had any information regarding the number of FBOs whose licenses issued under the erstwhile Acts/Orders continued to be valid even after the enactment of the Act. The directions of Ministry to frequently extend the date of conversion of licenses resulted in a situation where even FBOs whose licenses had expired, continued with the food business

- In 49 cases pertaining to CLA, Kolkata and Guwahati, FBOs applied for renewal of licenses (2011-14) issued under the erstwhile Acts/Orders after their expiry. Despite the fact that the licenses had already expired at the time of application, and instead of issuing fresh licenses as stipulated in clause 2.1.7 of the Regulations, CLAs renewed the licenses. In further violation of the Regulations, CLAs renewed the licenses retrospectively even for the period when the erstwhile Acts/Orders were in operation (the gap between the expiry of the licenses and their irregular renewal ranged from one year to five and a half years in eight cases).

- In nine states and six central offices of FSSAI, Audit observed instances where licenses/registrations issued under the Act had expired. Out of 7,056 licenses test checked in SLAs, 2,616 (37.07 per cent), and out of 2,863 licenses test checked in CLAs, 626 (21.87 per cent) licenses were found to have expired. Out of 2,299 registrations test checked in states, 698 (30.36 per cent) registrations were found to have expired.

- Another test check at FSSAI Regional Office, Mumbai revealed that six FBOs continued with their business even though they had not even applied

for the renewal of their earlier licenses, and conducted food business valued at Rs. 252.64 crore during the period without license.

- Test check by Audit of five SLAs and three CLAs, established that in 3,119 (52.73 per cent) out of the 5,915 test checked cases; licenses had been issued to FBOs on the basis of incomplete documents.

3.6 The Ministry in its reply informed that extensions were only given to FBOs having licenses issued under the erstwhile Acts/Orders. The orders of extension were approved by the Ministry of Health and Family Welfare in the stakeholders' interest. The number of cases wherein conversion and new licenses/registrations were granted as per provisions of FSS Act, 2006 is as under:

	Conversion	New
Central Licences	386	16069
Offline State License	16968	459990
Offline Registration	90931	2101803

3.7 FBOs who were not given extension were supposed to get FSSAI License/Registration as per FSS Act, 2006, Rules and Regulations made thereunder. Safety of these food products have been ensured by erstwhile Acts/Orders under which these licenses were issued. Further, the details of expired licenses/registrations are accessible to the Food Safety Commissioners (State level) and Designated Officers (district level) on FLRS. During the Round Table Conference held on 08.01.2018 with the State Health Secretaries, FSSAI advised the Commissioners of Food Safety and Designated Officers to monitor the status of expired licenses on monthly basis. Using the details of expired licenses/registrations available on FLRS portal, the food premises of such FBOs would be physically inspected by State/ UT Authorities and appropriate action taken against the defaulting FBOs under the FSS Act, Rules and Regulations. Further, a letter has also been addressed to the States/UTs on 16.03.2018 to take action so as to bring systemic improvement to address this issue.

3.8 The Committee is constrained to observe that the unregistered FBOs and FBOs operating with expired licenses pose a threat to public health. The Committee would like to emphasize that the Food Licensing and Registration System (FLRS) should be updated regularly mentioning the

name of the FBOs whose licenses have expired or cancelled. The Committee also would like to point out that granting of licenses without complete paperwork by State Licensing Authorities (SLAs) or Central Licensing Authority (CLA) indicate a casual approach of the authorities since granting of licenses and issuing registration certificate is vital to ensuring a stringent food safety regime and such job should be done meticulously and seriously. A robust and reliable database on FBOs needs to be prepared for effective monitoring of FBOs. The Ministry should also take initiative towards encouraging the States/UTs to establish a system of inter-connected databanks on FBOs, food licenses issued, cancelled, expired etc and a centralized databank may also be created to which all State Food Regulatory Authorities should be linked.

3.9 On a specific query about details of FBOs/manufacturing companies identified for making unsafe food by FSSAI, the Committee was informed that in order to check presence of unsafe food, regular surveillance, monitoring, inspection and random sampling of food products were being done by the officials of Food Safety Departments of States/UTs. In cases where the food samples were found to be non conforming, recourse was taken to penal provisions under Chapter IX of the FSS Act. A list of samples drawn, tested, found non conforming and penalty imposed in the years 2015-2016 and 2016-2017 is placed at **Annexure V & VI** respectively.

3.10 The Committee notes that out of total 72,499 samples analyzed in 2015-2016, 16,133 were found to be adulterated and misbranded. 1450 criminal and 8529 civil cases were filed which resulted in conviction in 540 cases. Similarly, in the year 2016-2017, out of 78,340 samples analyzed, 18,325 were found to be adulterated and misbranded. 13,080 cases were filed which resulted in conviction in 1605 cases. The Committee finds that there is a huge gap between the total number of cases filed and total number of convictions as the rate of conviction seems to be quite low. This indicates that the FBOs involved in supplying adulterated or misbranded food products are not caught and get away easily without punishment. The Committee express its anguish over the low conviction rates and desires the Ministry to undertake scrutiny as to whether the low conviction rates are a result of shortage of trained manpower, lax enforcement or the statute being riddled with inadequacies and take remedial measures accordingly. The Committee would also like the Ministry to pursue the matter of low conviction rates with the Ministry of Law and Justice to find a solution to

the problem. The Committee believes that regular monitoring, inspection and lifting of samples needs to be done by the Central / State Authorities so as to save the people from consuming adulterated and misbranded food items.

3.11 The Committee would like the food authorities to take stringent actions against FBOs working without licenses and impose fines and penalty against the errant. Such FBOs pose risk to the lives of many and should be suitably punished /penalized as per the provisions of the Act. The regular offenders should also be given wide publicity in newspapers and social media so that the masses are aware of the wrong practices. The Committee emphasizes the optimum utilization of the food testing labs by collection and analysis of more and more food samples. FSSAI may prescribe a minimum number of samples to be collected by each Food Inspector. Online reporting of all the samples tested by food analysts should be documented and close scrutiny of these samples should be done on a daily basis. Persons involved in sampling and analysis should be accountable for cases which fail in court due to wrong sampling and wrong analysis.

3.12 Several stakeholders have pointed out various practical difficulties in implementation of the licensing and registration provisions of the FSS Act.

3.13 Representative of Rice Miller's Association, Gondia in his written submission has suggested that the Condition of licence no. 4 requiring a technical person to supervise production be removed. He was also not in favour of condition of license no. 12 relating to lab tests and condition of license no. 14 requiring mandatory licensing of FBOs for buying and selling.

3.14 CAIT stated that this provision of verifying License of Vendor before selling him food and taking down details is impractical and causing harassment to sellers/buyers. It should be the duty of the State and Food Safety Officer to inspect all FBOs and find out those who have not bothered to obtain license and penalize them accordingly. It seems that instead of doing this the sellers/buyers are being punished under the cover of arbitrary and unjust provision.

3.15 FSSAI in its reply clarified that Condition No. 4 of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations is about the requirement of a technical person for ensuring the technical processing steps involved in the manufacturing/processing of food products. It is an essential

condition for ensuring compliance of food safety. Therefore, it is not feasible to remove the said condition. The condition No. 12 relates to lab tests which are essential to ensure food safety. The condition No. 14 helps in ensuring that the buying and selling FBOs both are FSSAI Licensed and it also helps in traceability of food products

3.16 The Committee agrees with the reply of the FSSAI that Condition No 4, 12 and 14 are fundamental to ensuring food safety. FSSAI should follow a mechanism to ensure that the Food Business Operators follow and strictly adhere to these conditions. The Committee also notes that the manufacturers/importers/distributors have to be heedful that they buy and sell food products only from licensed/registered vendors. Also, the State Licensing Authorities and the Food Safety Officer should ensure through timely inspections that these conditions are being followed by the FBOs. A technical help in the food business premise will help in effective control and safety of the production process. Hence, these conditions are essential to ensure that safe manufacturing practices are being followed by the food business operators. The Committee, accordingly, recommends that the FBOs should strictly buy/sell only from vendors who hold a valid FSSAI license. The Committee believes that FSSAI alone cannot enforce the FSS Act. It is the duty and the responsibility of the FBOs, vendors, consumers to be vigilant about food safety issues and help in effective implementation of the Act. Needless to mention, food safety can be ensured by combined effort of the Government, the FBOs and the consumers as food safety is a shared responsibility. Industry should also play a proactive role when it comes to manufacturing safe food and complying with the food safety norms.

3.17 Representative of Centre for Public Health and Food Safety, New Delhi submitted that the Food Safety Management System(FSMS) certificate and recall plan should be mandatory for every FSSAI licensed premises as a part of FSS Act.

3.18 With regard to this query FSSAI submitted that a separate regulation is being notified as regards recall plan. FSMS Plan/Certificate is already one of the documents to be furnished while applying for State/Central License. But in the absence of the same, FBOs have to give a self declaration to the effect that they will ensure to fulfill the requirements of FSS Act, 2006, its rules and regulations and their facility shall comply with the general hygiene and sanitary requirements

as mentioned in Schedule 5 of FSS (Licensing and Registration of Food Business) Regulations, 2011.

3.19 **The Committee observes that the purpose of licensing and registration is to ensure that minimum safety standards are in place with food operators before they offer products to consumers. However, certain unscrupulous Food Safety Officers/ Food Inspectors indulge in unethical and illegal practices without concern for the health of common people, as a result of which unhygienic factories are being given licences in gross violation of the quality norms prescribed under the FSS Act 2006. With a view to curb such corrupt practices, the Committee recommends that no factory visit or inspection should be done without photographic evidences of the factory's hygienic conditions. All inspection reports must be accompanied by photographs of all the sections of the factory.**

3.20 The Committee also recommends that all sampling and inspections should be made on real time basis and result(s) of samples should be reported online from the site itself with photographs of the sample and the witnesses.

3.21 The Committee also desires to be informed of how many licences of FBOs were cancelled during the three years for not meeting the quality norms prescribed under the FSS Act 2006

3.22 The Committee takes note of the recent incident of the selective recall of Maggi Noodles in the country. Such recall of a food product of a big brand is not common in India whereas, in other countries food companies frequently recall their food products. The Maggi noodles label read "no added MSG (monosodium glutamate)" whereas high amount of lead and MSG was found in the Maggi packets. The Committee notes that till 2015 no Food recall System was implemented. Some States had banned Maggie while in some other States; Maggi was still available in the market. The test results were also questioned and non-accreditation of laboratories that conducted the tests was brought to light.

3.23 The Committee recommends that there has to be uniform structure across the country with respect to the guidelines to be followed in case of exigencies warranting food recall. The Committee notes that FSSAI had released guidelines for food recall and had directed the top 200 food companies to submit their food recall plans. The Committee recommends

examining of the Food recall Plan of all the companies on the same lines. This should also include the procedure to be followed at the time of an emergency food recall. FSSAI should ensure that every food business irrespective of its size should have a food recall plan and ensure compliance with the recall procedure. The Committee calls upon every FBO to mandatorily submit a Food Safety Management System (FSMS) Plan during application for a new FSSAI License or renewal of FSSAI License. FSSAI has to ensure that the food recall guidelines are implemented stringently.

3.24 The Committee notes that according to various reports, about 30% food supplied in India is either adulterated or unsafe and recommends that no unsafe food products should be allowed to be kept on the shelf as such products pose serious health issues. The Committee, therefore, recommends that FSSAI should provide recall reports on its website on a fortnightly basis so that consumer is aware of all adulterated or misbranded food products. The Committee is aware that FSSAI has constituted a Risk Assessment Cell to carry out functions of risk assessment to support risk management and risk communication. The Committee desires to be apprised of the findings of the Risk Assessment Cell and the action taken thereon.

3.25 Indian Beverage Association submitted that currently, licenses for proprietary foods have mandatorily to be obtained from the Central Licensing Office. Licensing criteria should be based on turnover/capacity as in case of standardized food as it is not covered under Schedule 1 of licensing and registration regulations. State Licensing Authority is well equipped to grant licenses for proprietary foods as per current definition. The Association also submitted that the provision should be made for On-line payment of fee for state licenses as well as abolition of the requirement for submission of physical copies. Queries/concerns, if any, of licensing offices should be communicated in one go. Queries arising from the response submitted by FBO should, however, be permitted. Licensing Officers should not take more than 7 days time to issue licenses after submission of a complete response to queries.

3.26 FSSAI in its reply submitted that Proprietary food is an article of food that has not been standardized under Schedule I of FSS (Licensing and Registration of Food Businesses) Regulations, 2011 as the license for proprietary food fall under Central License category only. License for these products is required to be obtained only from Central Licensing Authority irrespective of turnover/capacity. This provision has also been made applicable to Importer and Exporter. FSSAI is

already in the process to make the payment system online for licensing and registration purpose. For this, FSSAI is in talk with States/UTs to use PayGov India system and States/UTs were requested to register their Treasury/Bank Accounts of Food Departments with PayGov India for the purpose of transferring License/Registration Fee.

3.27 FSSAI also informed that the requirement of submission of physical papers has already been discontinued. FSSAI is in the process to streamline the system of online licensing and registration. Further, Central Licensing Authority has been communicated to do the scrutiny of application for license and query may be raised, if any in one go only. It is the also the responsibility of FBOs to respond to the query raised by Licensing Authority in a serious manner to remove the deficiency in the application.

3.28 As per Sub-Regulation 2.1.4 (1) of FSS (Licensing and Registration of Food Businesses) Regulations, 2011- a license shall, subject to the provisions of these Regulations, be issued by the concerned Licensing Authority within a period of 60 days from the date of issue of an application ID number on the receipt of a complete application including the additional information if asked for. However, a comprehensive change in the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 was considered in 22nd Central Advisory Committee meeting held on 15th May 2018. The same has also been shared and discussed with stakeholders for their suggestions/comments.

3.29 The Committee takes note of the fact that the proprietary food has been defined in regulation 2.12 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 as food which has not been standardized under these regulations but does not include any normal food, food for special dietary use, functional food, nutraceutical, health supplement etc. They can be made from milk/ milk products, cereals, eggs or meat products, vegetables, fruits or nuts etc like ready to cook cereals including instant poha, upma, chips, instant coffee tea, masala mixes, mixes used for making items like cakes, sweets etc. In case of proprietary food, there is always a possibility of innovation. However, there are many other concerns associated with proprietary food like permitted ingredients including food additives that can be used in the proprietary food and chances of combinatorial effect of ingredients. The Committee is of the view that at a time when States are struggling to provide basic food safety

infrastructure, an additional responsibility of granting licenses to proprietary food can be a burden. Until and unless there is a proper scientific panel and research team in each food safety department, keeping a check on the quality and safety of proprietary food can be a big issue. At present, many States do not even have a separate food safety department, let alone a scientific research team. Therefore granting licenses for Proprietary Food should be the prerogative of the Central Licensing Authority.

3.30 The Committee recommends that the process to make the online payment system for licensing/registration should be expedited and proper awareness should be spread in the States. The FBOs should be timely informed to remove any deficiency in the application. The Committee would like the FSSAI to ensure speedy issuance of licenses to FBOs once they have submitted their responses to the queries. The Committee strongly recommends adopting a fast track single window approval system for the new Licenses/registrations and renewals of Licenses which will also accelerate the ease of doing business.

3.31 Khadhya Tel Vyapari Association, Maharashtra submitted that provision for heavy 'late fee' for Renewal of License be amended. The FBOs are required to submit 8 to 10 scheduled annual returns to different Departments in time or face heavy fines/penalties. Such irrational, impracticable provisions and undue powers to Authorities encourage corrupt practices. The Association suggested that such provisions should be hassle free & practicable for which necessary amendments need to be introduced. The Association also submitted that the provision for renewal of license be removed and instead License be issued for whole life of business entity with permanent FSSAI number. Any changes in address or addition of place should be allowed in same license with nominal fee. Again instead of renewal, there should be nominal annual fee without requirement of document and no form filling.

3.32 They further submitted that license fee be adjusted in cases of transfer of license/change of address. FSSAI license is issued for 5 years and most FBOs are inclined to obtain it for 5 years but when he is compelled to change the premises and requires transfer of license, he has to pay fees for fresh license, even though he had paid advance fees for some more years. To address this difficulty, fees paid for remaining period be adjusted while granting license for transferred premises.

3.33 FSSAI in its written reply submitted that the penal provisions are necessary to deal with the cases of non compliance/defaults. However, to inform the FBOs well in time about the renewal/annual reports due, a sms/email alert system is already in place. FSSAI also submitted that there is an annual fee for issue or renewal of license. The FBOs have the flexibility to apply for a period ranging from one year to five years. A life time license is not desirable as in this case the fee may be quite high and it would be difficult to keep tab of active FBOs. With regard to modification of license, it may be pointed out that certain changes in license are allowed without any fee. It is only in cases of changes requiring a revised license that a fee is charged for modification.

3.34 The Committee agrees with FSSAI that some stringent measures are essential for ensuring that the FBOs comply with the FSS Act. The Committee believes that life time licenses are not at all feasible and desirable as the information regarding the food business has to be timely updated and checked. Life time licenses can result in lax compliance with the food safety standards whereas requirement of annual returns and renewal of licenses ensures checks and balances for compliance with the food safety norms.

3.35 Attention of the Committee has been drawn to a suggestion by a Chief Food Safety Officer, UP for separate licensing and enforcement authorities compared to a single control of licensing and enforcement for better checks and balances. It was argued that, under the control of district collector, two separate authorities, one for licensing and other official assignment and another for monitoring enforcement of the Act in the field will improve the implementation of the FSS Act. As of now, almost all the work except generating licenses and inspecting premises for license assigned to Designated Officer (DO) are done by the Food Safety Officers (FSOs) due to lack of staff. Since DO is in charge of food safety administration of a district and also controls enforcement activity of FSO, this hampers the actual work and duties given to FSOs.

3.36 The Committee is in agreement with the justification behind separating the two lines of activities in terms of licensing and enforcement through FSOs. Due to staff shortage, the FSO is burdened with multiple assignments and is not able to do justice with the main duties/tasks assigned to him for enforcement of the FSS Act. The Committee, accordingly, recommends to the Ministry and Food authority to take into cognizance the ground realities and contemplate solutions for the same apart from augmenting the manpower.

Food Safety Survey

3.37 FSS Act provides that a State Food Safety Commissioner should carry out survey of industrial units engaged in the manufacture or processing of food in the State. FSSAI is also mandated to conduct survey for enforcement and administration of the Act. FSS Regulations state that it is the duty of a Food Safety Officer (FSO) to maintain a database of all the food business operations within the area assigned to him. For proper enforcement of the FSS Act, sufficient number of FSO is essential at all levels.

3.38 However, FSSAI in its submission stated that it has not done any survey on food business operators in the country. It is felt; such surveys are neither feasible nor desirable. FSSAI states as of now, due to lack of adequate staff and related resources, no baseline survey has been conducted by FSSAI. States, however, do undertake such survey of Food Business Operators as States/UTs have been asked to undertake such surveys regularly to bring all FBOs under their respective jurisdiction as required for FSSAI licensing / registration. The State Authorities are required to bring in maximum number of FBOs under the ambit of FSSAI through Licensing/Registrations by taking following measures:

i. Special drives for identification of FBOs may be carried out by State Authorities.
ii. The data available with State agencies may be utilized for the purpose of identification of FBOs, which can thereafter be checked with Food Licensing and Registration System (FLRS) to identify unlicensed/unregistered FBOs.

3.39 **The Committee observes that FSSAI has left the task of undertaking the surveys to the States ignoring the fact that the State machinery is not equipped to take such surveys. This has also been highlighted in the CAG Report. CAG Audit found that neither FSSAI nor the Food Safety Commissioners of States have conducted any such survey. The very perception of FSSAI that surveys are neither feasible nor desirable is not acceptable. The Committee feels that while FSSAI is completely ignorant of the importance of surveys, the fact is that such surveys will not only help in better insight of the food safety situation in the country but also make monitoring and surveillance easy.**

3.40 The Committee is of the view that the importance of surveys cannot be underestimated and therefore, FSSAI should conduct timely surveys for the identification of food business operators. The Committee, therefore, recommends that both FSSAI and State Food Authorities must focus on conduct of surveys. The need of the hour is to augment the manpower who can conduct the survey at the Central as well as State level. Till the time, the required manpower is arranged, the FSSAI and the State Food Authorities can very well outsource the work of surveys to a third party.

3.41 The Committee has been informed that changes in the regulation and the corresponding FLRS online system were discussed in the 19th CAC meeting held on 17.05.2017. Thereafter, in the Authority meeting held on 21st February, 2018 proposed changes were agreed in principle. The proposed changes in the Food Safety (Licensing and Registration of Food Businesses) Regulations, 2011 and the corresponding IT system were deliberated upon in the 22nd CAC Meeting held on 15-05-2018 as enumerated below:-

i. In the proposed changed Regulations, annual inspection of FBOs are being made mandatory either by Food Authority officials or through empanelled third party food safety auditors.

ii. With a view to introduce uniformity and transparency in food safety inspections on pan India basis an IT enabled system – Food Safety Compliance through Regular Inspection and Sampling (FoSCoRIS) has been introduced.

iii. A comprehensive review of the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2017 was undertaken and the draft Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2017are under the process of being made operational.

iv. The amended regulations also provide for minimum sanitary and hygienic requirements for establishing a small slaughter house coming under State license.

v. Based on the requirements specified under these amended regulations and the classification of food businesses as per the Food Licensing and Registration System (FLRS), sector-specific inspection checklists have been developed to facilitate the regulatory staff in conducting inspections of food establishments. These cover important areas/requirements to be

captured and observed by the regulatory staff inspecting the establishments to check for compliance to the GHP/GMP requirements as specified under the regulations.

vi. Sector specific Guidance Documents on Food Safety Management System (FSMS) have been developed by FSSAI, with the aim of facilitating the FBOs (especially the small and medium businesses)to implement the food safety and hygiene requirements specified under the regulations,

vii. These documents will address the manufacturing process, pre requisite programmes, control of operations, critical control points and sample HACCP plans with a clear segregation of mandatory and recommended practices to guide the FBOs of the particular sector in implementation of the said regulations in a simple and easily understandable manner.

viii. Under the FSS regulations, there is a mandatory requirement of displaying FSSAI License Number at food premises. Usually, the FSSAI license number is not visible to the consumer clearly. To change the overall consumer perceptibility of consumers about FSSAI, Food Safety Display Boards (FSDBs) have been introduced on a voluntarily basis at various food businesses which deals directly with the consumers such as, retail stores, milk booths, vegetable & fruit retail, meat shops, restaurants, street food vendors. FSDBs not only makes FSSAI registration/license number visible but also informs the customer and the food handler about the important food safety and hygiene practices required to keep food safe. Each of these practices have been numbered for feedback purposes.

3.42 The Committee notes the changes proposed in the Food Safety (Licensing and Registration of Food Business) Regulation 2011 and observes that until and unless the regulations are strictly implemented, running food business without licenses will always pose a major challenge in ensuring food safety. The FSS Act already empowers the Food Authority to conduct regular/surprise inspections but the inspection system has proved to be very inefficient. The Committee welcomes the mandatory annual inspection proposal by the Food Authority but only framing regulation will not bring any change. The Committee recommends that FSSAI and the State Food Authority should first ensure that the shortage of officers in the food safety regime is properly addressed so that mandatory provision fetches the desired results. Needless to say, for this officers with technical qualifications

should be recruited and required posts should be created. The Committee recommends a strict Food Safety compliance through regular inspection and sampling system (FoSCoRIS) in all the States to bring transparency in food safety inspection and sampling. Regular inspections and awareness among the FBOs is also necessary for implementation of good hygienic and manufacturing practices. All the FBOs involved in processing, manufacturing, packing, storing, catering and distribution need to be educated about self compliance. The Committee recommends that the FBOs should clearly display the FSSAI License number at their food premises and the practice of Food Safety Display Boards (FSDBs) should be encouraged among all the FBOs. Until and unless the FBOs comply with the present regulatory standards, new regulatory reforms will not succeed in developing a food safety culture in the country.

3.43 The Committee also notes that the rejection rate of the licenses for renewal is very low in the country. The Committee recommends that licenses for FBOs should not be issued blindly and a well established mechanism should be developed for scrutinizing such FBOs who apply for renewal of the license. In developed countries like US, application of renewal licenses is taken seriously and there is a high rate of rejections due to non-conforming of food standards. FSSAI should also examine the FBO's previous track record with regards to compliance with the FSS Act. Any previous non-compliance should be taken seriously. The Committee recommends expediting the development of an e-portal that will create a compliance history of food business which the Food Authority can refer while renewing licenses. The Food Authority should also develop a detailed inspection plan for companies that apply for renewal of licenses and mandatorily check the premises of the FBOs.

INSPECTIONS

3.44 Inspection are an important part of the mandate of food authorities. The Committee has been given to understand that FSSAI has developed inspection checklist for facilitating FSOs to efficiently inspect the FBOs. The checklist is used to identify the level of compliance with each requirement that is set out in the regulations.

3.45 Representative of Centre for Public Health and Food Safety has also suggested that the provision of inspection shall be made mandatory before

issuance of any license or at the most the inspection be mandatory post issuance of license /registration but within 3 months.

3.46 FSSAI has submitted that, a comprehensive change in the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 in the light of Government's emphasis on ease of doing business without compromising food safety was proposed and placed before Central Advisory Committee at its meeting held on 15th May 2018. The same has been shared and discussed with all stakeholders. After considering further comments changes would be notified.

3.47 The Committee is of the view that Inspections form the core of a food safety network and therefore FSSAI or the State food authorities should conduct inspections before issuance of any license or make inspections mandatory post issuance of license/registration. There should be a provision wherein the FBO should submit a detailed plan to be adopted in case of an emergency situation.

3.48 The CAG audit noted that though the FSS regulations provide for inspection of registered FBOs at least once a year, no such periodicity is prescribed in respect of licensed FBOs. The periodicity of inspection is left to the discretion of DOs. CAG reports further points out that neither FSSAI nor States had any documented policy or procedures for risk based inspections (including sampling) of domestically produced food.

3.49 The Committee feels that in a country like India that has a large unorganized food sector with many small food businesses, it becomes more important to conduct inspections in a time bound manner. The DOs and FSOs should inspect the premises of FBOs and guide the manufacturers to maintain proper hygienic conditions. There should be surprise inspections. Every effort must be made so that the FBOs do not evade the inspection process. In view of various instances of corruption cases reported and to avoid nexus between the FBOs and lower level employees of the Food Regulatory Authorities, the place of inspection should be decided by the State Food Commissioners and the reports of the inspection should be directly submitted to him. The Committee would like to point out that the United States has a separate agency called Food Safety and Inspection Service (FSIS) that conducts inspections and monitors food related establishments. It is a separate authority handling the inspection system in

the United States for which their inspectors undergo a unique training program. The FSIS inspectors ensure that the meat, poultry and egg products are safe and do not result in any food borne diseases. The Committee would like FSSAI to introduce a specialized training programme for food inspections on similar lines. This will ensure timely inspection and help in identification of the FBOs engaged in the manufacture of adulterated or unsafe products. Further, the inspection process should be streamlined to ensure that the same is used to regulate and monitor food safety and not harass FBOs.

3.50 The Protein Foods and Nutrition Development Association of India (PFNDAI) in its written submission inter alia, emphasized the importance of risk based inspections. The data obtained on food failures through inspections at the marketplace or factories would provide results for the preventive system of the Food control. This technical data can help in identifying food sectors/categories that contribute the major failures at a region as well as national level. PFNDAI stated that Delhi's FDA(GNCT) has established an electronic database of food failures and has made the data accessible to all since 2011,though it does not summarize or provide a trend analysis for preventing or reducing the failures. PFNDAI further, states that such a system will optimize inspection deployments, help trace the source of failures, trigger issuance of improvement notices and monitor trends thereafter. Nevertheless, it is pertinent to note that other State FDA's have not established such a system.

3.51 The Committee recommends that a risk based inspection program should be inducted. The Inspectors should maintain a proper record of the inspections conducted. All the States/UTs should establish an electronic database of food failures and testing reports. The Committee would like to emphasize on creation of such an electronic database which will not only help in better monitoring of the Food Business Operators but also shift the present system of random inspections to focused surveillance.

3.52 Kerala Food Technologists Association (KEFTA) in its written submission to the Committee emphasized on creation of a National Food Safety Database. Every country keeps a record of food safety related issues and corrective actions that are taken thereafter. Monitoring of even the corrective actions is done to ensure that recurrence is avoided in the best possible way. India still doesn't have any such data. Many of the food and water borne issues are not even recognized in terms of food safety and are treated as a normal medical condition.

3.53 The Committee is of the view that the importance of surveys and their outcomes can very well be documented to help in creation of a national database relating to food safety. The Committee, therefore, recommends creation of a National Food Safety Database so that India is better prepared to tackle any outbreak of food borne diseases and other food safety related issues. This database can be accessed by the consumers, food industry and other private and public health organization at large. It will ensure efficient risk assessment and better preventive actions can be taken.

LIFTING OF SAMPLES

3.54 CAG in its report has highlighted that samples lifted were not in commensurate with number of licenses and registrations issued. In 53 selected districts of 10 selected States for the period 2011-16, the food authorities lifted 51,972 samples of food articles for analysis out of 7,17,628 FBOs. The lifting of samples was less than 10% of total licsensed and registered FBO in 29 (55%) of the 53 selected districts and out of which, in 7 districts, the lifting of samples was below 1%. It was further noted that 5 of the 10 selected States did not fix any targets for lifting of samples. In the remaining 5 States, the targets were fixed without risk assessment for different categories of FBOs which were not achieved by most of the FSOs. The State authorities attributed the non-achievement of targets to shortage of staff and paucity of funds.

3.55 Violations of procedure for lifting food samples were also reported by CAG. The FSOs informed that they were not trained in the procedure of lifting, keeping and sending samples to the laboratory. The DOs also failed to monitor the status of receipt of samples sent for analysis. Non-availability of adequate infrastructure for sampling was also reported due to which the samples were spoiled, damaged or deteriorated and were not fit for analysis. Lifting samples of perishable items was also not possible due to absence of proper storage facilities.

3.56 As per FSSAI, it has introduced Food Safety Compliance through Regular Inspection & Sampling System (FoSCoRIS), a web based real time inspection platform to verify food safety and hygiene standards by food businesses as per regulatory norms. This will introduce uniformity and transparency in food safety inspections.The basic objectives of the FoSCoRIS Application are:

(i) To create a district wise and state wise food safety Compliance matrix of the country.
(ii) Create a Food safety compliance verification platform.
(iii) To reduce the time of Inspection process and action initiated.
(iv) To build a transparent system within the inspections framework.
(v) Create a platform to authenticate and validate the inspection reports.
(vi) To ensure that the inspections are actually done and without any deviations.
(vii) The process shall initiate Quick Response during Food Safety Emergencies.

3.57 So far, three States, namely, Tamil Nadu, Madhya Pradesh and Punjab have successfully implemented FoSCoRIS and a total of 813 inspections have been conducted using FoSCoRIS.

3.58 The Committee feels that analysis of the sample in the food testing labs will be successful only when the sample that is picked up by a FSO is properly stored and transported to the laboratory. The guidelines on sampling have to be followed. The FSOs have to be trained, qualified in the procedure of lifting, keeping and sending samples properly so that the samples that are sent to the labs give accurate results. It is necessary to specify a time limit by which a FSO should submit the samples to the Food Analyst for laboratory analysis.

3.59 The Committee appreciates the initiative of FSSAI in launching FoSCoRIS and recommends that it should be implemented by all the States/UTs. This platform has features like geo-tagging, time- stamping of inspections and real-time verification. This IT enabled system will introduce uniformity and transparency in food safety inspections on pan India basis. The FSO should be trained on handling the devices and they should conduct inspection through these devices which have been provided by FSSAI. The information shared by FSO through this system should be constantly checked by the Designated Officers and the State Food Safety Commissioners. Web based FoSCoRIS System in all the States/UTs would ensure that existing discrepancy in food inspection and subsequent lifting, storing and dispatching samples is eliminated and the Food Safety Officers become more accountable, efficient in their tasks.

3.60 Several stakeholders including UP Food Safety Officers' Cadre Association have pointed out that no rules are prescribed under Rules 2.3.2 (1) to take action for seizure of food and there are no procedure for disposal of seized stock or time limit or no directions are given to the D.O. for disposal of seized stock (As it was prescribed under section 11(5) of PFA Act).

3.61 FSSAI in its reply informed that presently, the Commissioners of Food Safety, States/UTs are taking decisions on the disposal of seized articles of food. However, FSSAI is collecting the information from States/UTs about the procedure being followed by them with regard to disposal of seized articles. Once this information is available, a suitable procedure would be firmed up to be followed by all. Powers of seizure are conferred on the Food Safety Officer under Section 38 (b) of FSS Act, 2006. The Commissioner of Food Safety & Designated Officer shall exercise the same powers as are conferred on the Food Safety Officer by following the same procedure specified in Section 29 (6) of the Act.

3.62 The Committee recommends that FSSAI should expedite the process of framing up suitable guidelines for disposing off the seized articles. The Food Safety Officer and the Designated Officers need to be trained on the disposal of seized articles of food so that the seized articles do not pose any threat. This procedure should be followed by all the States and stringent actions should be taken against erring food officials.

TRAINING of FBOs

3.63 The Committee has been given to understand that there is a need to train FBOs to adhere to hygienic and safety parameters for food safety and also to make them aware about food manufacturing or processing practices.CAIT has suggested that training should also be provided at reasonable cost, to employers and responsible employees at convenient locations and at times convenient for trainers and trainees. Training offered by institutions such as National Agriculture & Food Analysis Research Institute and MIT College of Food Technology are general in nature and not industry specific. They are for long periods and would be time consuming for a person running business. Short term courses giving "need to know" training for specific small industries are required. They should be available at number of venues close to industry pockets.

3.64 Representative of Nag Vidarbha Chamber of Commerce (NVCC) submitted that FSSAI has made Food Safety Training and Certification (FOSTAC) compulsory for all Food Business Operators through their authorized trainers who are charging heavily for the same. Instead the training should be imparted by FSSAI or the Food Department free of cost, as they are already charging fees for issuing Registration/ Licence under Food Safety and Standards Act. Charging additional fees for training would be harassment and uneconomical. Moreover, the training should be imparted by senior and experienced officers of Food and Drug Administration as they possess more practical and field experience to deal with the problems of the local FBOs. This will help improve the confidence of FBOs to understand and follow the provisions of the law.

3.65 A concerted effort has also been made to raise the bar for food safety through by way of training of food handlers and their supervisors. All food business premises are required to have one trained food safety supervisor. A Food Safety Training and Certification (FoSTaC) system for food businesses across the food value chain has been created with 17 short duration programs for different kinds of food businesses. More than 25000 personnel have been trained so far. Officers of the State/ UT governments and other agencies responsible for enforcement of the Act are also being trained continually and so far 11 training programmes have been conducted where 355 such personnel have been imparted training. FSSAI also submitted that at present there are 122 Training Partners and their number is still increasing. FBOs can negotiate regarding the fee. It is not possible to conduct such trainings only through officials of FSSAI or State Food Department as adequate numbers of officers are not available for the purpose.

3.66 The Committee recommends development of specific training modules for the manufacturers, importers, sellers, distributors and the FBOs. The training should be industry specific and for a shorter period. Regular trainings should be conducted for FBOs and small industries to adequately equip them to comply with the standards of the FSS Act. Training program can also act as a mechanism to check the status of FBOs, the validity of their licenses and as a tool to keep them updated of the changes in the food safety environment in the country. As regards training fees, the Committee recommends that the training should be imparted free of cost for small food businesses. The Committee is very well aware of the shortage of staff but every effort should be made by FSSAI to conduct some training programme in a year for the FBOs. FSSAI/State Food Safety Authorities should also

ensure that the training partners who conduct training programmes are experienced and skilled. A holistic training program dealing with compliance with the FSS Act, good manufacturing practices, Safe food handling, practices, guidelines, hygiene standards etc should be conducted at regular time intervals.

Shortage of Manpower

3.67 The Committee observes that the shortage of staff in FSSAI as well as the State Food Authorities is the biggest obstacle in achieving the mandate of FSSAI. The staff constraint has forced FSSAI to delegate the enforcement powers in respect of central licenses to the States/UTs but States do not have any system to manage the central licenses that are issued. This weak mechanism leads to unregistered and unlicensed food business operators continuing their business and supplying potentially harmful food to the general public.

3.68 CAG has also made the same observations and recommended the following in its report :

i. The Ministry/FSSAI may take steps to expeditiously notify the recruitment regulations and fill up vacancies.
ii. The Ministry may also comprehensively review the engagement of all the contractual employees appointed by FSSAI.
iii. The Ministry and FSSAI may frame more effective measures to persuade the State food safety authorities to fill up the large number of vacancies in the cadres of Designated Officers and Food Safety Officers.

3.69 Kerala Food Technologists Association (KEFTA) has pleaded that the number of Food Safety Officers should be increased in a State. In Kerala which has a population of around 3.45 crores , there are 160 FSO i.e. 1 FSO per 2.5 lakh of the people whereas there may be around 10000 food processing industries in the State. At this ratio, food safety can be ensured only in papers and not in practice. Presently a FSO is there in every state assembly constituency whereas the area is vast and effective administration of safety norms is not possible.

3.70 FSSAI regional offices issue Central Licenses as per provisions of FSS Act, 2006, Rules and Regulations provide for close scrutiny of documents and inspection. Due to staff constraint, FSSAI has delegated to the States / UTs the

enforcement powers in respect of central licenses. A proposal for sanctioning 960 posts has been submitted to the Government on 23.01.2018 for approval. The posts include posts for the regional offices also. Once adequate staff is available, this matter would be reviewed and responsibility of enforcement is respect of central licenses would be either fully or partially taken over by FSSAI.

3.71 The Committee has been informed that in the 12th meeting of Central Advisory Committee held on 1st August,2014, it was recommended that all States/UTs should have one Designated Officer(DO) for every district and one Food Safety Officer(FSO)for each Development Block in rural areas and one FSO for every 1000 FBOs in urban areas. States have been asked time and again to augment the enforcement staff in their respective areas.

3.72 The Committee has learnt that the State Food Authorities are grossly understaffed and this results in inadequate supervision of the FBOs. As per information given by FSSAI, the total number of Food Safety Officers in the country has increased from 2324 to 3130 i.e. 34.7% in last three years. States where the increase in no. of FSOs is significant are Uttar Pradesh (200%), Karnataka (191%), Delhi (100%), Kerala (97%) and Gujarat (25%). However, there are some States where there has been a decline in no. of FSOs e.g. Punjab (43%), Rajasthan (25%) and Madhya Pradesh (13%) but this number is not sufficient. If the manpower requirements of Food Regulatory Authorities do not correspond with their volume of work such shortage is bound to strain their ability to discharge their mandated functions efficiently.

3.73 The Committee, therefore, desires the Ministry to draw an action plan in coordination with State/UT Governments for overcoming the shortage of manpower of Food Regulatory Bodies. The Committee also recommends that as a short-term measure, professionally qualified persons should be engaged on short-term contract till adequate manpower is made available. Due to the very sensitive nature of regulatory work, great care will need to be used to ensure that they do not indulge in corrupt and illegal practices.

3.74 The Committee recommends that all States/UTs should have 1 DO for every District and 1 FSO for each Development Block in rural areas and 1 FSO for every 1000 FBOs in urban Areas. FSSAI has informed that a proposal to increase the staff strength of FSSAI has been taken up by the Government. The Committee is hopeful that the proposal for increasing the

staff strength of FSSAI to monitor the centrally licensed FBOs directly would be considered favorably by the Government. The Committee, therefore, recommends that the issue of creation of posts may be expedited. The recruitment regulations should be notified and vacancies for the post of Designated Officers and Food Safety officers should be filled immediately.

3.75 The Committee has been informed by UP Food Safety Officer's Association and Maharashtra State Food Inspector Association in their written submissions that as per the recent amendment in the FSS Act, any person having degree in any field of education is eligible for the position of designated officer. The appointment of non science background officer as Designated Officer may hamper the functioning the work of food safety. The Designated Officer without such science background may not even have basic knowledge about the technical issues. Many issues related to the implementation of the Act require sound scientific knowledge while investigating complicated matters. Moreover, the actions of Designated Officers are subject to scrutiny while the case is pending before Court of Law including Apex Court. There may be cases where a Food Safety Officer is technically more qualified than his immediate superior. This will definitely have huge negative impact on the implementation of the Act and fair disposal of the matters related to Public Health.

3.76 It has also been pointed out that there is no dearth of science graduates in India and there should not be any difficulty to recruit a Designated Officer, possessing a minimum degree in Science with Chemistry as one of the subjects or at least one of the educational qualifications prescribed for Food Safety Officer. Further, considering the duties and powers to be performed by the Designated Officer, it will be appropriate to add at least 5 years experience of Food Safety Officer for the recruitment of the Designated Officer as per previous advisory of FSSAI.

3.77 The Committee takes a serious note of the fact that before the amendment, minimum qualification of bachelors' degree in Science with Chemistry as one subject and compulsory training was required for a DO which has been done away with. The Committee fails to understand the reason for diluting the qualification of DO from technical to non-technical. The Committee recommends that the previous qualification requirement and necessary training for a DO should be restored. Only full time officers should be appointed as DO so that better food safety surveillance mechanism can be enforced. The Committee would like to emphasize that

the Designated Officer (DO) is a key post to ensure effective compliance and enforcement of the food safety law in the country. At the State level, the Food Safety Commissioner is the head of the enforcement machinery and the DO is responsible for the food safety administration of a district. DO acts as the licensing authority and is authorized to issue or cancel licenses of FBOs and gets the report and samples of article of foods from Food Safety Officer analyzed. DO can prohibit the sale of any article which are not as per prescribed standards. The recent amendment authorizes the Commissioner of Food Safety to appoint Sub-Divisional Officer of the area on additional charge basis as the designated Officer and he/she is not required to undergo any training.

CHAPTER 4
EFFICACY OF FOOD TESTING LABS

4.1 Food testing laboratories ensure an effective food safety mechanism in the country. The scientific analysis in the food testing laboratories determines whether the food tested is fit for human consumption and devoid of any form of contamination. To deal with the modern challenges of adulterated food, strengthening of lab infrastructure is essential both in terms of capacity and capability building. Lack of adequate lab infrastructure is one of the major challenges in achieving food safety.

4.2 The FSSSAI Act provides for the establishment of food testing laboratories for analysis of food samples. As per Sec 43 (1) of FSS Act, the Food Authority may notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) or any other accreditation agency for the purpose of carrying out analysis of samples of Food analysts under this act. As per sub-section (2) of section 43 of FSS Act, 2006, 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. Also, as per Section 16 (2) (e) read with Section 43 (1) and (2) of FSS Act, Food Authority is mandated to notify food laboratories and research institutions to carry out analysis of samples and also to recognize by notification, one or more referral laboratories to carry out the functions as provided by the Act or any rules and regulations made there under. The Committee has been given to understand that the FSSAI notifies laboratories which have attained NABL accreditation and apply for such recognition. However, to clearly define all the procedural requirements, such as renewal, suspension, de-recognition, audits etc. and to provide a legal base to the system already existing under the ambit of FSS Act 2006, "Regulations for Recognition and Notification of Laboratories" have been provided.

4.3 As per the information submitted by the Ministry of Health and Family Welfare, FSSAI at present has a network of 249 laboratories comprising 231 laboratories meant for primary testing laboratories recognized and notified under section 43 (1) of FSS act, 2006 and 18 laboratories for appellate (referral) testing recognized and notified under section 43 (2) of FSS act, 2006, as on 31st May 2018. The sector-wise composition of all the laboratories recognized and notified by FSSAI are as below:-

(a) Primary testing laboratories *(under section 43 (2) of FSS act 2006)*	
State food laboratories	13
Central Government institutes/autonomous bodies	17
Private laboratories	142
Government laboratories under transition provision *	59
Total primary testing laboratories	**231**
(b) Referral food testing laboratories *(under section 43 (2) of FSS act 2006)*	
Central Government institutes/autonomous bodies	16
FSSAI's own laboratories	02
Total referral laboratories	**18**

(*brought from the PFA regime; recognized and notified under the transition provision under section 98 of FSS act 2006)

4.4 Of the 18 referral laboratories, two namely (i) Food Standardization & Research Laboratory (FRSL), Ghaziabad and (ii) Central Food Laboratory (CFL), Kolkata are under the direct control of FSSAI. Both are being re-named as National Food Laboratory-Ghaziabad and National Food Laboratory-Kolkata, respectively. FRSL-Ghaziabad is being developed as state of the art model food testing laboratory under public-private-partnership mode and is likely to be ready by July, 2018. Likewise, CFL-Kolkata is also being renovated and upgraded with sophisticated analytical instruments. Both the laboratories would have end to end analytical capability to test any food samples for compliance as per FSS Act and Rules/Regulations.

4.5 **The Committee is happy to note that National Food Laboratory in Ghaziabad and Kolkata are being upgraded with sophisticated instruments under public-private-partnership mode and would contribute immensely in analytical and qualitative testing. The Committee calls upon the Ministry to set up two more such labs with cutting edge technology and state of the art facilities to cater to the needs of food testing in all four regions of the country. Emphasis should also be given on research and development and offering engagement of only the best of the talent in the country. These four labs would help in ensuring a highly standardized analytical testing facility in the surrounding regions for sound food safety network.**

4.6 Various stakeholders have voiced concerns about inadequate number of labs, poor lab infrastructure, weak testing protocols, dubious accreditation standards, manpower crunch, poor functioning of State food testing labs etc.

Food Laboratories and their Infrastructure

4.7 Confederation of Indian Industry in its written submission have mentioned about lack of adequate lab infrastructure in terms of capacity requirements to deal with modern challenges of international food trade. They suggested that the Public laboratories are in urgent need of a major overhaul and upgradation both in terms of equipment and manpower.

4.8 National Institute of Nutrition, Hyderabad has shared a general feeling among the stakeholders that the number of labs available for testing of food samples is very low as compared to the demand. According to them, there is a need to establish more accredited labs and/or strengthen the existing laboratories.

4.9 Shri Umakant Dubey, President of Centre for Public Health and Food Safety, New Delhi advocated that there should be adequate number of Food Testing labs to strengthen the food testing system. He wanted the FSSAI to increase the number of Government Food Laboratory and qualified technical food analyst for better implementation of food safety compliance. Voice Society have expressed that for catering a big State like UP, availability of only 3 State labs is too less. They added that all Labs should be NABL accredited and the state laboratories should be treated as referral final laboratories for sample testing. Dr. Cherukuri Sreenivasa Rao, Director (Pesticide management) National Institute of Plant Health Management has suggested that it is essential to set up a District Food Testing Laboratories in every district where the population exceeds 0.20 million.

4.10 Dr. (Mrs) Ajit Dua, CEO, Punjab Biotechnology Incubator in her submission has suggested that FSSAI should hasten the process of establishing the network of National Reference Laboratories in line with similar global setups as regular method of validations is the need of the hour for authenticity of the lab results.

4.11 Responding to the views put forward by stakeholders, FSSAI clarified that recognition and notification of food testing labs is a continuous process. With respect to low number of labs in a state, it was informed that setting up of food testing laboratories in a state was the prerogative of the concerned state. In so far as UP was concerned, there were 6 state food laboratories, of which 2 were NABL, accredited as notified by FSSAI. FSSAI had also notified 7 other NABL accredited labs in UP for analysis of food samples.

4.12 The Committee takes note of the existing food testing infrastructure in the country and observes that given the magnitude of the problem of food contamination and adulteration in the country, availability of mere 266 laboratories in a country with 130 crore population are grossly insufficient. The Committee is of the considered view that despite having a legal framework for food regulation in place, India is struggling with enforcement of food safety norms and standards because the number of food testing labs per million people in the country is far below than the USA, China, Germany etc. The Committee, therefore, recommends that the Centre should provide financial assistance to strengthen the state food regulatory systems so that each State has sufficient number of food testing laboratories proportionate to the population of the State. The Committee desires to be apprised of the steps taken by the Ministry to create new laboratories and strengthen the existing laboratories as well.

Testing protocols and procedures

4.13 It has been highlighted by many stakeholders that testing protocols and procedures need to be uniform across all the labs in the country for accurate results.

4.14 Dr. (Mrs.) Ajit Dua, CEO, Punjab Biotechnology Incubator in her submission has suggested that since microbiological testing is highly technical area, adequate training in microbiological testing should be in place to strengthen the food safety ecosystem in the country.

4.15 Shri Umakant Dubey, President of Centre for Public Health and Food Safety, New Delhi has suggested that every food lab should adhere to uniform procedure/methodology of testing. He wanted a guidelines documents for tolerances of macro and micro nutrients based on the category of Food like general foods, food supplements, food for special medical purposes etc. In case of variations from declared value, all factors should be taken into consideration i.e. storage, shelf life, variability in analysis, type of nutrients. FSSAI should develop monitoring system to ensure that every NABL lab analysis samples within their scope granted by NABL.

4.16 Shri Kirti Rana, President Confederation of All India Traders , Maharashtra submitted that FBO has right to make application for sending sample to Referral laboratory within 30 days of receipt of report of Food

Analyst. However, no time limit is fixed for Referral Laboratory for receiving the sample from Designated officer or for giving its Report. Absence of time limit for Referral Lab creates problems as the Referral Lab may end up testing the sample after its expiry date. He wanted such anomaly to be corrected.

4.17 Shri Pradip Chakraborty informed the Committee that "for packaged drinking water, 51 parameters have to be tested as per FSSAI Standards. A Water is treated as safe drinking water if all 51 parameters are complied with. But, most labs, even laboratories accredited by the NABL, do not have facilities to test more than 30 parameters. Our Central Food Laboratory, Kolkata, cannot test more than 32 parameters and only on the basis of testing partial parameters, they give declaration that such product is safe or not"

4.18 CAG audit test check of 1,309 import cases had revealed that out of 303 samples referred to laboratories by the regional offices of FSSAI in Chennai, Kolkata and Mumbai did not perform the checks on all the prescribed parameters applicable to the specified food item, and still the concerned regional offices issued No Objection Certificates (NOC) for the import of these items. The Ministry clarified that the test are conducted on the most common and essential safety parameters so that the food items get quick clearance. Interestingly according to CAG the FSSAI has not defined which of its parameters are essential and which are not.

4.19 The Committee has been given to understand by the Ministry of Health and Family Welfare that amendment seeking FSSAI manuals of food testing mandatory, for a food testing laboratory is under process which would bring about uniformity in procedure/methodology. The Act provides for the upper limit of micro nutrients in Foods upto the level of Recommended Daily Allowance (RDA) and anything above it is not permitted. Further, before notifying laboratories, the FSSAI undertakes desktop audits on the parameters for which the laboratory has NABL accreditation. FSSAI also closely interacts with NABL to know the scope of accreditation of various test parameters of notified laboratories. Further, FSSAI's IT based system called India Food Laboratory Network (INFoLNET) *inter alia* ensures that every NABL lab analyses samples within their scope granted by NABL.

4.20 There are 18 referral food testing laboratories in the country. FSSAI is in the process of identifying and setting up a national reference laboratory (NRL) to devise standards for routine procedures, reliable testing methods, validation,

development of new methods and ensuring proficiency in testing across the food laboratories. Such network would enhance reliability of results and continuous adherence to international laboratory practices which in turn would bring in uniformity in protocol and procedures, reduce litigations among the stake holders/trade partners. FSSAI has identified 15 food testing laboratories provisionally as National Reference Laboratories (NRLs) either on product or analyte basis.

4.21 The Committee is constrained to note that most food labs including those accredited by the NABL do not have facilities to test articles of food on all parameters. For food safety, the samples have to be checked for heavy metals contamination, pesticide residues, bacterial contamination, toxic chemicals etc, therefore, it is important that the laboratories are functional, well equipped and adequately staffed. The Committee treats microbiological analysis and testing as a specialized field for a country like ours that has relatively high outbreak of food borne diseases. Specialized training is required for the sampling procedure and the particular test method. There should be a specialized technical officer for carrying out microbiological testing. The Food Safety Officer should also be trained on the kinds of samples that have to be lifted for microbiological testing and analysis. The Committee opines that all the food testing labs across the country should follow a uniform procedure/methodology of testing so that accurate results are obtained. Further, a guideline document for tolerances of macro and micro nutrients based on different categories of food should be developed. There is also a need to have a Laboratory quality audit mechanism so that all the samples are analysed qualitatively. There should be a fixed list of parameters for testing a specific food item and such parameters should be uniform across the food testing labs in the country. FSSAI should prepare a list of food safety parameters that should be mandatorily checked. The Committee also recommends that the imported food should mandatorily be checked for all the parameters. Manuals of food testing procedures must be brought out as early as possible to ensure uniformity in testing and methodology.

4.22 The Committee recognises the importance of a network of National Referral Laboratories whose very mandate is to set standards for testing, validation, development of new testing methods etc. The Committee believes that these referral labs can play a pivotal role in bringing about uniformity in food testing and prescription of parameters. The Committee recommends

that FSSAI needs to promote such labs which can help in enforcing and evolving new standards in tune with best international practices. Such standards and methodology as furthered by these referral labs would certainly impact the food testing labs across the country and make their results credible and reliable. Further, specific time line must be specified for referral labs to give their reports.

4.23 The media reports suggest that India is one of the top three countries to face rejections in the monthly refusal list of food items by the Operational and Administrative System for Import Support (OASIS) of the US FDA. The Committee understands that some private food testing laboratories do not fail samples of their clients for fear of losing business. There have also been instances when food samples tested in Indian food labs were found "of good quality" but failed quality tests when they reached their foreign destinations. These rejections bring bad name to the country. The Committee, considers this state of affairs as very serious and recommends that an enquiry be conducted into such cases reported during the last three years so that the responsibility is fixed and appropriate action is taken against the guilty.

4.24 The Committee also recommends that every laboratory recognised for food testing should be required to submit daily report online to FSSAI about the number of samples tested and the number of food articles found defective or unsafe.

NABL Accreditation of labs

4.25 Para 2.2.1 (5) of the FSS (laboratory and sample analysis) Regulations, 2011 states that referral laboratory shall maintain high standards of accuracy, reliability, credibility in the operations of laboratory and achieving and maintaining required level of accreditation and reliability. NABL accredited laboratories are expected to establish and prove their accuracy, reliability and credibility. As against 62 functional public labs in States, only 13 are NABL accredited and notified by FSSAI. The remaining labs are functioning under transitory provisions i.e. Section 98 of FSS Act, 2006.

4.26 CAG in its 37th Report has highlighted that FSSAI has not framed any Standard Operating Procedures (SOP) for examination and approval of applications for empanelment, FSSAI also does not have any mechanism to

promptly update the status of NABL, accreditation of the empanelled laboratories.

4.27 CAG Audit has noted that food samples were sent to laboratories whose NABL accreditation had expired. The audit test check of 1,803 import samples sent to empanelled food laboratories by the four regional offices (Chennai, Delhi, Kolkata and Mumbai) between August 2011 and March 2016 revealed that in 264 cases (14.64 per cent), the private laboratories did not have accreditation for the parameters (e.g. ethyl alcohol, reducing sugar, esters as ethyl acetate, higher alcohol as amyl alcohol, aldehyde, sulphur dioxide etc.) on which it conducted tests.

4.28 Apart from arranging NABL accreditation for laboratories, FSSAI is required to ensure that the performance of empanelled laboratories remains consistently satisfactory. CAG report revealed that FSSAI had no mechanism to ensure that the empanelled laboratories adhered to the conditions of empanelment. In fact FSSAI is yet to formulate the procedure for surveillance audits, periodicity of special/supervisory visits and suspension/ revocation of suspension, renewal, de-recognition, etc., of the laboratories. As a result of this lacunae, there is no effective monitoring of the empanelled laboratories by FSSAI.

4.29 Indian Beverage Association has suggested that all food laboratories especially those meant for purpose of surveillance or enforcement must be accredited by NABL to assure robustness, accuracy, reliability, fairness and credibility of testing. Kerala Food Technologists Association (KEFTA) in its written submission before the Committee stated that there are only 3 NABL accredited analytical laboratories in Kerala and they cannot cater to the testing needs of the State. Approval of laboratories should be purely based on population, number of FBO license/registration, FSO circle and FSO field strength. Mini laboratories for basic analysis can be setup at various areas as a cost effective and efficient mechanism. Highly specific analysis of pesticides, antibiotics and heavy metals may be referred to the main analytical laboratories at Kozhikode, Ernakulam and Thiruvananthapuram to test all kinds of food matrices for surrounding districts. Smaller laboratories and sample collection points at various areas of surrounding districts of these laboratories will cater the testing needs efficiently. This will distribute the workload and evenly manage the quantum of samples throughout the state. There can be sample collection points at various areas for ease of testing to food industries and general public.

4.30 The Committee observes that accredited competent food testing laboratories are fundamental to ensuring a stringent food safety mechanism in the country. Today when food security is a global concern, different methods are employed to increase the agricultural productivity and crop production. Excessive use of pesticides and insecticides to increase agricultural production is not an unknown phenomenon. Rampant use of pesticides and insecticides results in toxic chemical entering the food chain. Similarly microbiological testing and chemical hazard analysis for foods, drug residue testing etc. require a food testing laboratory fully equipped with modern technology. The Committee is of the firm view that NABL accreditation of labs would certainly ensure high standards of testing and enhance credibility and reliability. The Committee, therefore, strongly recommends that FSSAI must insist on NABL accreditation of all labs for efficient food quality management system.

4.31 The Committee is constrained to note that absence of a mechanism to monitor NABL empanelled labs is a matter of grave concern as the reliability and accuracy of results of testing for various parameters remains questionable. The Committee feels that the very purpose of accreditation of labs is defeated if they are not able to execute their mandate efficiently. The Committee strongly recommends that the FSSAI should inspect, monitor and investigate these labs at periodic intervals so that their efficacy in testing samples on the requisite parameters is maintained.

Status of manpower in labs

4.32 One of the constraints in enforcing the mandate of testing food samples in labs is acute shortage of technical manpower. Many stakeholders have suggested that FSSAI should increase numbers of Govt. Food Laboratory and qualified technical food analyst for better implementation of food safety compliance.

4.33 CAG has observed that Food Analyst were not appointed in many food testing laboratories. FSSAI has no data on eligible persons who were functioning as Public Analyst under the erstwhile Prevention of Food Adulteration Act, and who continued to function in the posts of public analysts/food analysts after the framing of FSS Rules. CAG has pointed out that amongst the test checked laboratories, there is shortfall of technical staff ranged from 18 to 30% in 5 laboratories, 30-40 % in 3 laboratories and more than 40% in 10 laboratories. Even in Central Food Laboratory, Kolkata, there were only 29 technical staff in

position against the sanctioned strength of 53. Further, in response to an audit query on the availability of qualified analyst in the empanelled notified food laboratories, FSSAI in December, 2016 admitted that no such records were available. Test check in Audit revealed that out of the 16 notified food laboratories to which the authorized officers in Delhi and Mumbai sent 49193 cases of imported food samples for testing during 2015-16, 15 food laboratories did not have a food analyst qualified by FSSAI board. Hence, tests conducted by State Food Laboratories and empanelled private laboratories that do not have food analysts with the stipulated qualification were in violation of the rules.

4.34 Food Analysts Association had submitted that the proposal of technical manpower must be part of regulation of FSS Act, 2006 and Regulation 2011 otherwise MoU made with State Government with respect to manpower shall remain on paper. It was suggested that the FSSAI must have whole time officers for implementing the Act. FSSAI being an autonomous institution under Ministry of Health and Family Welfare has become more a place for part time and contract officers who want to come in Delhi for personal reasons with the result that the tasks and strategies which were started by predecessors remained unattended. FSSAI does not get officers recruited for key expertise posts through UPSC recruitment and mostly these posts are filled by internet notice, E-mail and websites and without advertisement in national newspapers. It has also been alleged that FSSAI never followed DoPT order dated 4.11.2014 to identify posts which require experts and experienced officers and continued to appoint non-experts, non relevant experience holders on key posts like Director/Advisor/Consultant. It has been pointed out that the private food laboratories have neither any qualified analyst nor FSSAI have any visiting officers to see working and reporting of most food laboratories. The Association has further suggested that enforcement staff must be given place in constituting authority under section 5, 11 and 14 of FSS Act. As of now, food analyst, food safety officers, designated officers and Directors of Referral Laboratories have not been included in composition of authority, scientific committee and panels etc.

4.35 The Ministry of Health and Family Welfare in its submission informed that as on 28.3.2018, there were 31 Public Analysts and 90 Food Analysts across the food laboratories in the country. As per the information received from 143 such laboratories, it has been found that 58 food analysts were available in these laboratories. Efforts were being made to ensure that all notified laboratories should have food analysts as per the FSS Act.

4.36 The Committee has been given to understand that setting up of laboratories in States was the prerogative of State Governments and they may increase the number of laboratories as per their requirement. So far as status of food analyst in the country, FSSAI has been conducting Food Analyst Examination regularly. At present, there are 277 qualified Food Analysts, besides 32 Public Analysts under erstwhile Prevention of Food Adulteration Act.

4.37 **The Committee notes the acute shortage of manpower in the States/UTs as well as FSSAI. Non-availability of the technical manpower is one of the primary reasons behind poor functioning of these food testing laboratories. The number of food analyst is very low in the country considering the magnitude of food adulteration prevalent in the country. Even if the State laboratories receive the sophisticated instruments, they are not put to use because technical manpower to handle such sophisticated instruments is absent. The Committee recommends that each State/UT should frame its recruitment regulations according to its size and population and regular exams should be conducted to recruit suitable persons in the food testing laboratories. A minimum number of technical staff required for proper functioning of food testing laboratory should be prescribed.**

4.38 The Committee has been given to understand by stakeholders that around 250 colleges exist in the country where food science, meat science and technology, dairy technology, microbiology is being taught as an important technical or science based course and more than 8000 students are getting their degree every year. There is a pool of talent waiting to be tapped.

4.39 The Committee observes that in our country availability of technical graduates is not a problem but availability of employable graduates is. Collaboration between the Universities/Educational Institutions and Industry is very important for skill development. The Committee is of the view that the connect between the Industry and the Educational Institutions needs to be fostered and encouraged. The graduates need to be given on ground practical training so that they acquire adequate skills to be employed. There is a huge demand of technical manpower in the food testing laboratories but this gap remains unfilled despite large pool of technical graduates available in the country. The graduates in Food Science and Technology should be groomed to undertake the technical responsibility in these labs. This can solve the twin problems of increasing unemployment

among the graduates and the shortage of manpower in labs. Further, the Committee also recommends that every Central, State and Private food testing laboratory must have a mandatory minimum number of staff specially Food Analysts in order to make it adequately functional. FSSAI and the State Food Authorities should also ensure that only qualified graduates with Science background are employed in the labs. The Food Analyst should work within a time limit and submit his report within a prescribed period. The Laboratory Quality Audit should also pay special attention to the fact that only skilled people with technical knowledge form part of the staff.

4.40 Attention of the Committee has been drawn to the deliberations of the Joint Committee of Parliament on P.F.A. Amendment 1974 for recommending highly qualified staff and prescribing norms for functioning of a laboratory based on the following factors:-

(i) one chemist to analyse about 400 assorted food sample per year,
(ii) one chemist to analyse about 1500 milk sample per year,
(iii) one chemist to handle about 2500 samples for toxic materials, preservatives or other food additives per year,
(iv) one analyst to analyse about 600 samples of oils and fat per year.

The norms further prescribed that (a) each analyst should be assisted by laboratory assistants and laboratory attendants. The laboratory assistants can be deputed for routine determinations. (b) Different sections may be established in a laboratory depending on its workload and convenience. (c) One supervisor may be designated as Chief Technical Officer/Asstt. Public Analyst to supervise and guide the chemists in different Sections. (d) A separate bacteriologist to be assisted by laboratory assistant and a laboratory attendant for bacteriological work. (e) A separate officer with a helper will be required for coding and de-coding of the samples. The coding and decoding section should be responsible for storage of samples, for cross checking of the results under the overall charge of the rank of Chief technical Officer (C.T.O.). (f) An additional sub section should be established for cereals, pulses and other miscellaneous products under the charge of C.T.O, this section may be provided with one Senior Analyst, one Laboratory Technician and one Lab Attendent.

4.41 The Committee recommends norms desired for proper functioning of food testing lab with adequate manpower may be strictly adhered to in accordance with the suggestions of the Joint Committee of Parliament.

Strengthening of State Food Testing Laboratories (SFTLs)

4.42 The Committee has been given to understand that FSSAI is implementing a Central Sector Scheme (CSS) for strengthening Food Testing System in the Country Including Provision of Mobile Food Testing Labs with a total outlay of Rs. 481.95 crore with a time frame for implementation of the Scheme being 2016-17 to 2018-19. The scheme envisages different components such as (i) strengthening of 45 State Food Testing Labs, (at least one in each State/UT and two in bigger States) (ii) 12 referral laboratories, (iii) creation of 62 Mobile Food Labs. (iv) Capacity building of food testing personnel and (v) incentivising States/UTs for utilizing the facilities available with FSSAI's notified labs and School Food and Hygiene Programme. For this, FSSAI is providing a non-recurring grant of around Rs. 10 crore towards upgradation of each SFTL with 3 major equipments *(viz.,* ICP-MS, GC-MSMS and LC-MSMS) and setting up of microbiology laboratory. In addition, a recurring grant of Rs. 35 lakh per year towards professional services, consumables and contingencies is also provided to each of these upgraded SFTL. Further, release of grants is subject to the condition that the upgraded laboratories will achieve NABL accreditation within 2 years from the date of release of final instalment.

4.43 A total of Rs. 109.95 crore has so far been released under the scheme. As on date, 26 State Food Safety Laboratories of 24 States/UTs (including setting up 4 microbiology laboratories in 3 States/UTs) have been taken up for upgradation. State-wise status of implementation is as under -

States covered under the scheme			
Andhra Pradesh	**Haryana**	**Maharashtra**	**Raiasthan (2)**
Assam	**H.P.**	**Manipur**	**Tamil Nadu**
Chhattisgarh	**Jammu & Kashmir* (2)**	**Meghalaya**	**Telangana**
Delhi	**Karnataka**	**Nagaland**	**Uttar Pradesh**
Goa*	**Kerala**	**Odisha**	**Uttarakhand**
Bihar"'	**Jharkhand** •••	**Puducherry** •••	**Tripura** •••
SFTLs where upgradation is not feasible			
Andaman & Nicobar		**Arunachal Pradesh**	
Mizoram		**S ikki m**	

(* .·SFTLs where grant for microbiology facility is also provided,•

 # .• SFTLs under process for release of grants)

4.44 The Scheme for strengthening/upgradation of SFTLs proposes to- (i) enable the States/UTs to analyse the regulatory and surveillance samples drawn by the FSOs within the shortest possible time frame; (ii) analyze the safety parameters in food samples such as Heavy metals, Pesticide residues, Antibiotic and drug residues and Naturally occurring toxic substances along with Microbiological tests; (iii) ensure compliance of FSSAI standards on food; (iv) enable the laboratory to achieve NABL accreditation within 2 years from the date of release of final instalment; (v) make SFTL a resource point for training and facility up-gradation for other existing Government *I* Public Food testing laboratories in the State; and (vi) introduce online laboratory data management system through Laboratory Information Management System (LIMS). So far a grant of Rs.81.20 crore has been sanctioned/released till March, 2018, for upgradation of these laboratories and 10 State Food Laboratories have got NABL accreditation. Some of laboratories have initiated the process of getting NABL which may take upto two years.

4.45 There is an Empowered Committee (EC) to guide and oversee implementation of the Scheme. Following has been the status of implementation during 2017-18:

(i) A grant of Rs. 1 Crore each has been released to Jammu Laboratory and Srinagar Laboratory for setting up of Microbiological Laboratory. Further, a grant of Rs.50.0 lakhs has been released each to state of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Meghalaya, Manipur, Nagaland, Odisha, Telangana, Uttar Pradesh and Uttarakhand under the sub component of creation/renovation of Infrastructure and procurement of lab equipments in state food laboratories. In addition, Rs. 4.0 Crore each to Punjab and Assam labs, Rs. 4. 75 Crore each to Delhi and Goa labs, Rs. 5.50 Crore each to Jammu and Srinagar labs, 6.5 Crore to Tamil Nadu lab and 9.0 Crore each to Karnataka, Kerala and West Bengal labs have been released towards the sub component of creation/renovation of Infrastructure and procurement of lab equipments. With this, upgradation of 23 Food Testing Laboratories of 22 States/UTs have been covered under the scheme;

(ii) A grant of Rs. 10.00 Crore has been released against a total Rs. 12.50 Crore sanctioned to five referral labs viz. CFTRI, Mysuru, IICT, Hyderabad, CIFT, Kochi, IIFPT, Thanjavur and CALF, NDDB, Anand towards procurement of high end equipment;

(iii) 19 Food Safety on Wheels (FSW), have been sanctioned to 17 States at an approximate cost of Rs. 30 lakh (excluding GST). A set of booklets containing Scheme Guidelines, Operational Manual and Manuals of Simple Methods for Testing of Common adulterants in Food is also being provided in each FSW;

(iv) 24 training programs including Good Food Laboratory Practices (GFLP) programme, and specialized Training of Trainers Programmes on analysis of mycotoxins/pesticide and veterinary drug residues in food for laboratory personnel have been organized by FSSAI

(v) FSSAI is also working towards formulating a scheme wherein grant of Rs. 1 lakh and 3 lakh is proposed for schools for establishing 'Health and Wellness Laboratories' in their premises; and

(vi) FSSAI is also working towards formulation of a scheme to enable States/UTs to utilize the testing facilities available with FSSAI notified laboratories.

All the States/UTs have been sanctioned funds for upgradation of two labs in each state one lakh each except in the State of Rajasthan and J&K.

4.46 CAG in its report pointed out severe deficiencies in the State Food and Referral Laboratories as per the following audit findings:

(i) A baseline survey conducted (between September 2013 and January 2014) by FSSAI found that out of 72 State food labs, only 62 labs were functional as most laboratories did not have testing facilities for pesticide residues, heavy metals, naturally occurring toxic substances and microbiological parameters.

(ii) The labs lacked in technical manpower and important functional food testing equipment were either not available or were non-functional resulting in failure to analyse food samples received in these labs during 2011-2016 in respect of metal contaminants, crop contaminants, insecticides/pesticides etc.

(iii) Rule 2.4.2 of FSS Rules, 2011 provides that the report of the food analyst shall be sent within 14 days of the receipt of the article of food for analysis. However, no such time limit has been prescribed in respect of referral laboratories. Considerable delays were noted on sending the analysis report by the food analysts.

(iv) Shortage of technical staff ranged from 18% to 30% in 5 labs,30% to 40% in 3 labs and more than 40% in 10 test checked labs.

(v) Absence of functional food testing equipment

4.47 State food testing laboratories are in urgent need of a major overhaul and upgrade both in terms of shortage of analytical personnel and equipments to perform sophisticated analysis of pathogens including chemicals, microbial toxins, heavy metals, residues of pesticides, etc. Food is a matter of health encompassing crucial life and death issues and therefore according a high priority to food safety is the need of the hour. Since the implementation and enforcement of Food Safety and Standard Act, 2006 is primary the responsibility of the State/ UT Food Regulatory Authorities, equipping them with the high-end sophisticated equipments is therefore very essential. In that direction, the Committee welcomes implementation of the Central Sector Scheme for "Strengthening of Food Testing System" in the country. The Committee is, however, constrained to note the tardy progress of the scheme to the extent that out of a total outlay of Rs. 481.95 crore between 2016-17 and 2018-19 only funds to the tune of Rs. 109.95 crore have been released. Given the fact that only nine months are left before the Financial Year 2018-19 concludes, the Scheme is certain to face massive financial under performance. Apparently, there are serious shortcomings in the mechanisms of Centre-State coordination in implementation of this scheme. The Committee therefore desires the Ministry of Health and Family Welfare to address the pending issues pertaining to implementation of the Scheme and make vigorous efforts to speed up the process of implementation of the Scheme by taking up corrective measures with sustained monitoring. The Committee would like to be apprised of the results of the efforts of the Ministry at the earliest.

4.48 The Committee has taken cognizance of the Governments' proposal for opening laboratories equipped with most modern and sophisticated apparatus. Having laboratories with no proper equipments will not achieve the objective. Here the Committee agrees with the observations of the Joint Committee of Parliament on Prevention of Food Adulteration (Amendment) Act, 1974 that though a high tech food testing laboratory is desirable but for financial constraints and the scarcity of trained analytical chemists, microbiologists, technicians and other food-scientists, it may not be advisable to open many laboratories. Therefore, the Committee emphasises that it would be more advisable to ensure that facilities available in existing

laboratories are strengthened/upgraded instead of setting up of new labs with inadequate infrastructure and manpower.

4.49 The Committee understands that due to the scarcity of food analysts, most State Drug Testing Labs operate far below their desired capacity and in many cases, laboratories have had to be shut down due to the unavailability of Food Analysts. As per a Times of India report published in 2014, Rajasthan had closed down seven public health laboratories due to shortage of food analyst. The Committee would, therefore, like the Ministry to chalk out an action plan for overcoming the shortage and expanding the pool of food analysts. The Committee also desires to be apprised of the actual number of Food Analysts vis-à-vis their requirement.

Food Safety on Wheels (FSW)

4.50 The Committee has been informed that the Food Safety on Wheels Scheme would not only address the issue of lack of food testing infrastructure in the remote areas but also cater to the basic analytical needs of consumers. Primarily FSWs would help cater to (i) surveillance and creating awareness regarding the food safety in remote areas in the State, large public congregations, schools and consumer organisations; (ii) transporting samples picked from ·remotes areas to the nearest food testing laboratory; (iii) Education of the consumers in various aspects of food safety laws and common hygiene practices; (iv) on the spot test facilities for qualitative adulteration of common food items like ghee, milk, khoya, sweets, edible oil, non-permitted food colours in various foods like namkeens, spices, prepared foods etc.

4.51 Each FSW can test 54 qualitative parameters across 7 different food categories. In addition, each FSW has a provision for performing simple microbiological tests if the States so desire. The FSW is provided at a cost of Rs.*50* lakh each, including a recurring grant towards Petrol, Oil, Lubricants & consumables. As on date, 31 FSWs have been sanctioned to 26 States/UTs of which 28 have been delivered to 23 States/UTs.

State-wise status of implementation is as under -

States for which FSWs is sanctioned I delivered

Arunachal Pradesh	Haryana	Meghalaya	Rajasthan
Assam	Himachal (2) Pradesh	Nagaland	Puducherry
Bihar*	Jammu & Kashmir {2)	Odisha	Madhya Pradesh
Chhattisgarh {2)	Jharkhand	Punjab (2)	Dadar& Nagar
Chandigarh	Karnataka	Tamil Nadu	West Bengal*
Goa	Kerala	Telangana	
Gujarat (2)	Manipur	Uttarakhand	
States which are not ready for receiving FSWs			
Andhra Pradesh	Delhi	Mizoram	Tripura
Andaman & Nicobar	Maharashtra	Sikkim	Uttar Pradesh

4.52 Of the above 26 laboratories, 6 State Food Testing Laboratories have already obtained NABL accreditation. Further, it is to mention that grants are provided under the Scheme with a condition that the upgraded laboratories will achieve NABL accreditation within 2 years from the date of release of final instalment.

4.53 Kerala Food Technologists Association (KEFTA) informed the Committee that mobile laboratories have proved to be effective in testing during youth festivals and other public events where food stalls/food served is on temporary setup. This in-fact is a credible achievement for food safety department during such events. There had been many food safety issues reported previously mainly from contaminated water source used in such temporary food catering venues. The mobile laboratory facility has been a boon in such venues. Food analysis outreach to public is possible in an easier mode. These mobile laboratories are very much needed in such large public events where food is manufactured/served in bulk quantities. Such venues being temporary in nature highlights a serious issue in terms of food safety risk assessment as the volume of food consumers particularly children, is generally high. This area of analysis also requires more food technologists for better efficiency. A partnership testing protocol can be developed with various NABL accredited private laboratories across the nation with a FSSAI approved Food Analyst in them. This will make full capacity utilization in private sector for government needs, thereby reducing infrastructural cost to a great extent.

4.54 The Committee is of the view that mobile food testing labs hold immense potential to improve the food safety situation in the country in general and in remote areas in particular. The Committee feels that the Mobile Food Testing Labs should be used for creating awareness, transporting samples, educating consumers and on spot test facilities as suggested by FSSAI. These mobile labs can open new job opportunities for the unemployed youth of our country. India has a large number of science and technical graduates but in the absence of job specific technical vocational training, they are unskilled & deemed unsuitable for jobs. The Committee recommends that the FSSAI should utilize the rich demographic dividend of the country and conduct extensive training program for the youth. These young graduates should be trained in managing these mobile labs in every block. The Committee opines that mini labs are a cost effective method for basic analysis and smaller laboratories and sample collection points at various areas of surrounding districts of main laboratories will cater to the testing need efficiently. This will distribute the workload and evenly manage the samples throughout the state. The sample collection points should be at an optimum distance from the food testing labs so that there is no delay in sending the samples to the labs and results are declared quickly.

4.55 The Committee has been given to understand that each mobile lab would cover every 20 districts of the State. However, given the large size of our country and huge population, we need far more Food Safety on Wheels (FSWs). The Committee, therefore, recommends that number of FSWs should be sanctioned taking into consideration the size of population of a State so as to ensure facilities of testing food within the reach of the general public. The Committee also recommends that FSSAI should realistically assess the need of FSWs in the States and one FSW in each district must be provided to increase its outreach among the common man.

4.56 With the rapid development of science, quality of food along with its nutritional attributes can easily be known. In India, feeding a billion mouths is a challenge but our focus needs to shift from just providing food to providing safe, nutritious food to its population. India has its own standards for different categories of food. It has often been alleged that there is a lack of harmonisation of food standard vis-à-vis global standards which results in rejection of our export consignments. The developed countries have an elaborate and systematic

food safety mechanism with stringent measures and parameters. India, in comparison lags much behind in enforcing an effective food safety mechanism.

4.57 The Indian food safety regime is well below the international benchmarks in terms of availability of desired lab infrastructure, food safety institutions, regulatory policies, manpower (technical & non-technical) and financial resources. The Food Safety and Standards Act, 2006 (FSS Act) is the primary law for the regulation of food items and its regulation. However, a survey by CIFTI and FICCI has revealed that about one-third of the industry is unaware about the FSS Act and its regulations. This lack of information among the food suppliers, sellers and buyers is one of the major challenges in the present food safety regime. The Committee strongly believes that it is the obligation and duty of the State to spread awareness on food safety and quality and ensure that any food borne disease does not go unreported. A robust overhaul of the current food safety regime is needed so that the food law is implemented both in letter and spirit.

CHAPTER 5

REGULATION OF FOOD ITEMS

5.1 Effective food regulation is paramount to ensuring food safety. FSSAI has been empowered to form regulations and guidelines governing the safety of food items in the market. There is a high tendency to adulterate food either to increase the quantity and make more profit or to use chemicals to preserve the quality & freshness of the food. Cross contamination while handling and non adherence to good manufacturing practices also result in adulteration of food. Therefore regulation of food item is fundamental to ensuring food safety.

5.2 Cases of rampant adulteration in milk and edible oil have been reported in the country which pose a grave threat to public health. Street Food and Food at restaurants is also under the scanner and there is need of safe and hygienic practices while preparing food in these premises. The ever growing demand and consumption pattern has led to availability of a wide range of food products in the market that necessitates framing of regulations for each product. This growing food demand has also led to import of food items for ensuring food security. The country cannot stay immune to imported food safety challenges. Today with increase in income and urbanization, the demand for healthy organic food is also increasing. The excessive use of pesticides and toxic chemicals in farming has opened new opportunities for organic farming.

5.3 It, therefore, becomes imperative to examine the regulation of a variety of food items in the country as safe, nutritious and wholesome food is rudimentary to individual growth and development and providing healthy food to its citizens is the foremost responsibility of every Government.

Milk Adulteration

5.4 The Committee has been informed that FSSAI had conducted a national milk survey in 2011 to ascertain the quality of milk and also to identify different types of adulteration in milk across the country. The survey included assessment of quality parameters like fat, protein, solids not fat and adulterants like hydrogen peroxide, sugar, starch, urea, detergent, formalin, vegetable oil etc. However, the survey considered substances like sugar, starch, vegetable oil or skimmed milk powder as unsafe which affect only the quality of milk and not the safety. A total

of 1791 samples from across 33 states revealed that more than 68% samples (i.e., 1226) were found non-conforming to the standards set.

5.5 FSSAI conducted the second national milk quality survey in 2016-17. The survey considered the population size and kind of milk sector (organized or unorganized) to arrive at sample size. In case of this survey milk samples found with vegetable oil, sugar, glucose, maltodextrin, starch and cellulose were considered as "non-standard but safe"; and, milk samples with adulterants like detergents, hydrogen peroxide, formalin, urea, boric acid, ammonium sulphate, nitrates and neutralizers were considered as "non-standard and unsafe". The survey covered 110 cities in 32 States/UTs and 1663 samples. This survey revealed that only 16% (266 samples) were non-compliant. But close examination revealed that only about 8% (135 samples) were "non-standard & unsafe". The survey clearly indicated that the adulteration noticed in the survey of 2011 survey was an aberration. However, considering a wide variation in results among the States, they were asked to validate the results reported; and, also conduct a snap shot survey in the lean milk season which was conducted in July 2017. In this survey, 12 states/UTs reported that out of 659 only 27 samples (4%) were non-compliant and only 2 samples (~0.3%) were found to be unsafe.

5.6 On a review of surveys of 2011, 2016 and the subsequent snap shot survey, it was noticed that the sampling procedure, analysis time and protocols followed were not uniform. Besides, all the surveys were only qualitative in nature. Hence, FSSAI initiated a third party assisted survey in May 2018. The survey aimed at a uniform protocol for sample collection and analysis. Unlike previous surveys where samples were sent to laboratory (which meant considerable time lost before the analysis), this survey relies on on-the spot analysis of samples for qualitative parameters. The non-compliant samples were being taken to laboratory for quantitative analysis of parameters like antibiotics, aflatoxins and pesticides in the samples which was not covered in the previous surveys. The survey would cover 1100 towns and 6000 samples. So far, the survey has covered 6 States, 146 towns and 814 samples. The survey results would be shared once the analysis of data is complete.

5.7 FSSAI has provided 29 electronic milk adulteration tester (EMAT) machines to 29 States/UTs for routine analysis of milk quality. Further, a more advanced milk testing machine called the milk- 'o'-screen is also provided in each of the FSWs (31 of such FSWs are already in operation) which can be used for effective surveillance of milk.

5.8 It has also been brought to the notice of the Committee that National Dairy Research Institute (NDRI) , Karnal, had developed a platform test kit that detects the presence of detergent in milk in less than two minutes. Testing with such method helps in drawing a clear colour distinction between pure and adulterated milk with detergent. This method costs merely Rs. 4 for analyzing one milk sample.

5.9 The Committee has been given to understand that FSSAI is aware of NDRI's milk testing kit as well as many other kits developed by various national institutions as well as those available commercially. Though FSSAI cannot provide test kits or machines to food businesses or consumers, information regarding the available milk testing machines and rapid test kits would be made available on the FSSAI website for the benefit of FBOs and consumers.

5.10 The Committee expresses its serious concern over the growing menace of adulteration of milk and dairy products by unabated use of hazardous chemicals and substances like pesticides, caustic soda, urea, detergents, antimicrobial residues, white paint etc and also the sale of synthetic milk in different parts of the country. It is indeed alarming that as per a national level milk quality survey conducted by FSSAI in 2011, 68% of milk samples were found to be adulterated and non-conforming to the stipulated quality standards. Consumption of adulterated and synthetic milk is hazardous and poses grave risks to human health. The Government, therefore, needs to bring forth necessary amendments to the FSS Act 2006 and Indian Penal Code providing for enhancement of punishment for adulteration of milk and milk products. The Committee, therefore, recommends that the Ministry of Health and Family Welfare in consultation with State/ UT Governments must take expeditious action to bring in necessary amendments in the statute and apprise the Committee in this regard.

5.11 The Committee understands that on a Writ Petition (Civil) NO. 159 of 2012 before the Hon'ble Supreme Court, it had directed the FSSAI and State Food Safety Authorities to check the menace of milk adulteration. However, no concrete action has been taken by authorities to combat milk and food adulteration. The Committee desires to be apprised of status of the action taken thereon by the FSSAI and State Food Regulatory Authorities.

5.12 The Committee is not convinced with the sampling procedure, analysis time and protocols followed in the national milk quality surveys conducted by FSSAI in 2011 and 2016 as they were not uniform. The Committee observes that a precise and accurate conclusion out of survey(s) can be drawn only with appropriate sample size. Sample size of 1791 and 1663 in the surveys of 2011 and 2016 were not adequate. Taking into account the size of population and the quantity of milk produced in the country, the Committee would, therefore, exhort the Ministry to ensure that in future the sample size of such surveys should be appropriate and truly representative. The Ministry has to ensure that protocols followed for such surveys are uniform so that they lead to valid conclusions. The Committee also desires to be kept apprised of the findings of the national milk quality survey initiated in May, 2018.

5.13 The Committee understands that India is the largest producer and consumer of milk in the world and most of the milk is consumed in its basic form. The collection and distribution of milk especially in smaller towns and villages however remain largely unorganised as the same is done by small scale livestock keepers in an unregulated manner which often results in poor quality of milk. The Committee would, therefore, like that FSSAI/ Ministry of Health and Family Welfare in consultation with State/UT Governments should strive to put in place a regulatory mechanism for spot testing of milk supplied by branded milk suppliers as well as small-scale milk distributors in towns and villages through Milk Testing Labs at all stages right at the door step of consumer.

Edible Oil adulteration

5.14 Edible Oil is a staple food item used in every household. Cases of adulteration in edible oil have been reported across the country. The quality of oil deteriorates with time as oil has a shelf life. The use of adulterated oil is a great health risk and leads to diseases. There has been outbreak of dropsy in India due to adulterants in edible oil which led to many deaths. Therefore, sale of edible oil has to be closely monitored.

5.15 The Solvent Extractors' Association of India submitted that Regulation 2.3.15(1) of the Food Safety and Standards (Prohibitions and Restriction on Sales) Regulations, 2011 prohibits sale, storage, distribution, dispatch and

delivery of any edible oils, not conforming to standards of quality as prescribed under the Food Safety and Standards Act and not packed in a container, marked and labelled in the manner as specified in the said Regulations. This means sale of loose oil is not allowed in India as per FSSAI Regulations. But in some States, the sale of loose oil is allowed and in other States the illegal sale of loose oil is prevalent. This is a big consumer safety issue. Loose oil sale gives a free hand to unscrupulous elements to indulge in adulteration which is detrimental to the health of the consumers. Even the packaged edible oil has a shelf life after which it is not fit for consumption. Edible oil in loose form deteriorates much faster as it is continuously in contact with air and moisture. A trader sells the deteriorated loose edible oil to gullible consumers. The large poor section of the society who consume such loose edible oil are ignorant about the quality of the loose edible oil. A large section of society suffers with serious health problems. Sale of loose oil is banned as per FSSAI and calls strict action against the offenders.

5.16 Contrary to statutory ban, Khadhya Tel Vyapari Association, Maharashtra submitted that the sale of loose Edible Oils and re-use of Tins for Repacking Edible Oils should be permitted. They argued that as poor people cannot afford to purchase large quantity available in packed condition, they purchase small quantities for one time meal. Restriction of selling edible oils in packed condition is impracticable considering ground reality in the country and in interest of public.

5.17 The reuse of tin was justified for this practice is in force since long time and no statistics proves reuse as harmful or it affects quality of food. Use of new tin every time will increase cost of food by Rs. 70-80 per tin. Tin plates for manufacturing tins are imported which entail national loss of foreign currency. Oil Industry requires about 2,00,000+ Tin containers per year, a tin manufacturer can produce 50 to 55 thousand tins per year and they are few in numbers. Supply chain of edible oil will be disturbed, resulting in scarcity of this essential commodity. Hence, use of re-used tins should be allowed.

5.18 FSSAI submitted that sale of loose edible oil is prohibited under Reg. 2.3.15 (1) of FSS (Prohibition and Restriction on Sales) Regulations, 2011. However, State Governments may, in the public interest, for reasons to be recorded in writing, in specific circumstances and for a specific period by a notification in the Official Gazette, exempt any edible oil from the provisions of this Act.The issue regarding reuse of tins for packing of edible oils was deliberated in the concerned Scientific Panel wherein Panel was of the view that

as there is no standardized scientific method available for reusing, maintaining the quality & hygiene of tins, this will encourage adulteration & misuse of tins by unorganized sector.

5.19 The Committee observes that loose edible oils are prone to adulteration and even if edible oil sellers comply with food safety regulations and standards at the first point of sale, there is no guarantee that the oil would remain unadulterated as they pass through several hands. There have been countless instances of sale of adulterated loose oils which have resulted in masses being afflicted by dropsy. The Committee gathers that Delhi-based consumer organisation, namely, Consumer Voice, had in the year 2016 collected samples of loose edible oils of eight varieties, namely, Mustard, Sesame, Groundnut and Cottonseed from 15 States and got them tested on safety as well as quality parameters in a NABL accredited laboratory. The laboratory results revealed that adulteration was found in loose oil samples collected from all 15 States and 85% samples of coconut oil, 74.07% samples of cottonseed oil, 74% samples of mustard oil were found adulterated. Adulterated edible oil is one of the main reasons behind several diseases like cardiac arrest, cancer, epidemic dropsy, liver damage, paralysis etc. Without packaging, batch number or FSSAI license number, it is very difficult to trace the source of the problem in the event of health epidemic breaking out due to adulterated edible oils.

5.20 With a view to safeguard the interests of consumers, the Committee would like to recommend to the Central Government to impress upon the State Governments to ensure that edible oils are retailed in packaged form only.

5.21 The Committee simultaneously observes that there is another dimension to the sale of edible oil in loose form which should not be lost sight of. Small consumers especially daily wage labourers and the rural poor purchase loose edible oils out of their payment on daily basis. They cannot afford to buy oil sold in pack of one litre or more and therefore buy loose edible oil in small quantity. It is, therefore, absolutely essential for the FSSAI to push for smaller packages of 100 ml and 200 ml of edible oil.

5.22 The Committee is aware that in our rural areas, people buy loose mustard oil extracted from the local extraction machines. The Committee would like the FSSAI to impress upon the State Governments to ensure that

till such time a blanket ban is worked out on the sale of loose edible oils, a system for testing of oil samples from the local extraction machines are put in place to ensure that they are not contaminated with seeds of argemone or other toxic materials.

5.23 Another important issue raised was of fortification of Edible Oils on voluntary basis. Solvent Extractors' Association of India welcomed the FSSAI initiative for Voluntary Fortification of Oils by Vitamin A & D. However, due to inadequate testing method of Vitamin A and D, being unstable to heat and light during prolonged storage period (9 months shelf life), in case of Vanaspati, thousands of PFA cases are still pending in court due to samples drawn by authority, failing on vitamins added quantity. There is an apprehension that fortification of edible oils could become another contentious issue at a later date. It was therefore suggested that :

:

(i) Fortification should be kept at voluntarily as per current regulation and should not be made compulsory.

(ii) Crude/Virgin/Raw oils should be kept out of the preview of fortification since these are either for use for further processing or available with Natural Nutrients.

(iii) Studies should be conducted to check the bioavailability of the vitamins added from an Indian context since relatively higher temperature cooking and frying are the major operations carried out.

(iv) In-house data needs to be generated with assistance from National Institute of Nutrition (NIN) , Indian Institute of Chemical Technology (IICT), Central Food Technological Research Institute (CFTRI) to study the efficacy of vitamins pre and post usage before taking the decision of implementing.

(v) Reproducibility / validation of Vitamin A & D quantification method must be done before going for its implementation even on voluntary basis.

(vi) Local Vitamins Suppliers should be encouraged so cost of Vitamins will not affect since today 90% Vitamins are imported at huge cost to Exchequer.

5.24 The Committee appreciates the FSSAI initiative for fortification of oils given the large scale micronutrient deficiency in the country. However, FSSAI needs to establish adequate infrastructure for testing the fortified oil and for this assistance should be taken from the different National Institutes

working in the scientific field. Fortification of oil should be encouraged among the manufacturers with a proper monitoring mechanism of the fortified oil testing. Regular and timely inspections have to be conducted by the food authority. Moreover, there is need to conduct more research to find out the efficacy of vitamins pre and post usage in fortification of oil.

5.25 Khadhya Tel Vyapari Association, Maharashtra in its written submission stated that Standards for oil , ground nut oil , soya oil etc. were fixed around 1960s. Since then so many changes have taken place in oil-seeds due to modified methods of producing crops scientifically, genetically and also in atmospheric and soil conditions resulting in changes of quality and analytical standards of oil seeds and oils produced from them. It has become necessary to take survey and revise the standards accordingly. So many samples of oil fail in tests of BTT (bellier turbidity temperature test) for no fault of producers or repackers which have not changed since 1960s. Therefore, there should be comprehensive survey under rule 2.1.3.4(iii)(d) of samples of Edible Oils and new standards be fixed.

5.26 FSSAI in its reply submitted that the revision of standards of vegetable oil viz. Sunflower, Sesame, Groundnut, Mustard and Soybean Oil is under process. Two laboratories have been requested to submit the project proposal to FSSAI for analysis of samples of Oilseeds as well as oils of commercial varieties of these vegetable oils. The samples of oilseeds will be provided by Industry Associations.

5.27 The Committee is surprised to note that the standards for oil have not been revised since 1960. The Committee would like the FSSAI to set a timeline on priority for expediting the whole process of revision of standards conducive to the food processing industry as well as ensuring food safety. All the stakeholders need to be consulted and involved in the whole process. While establishing the Indian standards, international benchmarks such as CODEX standards for oil should also be considered. The Committee hopes that new revision in standards would take into account the nature of oil-seed, changes in atmosphere and soil conditions to ensure the availability of safe edible oil to the consumer. The Committee desires to be kept updated in this regard.

5.28 The Committee further notes that FSSAI in its draft regulation has suggested changes to the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. FSSAI has proposed to make it mandatory for blended oils

manufacturers to mention the exact blend in percentage terms on the front of the pack along with other labeling modifications. Such oil packs should carry declaration "Blended Edible Vegetable Oil" in a font size not less than 5mm and not less than 10 mm if the net quantity is more than 1 litre.

5.29 Attention of the Committee has been drawn to a report Titled "The Future of India's Edible Oil Industry: How Will India's Vegetable Oil Demand Shape Up by 2031" by Rabo Bank. The Report indicates that India's Vegetable Oil Consumption is expected to grow by 3% annually to exceed 34 million tonnes by 2030. FSSAI has also initiated discussions with the Indian Biodeisel Association for setting up an ecosytem for collection of used cooking oil and its conversion into biodiesel.

5.30 Keeping in view the annual growth in edible oil consumption, the Committee underlines the need for an ecosystem for collection of used cooking oil and its conversion into biodiesel keeping in view the increase in non-communicable life style diseases that are increasing day by day. FSSAI in coordination with the Ministry of Health and Family Welfare should also on a continuous basis evolve standards for the Indian population in respect of edible oils in India to determine as to what constitutes 'safe standards' for consumption of edible oils in order to minimize the risks of non-communicable life style diseases.

Regulation of preservatives/chemicals used for storage for fishes, artificial ripening of fruits/vegetables and edible Ice

5.31 Attention of the Committee has been drawn to the practice of using some chemicals like formalin for preserving fishes. Formalin is widely used as a preservative during transportation and storage of sea food. Formalin is known to be a toxic and cancer causing agent. Recent cases in the coastal States where formalin was found in the ice that was used for preserving fish are very disturbing. Use of harmful chemicals such as calcium carbide for shining of vegetables and ripening of fruits is also a matter of concern.

5.32 The practice of manufacturing ice from contaminated water is on a rise. Edible ice has also tested positive for ammonia and deadly E. coli bacteria. While exposure to high concentration of ammonia can cause health problems E.coli Bacteria causes diarrhea and other infections. Edible Ice is widely used in beverages in stalls and restaurants. Edible ice is considered as food and there are

stringent provisions regarding the quality of water for manufacturing of such ice but for the manufacturing of industrial ice there are no strict quality parameters. There is always a possibility that industrial ice can be used in beverages by the vendors as a cheaper alternative.

5.33 FSSAI in its reply submitted that the following regulations under Food Safety & Standards Act, 2006, address the post harvest adulteration in fruits and vegetables:

i. Regulation 2.3.6 of Food Safety & Standards (Prohibition and Restrictions on Sales) Regulations, 2011 prohibits the coating of waxes {except bees wax (white and yellow) or carnauba wax or shellac wax at level not exceeding Good Manufacturing Practices}, mineral oil and colours on fresh fruits and vegetables.

ii. Regulation 2.3.5 of Food Safety and Standards (Prohibition and Restrictions on Sale) Regulations 2011, prohibits artificial ripening of fruits by use of acetylene gas commonly known as carbide gas. It provides that fruits may be artificially ripened by use of Ethylene gas at a concentration upto 100 ppm (100µl/L) depending upon the crop, variety and maturity.

5.34 No periodicity of checking samples of fruits and vegetable has been prescribed under the FSS Act, Rules and Regulations made thereunder. However, State Food Safety Officials are taking samples of food on random basis and send them for analysis in the laboratory. FSSAI has also issued a circular to the Principal Secretaries (Health) and Food Safety Commissioners of all States and UTs emphasising the need of periodic inspections and monitoring in the context of the directions.

5.35 To check the use of Calcium Carbide in ripening of fruits, regular surveillance, monitoring, inspection and random sampling of food products are being done by the Officials of Food Safety Departments of the respective States/ UTs to ensure compliance of the standards laid down under Food Safety and Standards Act, 2006, and the rules and regulations made thereunder

5.36 In reply to a specific query about artificial ripening of fruits, FSSAI mentioned that it is working to promote the use of ethylene as a ripening agent as it does not cause any harm. FSSAI has also sought subsidy for selling of ethylene in small packets by the food processing industry.

5.37 The Committee expresses serious concern over rampant use of toxic chemical formalin for preserving fish and calcium carbide for artificial ripening of fruits. This Sector being unorganized and there being fewer food inspectors for quality checks are serious challenges of food safety. However, an even bigger challenge is to raise consumer awareness about food safety standards in the country. The Committee emphasizes that while ensuring stringent enforcement of food safety laws, we need capacity building not just of the food professionals, but also of consumers. The Committee, therefore, recommends that a National Consumer Awareness Campaign in partnership with all stakeholders including the Central and State Agencies, Street vendors, universities and colleges, NGOs, small and big food industry players need to be launched for safety issues including use of hazardous chemicals in fruits and vegetables.

5.38 The Committee would urge upon FSSAI to issue advisories to State Food Regulatory Authorities to monitor use of calcium carbide, formalin and other hazardous chemicals for artificial ripening of fruits and take stringent action for violation of the regulatory provisions of the relevant Act/ rules. Farmers also need to be sensitized to understand the benefits of natural ripening of fruits and vegetables. The Committee also notes that the Government has banned Oxytocin drug and restricted its manufacture and sale to prevent its misuse. Oxytocin would now only be manufactured by Karnataka Antibiotics & Pharmaceuticals Ltd. (KAPL) and rampant misuse of Oxytocin will be checked. The Committee therefore recommends that on similar lines the manufacture of toxic chemicals such as Calcium Carbide and Formalin etc should be restricted and only a few companies should manufacture these chemicals for industrial use. Also the Committee recommends FSSAI to promote safer alternatives to chemicals used as preserving and ripening agent.

5.39 The Committee would like to point out that the Food and Drug Administration (FDA), Maharashtra has directed the manufacturers to use blue colour for industrial ice which helps in differentiating it from the edible ice. Industrial ice manufacturers have already been directed to use Indigo Carmine or Brilliant Blue FCF up to 10 parts per million (ppm). The Committee recommends that this visual difference between industrial ice and edible ice should be replicated in all the States and Union Territories. This will help in preventing the use of industrial ice in place of edible ice and ensure that industrial/contaminated ice is not used in drinks. State Food

Regulatory Authorities should conduct regular inspections at ice manufacturing sites and strict actions must be taken against manufacturing units and vendors who manufacture/use ice from contaminated water. Timely inspections have to be conducted at the premises. The ice that is manufactured for preservation and the ice for edible purposes should not be manufactured at the same location.

Plastic in food items/water

5.40 Representative of Galaxy Trust in his written submission has informed that PET container / bottle has been allowed as one of the packaging mediums in most of the 10 food product categories mentioned in draft FSSAI regulation. Some adverse impact on plastic on health are as follows:

(i) The chemicals that go into the making of plastic are highly toxic. Some of the constituents of plastic such as benzene and vinyl chloride are known to cause cancer.

(ii) Plastic has a tremendous leaching tendency and hence affects the edible items inside the package. Out of all the edible contents, soft drinks, alcoholic beverages and pharmaceuticals being acidic, cause higher leaching and therefore the health impact is more serious.

(iii) With continued storage of such food products and its exposure to plastic surface, some carcinogenic compounds make their way into the stored food product.

(iv) Many chemical additives (pigments) that give plastic products desirable performance properties have grave negative human health effects. These effects include : (a) Direct toxicity, as in the case of antimony, lead, cadmium and mercury,

(b) Carcinogens, as in the case of diethylhexyl phthalate (DEHP) and (c) Endocrine disruption, which can lead to cancers, birth defects, immune system suppression and developmental problems in children.

(v) PET and other plastics like HDPE, LDPE and Polycarbonate have Bisphenol. This leaches into food and beverages even at room temperatures especially when aerated.

International and National research reports on harmful effects of PET packaging is at **Annexure VII**

5.41 Some well-known products packaged in PET bottles/Tetra Pak sent to NTH (NATIONAL TEST HOUSE) by AIIHPH (All India Institute of Hygiene &

Public Health) and IIT (Indian Institute of Technology) – Madras for evaluation of leaching from plastic as per EU norms of accelerated testing at 40°C and 60°C and the results showed significant heavy metal and Phthalate (DEHP) leaching, well above the acceptable limit. Details of various research and test reports indicating the harmful effect of plastics on human life is at **Annexure VIII and IX**

5.42 The analysis done by NTH and IIT concludes that users consuming compounds packaged in PET bottles are exposed to dangerously high levels of contaminants. It is the social responsibility and moral obligation of companies packing food to ensure that the primary packaging has not harmful impact on human health.

5.43 As per UNEP 2015 Report the percentage of plastic of total Municipal Solid Waste (MSW) in India was 12% in 2011, estimated to be 14% in 2014 & expected to go up to 20% by 2020 whereas the same is 9% in lower-middle group of countries. Hence, Plastic waste is 150% higher in India compared to other countries in same income group. There is lack of technical expertise to dispose off plastics and Tetra Pak in India where dumping plastic waste in landfills and open incineration is very common.

5.44 A 2014 survey by Toxic Links, a New Delhi organisation, found that in Gangtok and other main towns, plastic bags are now rarely used. Sikkim's story is being studied closely by other states. In Mumbai, the commercial capital, drains clogged by bags have caused flooding in the streets during monsoon season. Ban on use of plastic could be possible by not giving licenses/renewing licenses to shopkeepers who used plastic bags coupled with provision of heavy fines and strict monitoring. Awareness generation among the public and campaign in schools on damage of plastics also helped in the said cause.

5.45 The Committee is aware of the ill effects of plastic on the environment and human health. Plastic is non-biodegradable and it cannot be recycled but only down-cycled. There is strong evidence that the chemicals leached from plastic and PET containers cause harm to human health but the ban on plastic and PET packaging of food article remains unaddressed by the Government. Since the subject of human health and food safety falls under the domain of FSSAI, the Committee would like the Ministry of Health and Family Welfare to set up a high level committee with members representing

all entities to take a policy decision on banning the usage of plastic and PET packaging food articles.

5.46 The Committee applauds the measures taken by Sikkim to dissuade the use of plastics by not giving licences/licences not being renewed every year if shopkeepers were using plastic bags/ heavy fines being imposed/consumers being made aware/ campaigns being carried out in school to educate children on the damage plastic can do. The Committee would like the FSSAI to study the Sikkim model and encourage other States to strive to emulate the measures being taken by the Government of Sikkim to curb the use of plastics to ensure that the next generation is able to live in a plastic free environment.

Regulation of Genetically Modified (GM) Foods

5.47 As per Section 22 of FSS Act, 2006, no person shall manufacture, distribute, sell or import any novel food, genetically modified articles of food, irradiated food, organic foods, foods for special dietary uses, functional foods, neutraceuticals, health supplements, proprietary foods and such other articles of food which the Central Government may notify in this behalf."

5.48 The Committee has been informed that GM Foods including GM soybean and canola oils are being imported in India without the approval of FSSAI. Certain brands of imported food labelled as genetically modified are being sold in the market without approval from either the Genetic Engineering Appraisal Committee (GEAC) or FSSAI. FSSAI has not taken any action against these GM Foods. A Coalition for a GM-free India has complained to the FSSAI with pictorial evidence pleading to remove such products from the market and fix liability on those involved.

5.49 The Ministry has informed the Committee that Genetically Engineered Organisms (GEOs) or Living Modified Organisms (LMOs) intended for direct use as food or for processing require approval from GEAC(Genetic Engineering Appraisal Committee) for environmental safety followed by approval from FSSAI for food safety. Processed foods containing ingredients produced from but not containing LMOs or GEOs are required to be approved by FSSAI. However, FSSAI is in the process of finalizing "Guidelines for safety assessment of food derived by GM technology". So far, FSSAI has not approved any GM food. The Chief Executive Officer of FSSAI, in an interview had stated that the authority

could not regulate or prohibit the sale of imported soya and canola oils because it is technologically incapable of detecting the GM protein in them.

5.50 The Committee observes that in India, the GM food imports require approvals under the Environment Protection Act of 1986 and the Food Safety and Standards Act of 2006. While the former law covers the environmental impacts of the food products, the latter assesses the food's impact on human health. Since no regulation has been finalized for GM products, it is still banned in the country. Further, even after the Environment Ministry gives clearances for imports, permission is also required under the food safety law but importers have got away without having the mandatory approval under the Food Safety and Standards Act. A large number of products are coming in India with GM ingredients but neither consumers nor authorities are aware of what is inside because there is nothing mentioned on the label. Taking the above fact into account, the Committee recommends formulation of regulations to the effect that those importing foods must provide mandatory declaration on the label mentioning that "this food is from GM free source". Countries like China, Australia and the European Union nations have strict regulations about GM foods labelling so that the consumer makes informed choices.

5.51 The Committee observes that even after more than a decade of enactment of FSS Act, a regulatory vacuum exists in the import of GM Food. FSSAI has neither put the regulations for such approvals in place nor taken any measures to stop the imports. The Committee recommends that the FSSAI should urgently finalise "Guidelines for safety assessment of food derived by GM technology" and implement them within three months of presentation of the Report to the Parliament. FSSAI should also work to upgrade the GM food testing infrastructure and make use of the already present laboratories in the country and equip them with latest technology.

5.52 The Committee is perturbed to note that the action (or lack of it) in regulation of GM foods by FSSAI has been painstakingly slow. Recently, FSSAI has decided to have the labelling norms for genetically modified food products in order to give informed choice to the consumers. All food products having total Genetically Engineered (GE) ingredients 5% or more shall be labelled. The labelling shall be as -- "Contains GMO/Ingredients derived from GMO". The absence of regulation for a decade in respect of GM foods would have caused irreversible damage to the consumers, who are

the core constituency for whom FSSAI was set up. The Committee strongly censures the FSSAI for this lackadaisical attitude and implores upon it to pull up its socks and ensure that the regulation made in respect to GM foods be implemented within a time bound period and also provide training to its personnel involved in regulation of GM foods. The Committee also directs that FSSAI should also educate the citizens of the country as to what constitutes GM foods as a vast majority of people are not aware of the concept of GM foods.

Regulation of imported food items

5.53 The Committee has been given to understand that FSSAI has notified the Food Safety and Standards (Import) Regulations and set different guidelines for mandatory compliance thereof. The new regulation for import of food items lays down different procedures and provisions for clearance, storage, inspection, sampling, laboratory analysis of samples, labeling etc. of imported food items. All the imported food items should have a valid shelf life of not less than 60% at the time of import. Import License from the Central Licensing Authority is mandatory for import of any food item.

5.54 The Committee desires the FSSAI to ensure that all the provisions laid down in the FSS Regulations are being followed by all the importers and imported food products fulfill all the required standards and international benchmarks. The Committee recommends that FSSAI should frame specific guidelines for the food products that have been banned elsewhere in the world. Special care should be taken to ensure that expired food items do not get clearance and the country should not be a dumping ground for food items rejected elsewhere due to quality issues.

5.55 The Committee also recommends close monitoring of imported food items once the food item enters the market. Any quality issue that is reported across the country should be taken seriously. In the eventuality of ban on the imported item entering the Indian market, the information should be immediately shared with the industry as well as the consumers. There should be a recall plan for immediate withdrawal of imported food items.

5.56 The Committee has been given to understand that presently it takes five to eight days to get import clearance for a food consignment while there has been demand to reduce this time for ease of doing business. The Committee recommends that steps should be taken to reduce the import clearance time but not at the cost of quality and safety aspects. Especially with respect to the perishable items, FSSAI should aim on reducing the import clearance time significantly so that only fresh food items reach the consumers.

5.57 The Committee notes that to bring in clarity and transparency, the Food Safety and Standards (Import) Regulations, 2017 were notified on 09.03.2017. For ease of doing business, FSSAI has integrated its Food Import Clearance System (FICS) with ICEGATE system of Customs under Single Window Clearance Interface to Facilitate Trade (SWIFT) at Delhi, Mumbai, Kolkata, Chennai, Cochin and Tuticorin covering 20 locations.

5.58 CAG Audit noted that out of the total 635 entry points in India, FSSAI had its presence at only 21 points in six ports, and for 135 points, FSSAI had appointed Customs officials by designation as Authorised Officers (AO) under Section 47(5) of the Act. The appointment by designation is not in compliance with the regulations, which otherwise requires AOs/FSOs to have a degree in any of the prescribed disciplines from a recognized university.

5.59 FSSAI in its reply stated that, it is presently operating at six Major locations (Ports) viz. Chennai, Mumbai, Kolkata, Delhi, Kochi and Tuticorin covering 20 points of entry where major food imports are taking place. For other food import locations, Food Safety and Standards Authority of India is notifying nominated officers of Customs as Authorized Officers of the FSSAI for food import clearances. These nominated officers of Customs are provided copies of all the rules and regulations, /operating procedures and other guidelines/modifications in regard to rules and procedures for implementation. FSSAI also notifies food test labs/referral labs authorized to carry out food testing as per the prescribed standards. FSSAI conducts regular training/refresher courses of nominated Customs Officers at various locations to ensure that all of them are kept updated in all respects. Recently , for monitoring the working of AOs , Application Programming Interface/web services, a dedicated platform for sharing data of No Objection Certificate(NOC)/Non Conformance Report (NCR) of imported food items including the consignments cleared through Risk Management System (RMS) at Customs operated entry points, has also been

developed by FSSAI and is under consideration of Customs Department for final implementation.

5.60 The Committee is constrained to note that custom officials who have a different job profile have been notified as Authorized Officers and appointed to act as Food Safety Officers in order to check safety of imported food at 135 points of entry for importing food in the country. The Committee is unable to reconcile itself with the fact that such appointments have been made in contravention to the FSSAI's own regulations which mandate food safety officers to have technical qualifications but the customs officials notified as Authorised Officers for food safety checks are not checked against the mandated qualifications before the additional charge of food safety of imported food is handed over to them. The Committee would, therefore, in the first instance, like the FSSAI to explain this apparent violation of its own regulations.

5.61 In addition to above the Committee is of the considered view that the appointment of customs officials for food safety checks amounts to compromised food safety in the country. While the Committee is all for the case of doing business and cutting down delay in clearing imported food consignments through the single window process, it firmly believes that the food safety be given a top priority. The Committee, therefore, recommends that the Ministry should draw an action plan to appoint dedicated food safety officials across all food importing points in the country.

5.62 The Committee takes note of the submission of the Ministry that the officers of the FSSAI are present at six ports, namely, Chennai, Mumbai, Kolkata, Delhi, Kochi and Tuticorin covering 21 points of entry. To assess the quantum of food products routed through these 21 points of entry vis-a-vis 135 other custom locations, the Committee would like to be apprised of the total volume and worth of food item imports routed through these 21 and 135 points of entry separately.

Regulation of Organic Food

5.63 India is among the top five countries in the world in terms of agricultural production. According to the World of Organic Agriculture Report 2018, India has the largest number of organic producers in the world**.** With 835,000 certified organic producers, India is home to more than 30 per cent of total number of

organic producers (2.7 million) in the world. With the rise in income, rapid urbanization and expensive health care, the awareness towards organic farming has been growing in India. However, a need for monitoring and regulating the organic products has been felt to verify the authenticity of such products.

5.64 Section 22 provides that no person shall manufacture, process or sell genetically modified articles of food, irradiated food, organic foods, functional foods, neutraceuticals, health supplements, proprietary foods and similar foods except in accordance with the provision contained in the Act and Rules and regulations made thereunder. Accordingly, after consultations with various stakeholders, Food Safety and Standards (Organic Food) Regulations, 2017 have been notified in the Gazette on 29.12.2017 and Food Business Operator shall comply with all the provisions of these regulations by 1st July, 2018.

5.65 The Committee has been informed about the following key features of the Regulation on Food Safety and Standards (Organic Foods) Regulations, 2017:-

i. The organic foods to comply with provisions of any one of the following:
    a. National Programme for Organic Production (NPOP) notified by Directorate General of Foreign Trade. (DGFT) under the Foreign Trade (Development & Regulations) Act, 1992.
    b. Participatory Guarantee System for India (PGS-India) adopted by Department of Agriculture, Cooperation and Farmer's Welfare through National Centre of Organic Farming.
ii. Organic Food to comply with the requirements of Labelling of FSSAI in addition to that of NPOP or PGS-India.
iii. Traceability to be established through one of the above mentioned systems.
iv. Sales by small original producer or producer organisation to the end consumer will be exempted from the need of verification of compliance to any of the above mentioned two systems.
v. All Organic Food to comply with the requirements of product standards, as provided in the Regulations and Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 except for residues of insecticides for which the maximum limits shall be 5% of the maximum limits prescribed or Level of Quantification (LoQ), whichever is higher.
vi. Organic food imports under bilateral or multilateral agreements on the basis of equivalence of standards between NPOP and the organic

standards of the respective exporting countries shall not be required to be re-certified on import to India.

5.66 It is expected that the new Regulations will help in providing Organic Foods its credibility of genuineness. The farmers will be able to get better prices as genuineness of Organic integrity will be assured as the consumers will have trust in genuineness of the Organic Foods.

5.67 The Committee notes that FSSAI has recently framed regulations for organic food which makes it mandatory for the domestic producers to certify their food as organic either from the National Programme for Organic Production (NPOP) System or from the cheaper Participatory Guarantee System-India (PGS), under which farmers form a collective and vouch for the others' produce. The Committee also notes that earlier this certification was compulsory only for exports and optional for domestic supply. The Committee appreciates this regulation of certifying organic food as this will remove non-certified/fake products from the market. Further, the Committee also recommends that a separate certification mechanism should be in place for small farmers who cannot afford these two certification options at an additional cost.

Regulation of fortified food

5.68 Under nutrition has been a big problem for India. The Global Nutrition Report 2017 has reported that there is an urgent need for India to take effective steps if India hopes to meet its Sustainable Development Goals 2030. The report states that in India, about 38 per cent of the children under five are affected by stunting, 21 per cent of children under 5 have been defined as 'wasted' or 'severely wasted' meaning that they do not weigh enough for their height, 51 per cent of the women of reproductive age suffer from anemia. This grim statistics shows that the Indian population is suffering from lack of proper nutrients and thus major efforts have to be taken to improve the nutritional status of the country. The Global Nutrition Report 2017 states that improving nutrition will be a catalyst for achieving goals throughout the SDGs and tackling underlying causes of malnutrition through the SDGs will help to end malnutrition.

5.69 Amidst the grim statistics, Food Fortification can bridge the existing nutritional gap and help in achieving nutrition targets. Food Fortification is the process of increasing the content of essential micronutrients in a food so that the

nutritional quality of food is improved. The substances that are added to food to provide micronutrients are known as fortificants and the foods that have undergone the process of fortification are known as fortified food.

5.70 To address large scale micronutrient deficiencies amongst the citizens in the country, FSSAI has formulated standards for fortification of key food staples viz. edible oil, double fortified salt, milk, wheat flour and rice and launched a logo to identify fortified foods. Voluntary fortification has begun for these staples. FSSAI has established Food Fortification Resource Centre (FFRC) with the support of Tata Trusts to promote food fortification. Safety net programs- both Mid-Day Meal (MDM) and Integrated Child Development Scheme (ICDS) have mandated the use of fortified wheat flour, oil and doubled fortified salt nationally, ensuring that the most vulnerable sections of society receive appropriate and timely nutrition. Additionally, the Ministry of Food and Public Distribution has recommended distribution of fortified wheat flour in States where flour is distributed instead of wheat grain, and has also recommended the distribution of fortified edible oil under Public Distribution System (PDS). As on date, 49 fortified products are available in the open market across all 5 commodities. 13 States have already implemented fortification and 9 States have initiated action.

5.71 The Committee notes that safety net programs- both Mid-Day Meal (MDM) and Integrated Child Development Scheme (ICDS) have mandated the use of fortified wheat flour, oil and doubled fortified salt nationally, ensuring that the most vulnerable sections of society receive appropriate and timely nutrition. The Committee is of the view that the above safety net programs involve economies of scale and are not in the domain of Ministry of Health and Family Welfare. However, in the present scheme of things, provision of even basic items under these two programs is prone to massive pilferage/sub-standardization/leakages. Various media reports have highlighted many cases of food poisoning involving contamination and adulteration of meals under the MDM Scheme making several children severely ill. Even under ICDS, health of small children and lactating mothers is at stake due to unsafe food items. How FSSAI would ensure provision of fortified foods under these programs remains to be seen as conversion of intent into actual realization is what counts the most. The Committee while not discounting the importance of these schemes would like the FSSAI to embark upon a time-bound due diligence process on the States which have an efficient distribution of resources under these two

safety net programs and introduce the fortified items in these States and replicate the success of these programs in other States in a time bound manner.

5.72 The Committee further notes that the Ministry of Food and Public Distribution has recommended distribution of fortified wheat flour in States in place of wheat grain, and the distribution of fortified edible oil under Public Distribution System (PDS). As on date, 49 fortified products are available in the open market across all 5 commodities. 13 States have already implemented fortification across districts or the entire state and 9 States have initiated action. The Committee recommends that FSSAI should ensure that the distribution of fortified wheat flour and edible oil through PDS adheres to the standards set.

Regulation of food in eateries

5.73 There has been a considerable increase in chronic lifestyle diseases. Non Communicable diseases such as diabetes, heart diseases, chronic respiratory diseases and cancer have been on a rise. WHO report 2015 states that more than 200 diseases are spread through contaminated food. India is also faced with the twin problem of under nutrition and obesity. The Global Nutrition Report 2017 also states that in India more than 22 per cent of adult women are overweight. The percentage of overweight men in the country is slightly lower and stands at 16 per cent of adult men.

5.74 Eating in the restaurants is very common today. In the United States, the restaurants are mandated to display calories on the menus next to the name /price of the food or drink. Displaying calories leads to consumer awareness and also the restaurants are encouraged to reformulate their foods to have fewer calories. FSSAI has also asked the restaurants to voluntarily print calorie counts on the menu.

5.75 In the recent Food Safety and Standards (Licencing and Registration of Food Business) amendments, FSSAI has proposed mandatory employment of at least one technical person or food safety supervisor in the case of restaurants. Also, now the restaurants do not require to submit the blueprint/layout plan, the name and list of equipment and machinery, the list of food category, the copy of certificate obtained under Co-operative Act, the no-objection certificate (NOC)

from the manufacturer and the recall plan while applying for a Central or State license.

5.76 The Committee recommends that every eatery including hotels, fast food chains, restaurants and e-commerce food sellers should provide all statutory information concerning packaging and labelling of food item on menu cards, advertisement and display panels and also mandatorily print calorie information on their menu so that the consumer makes informed choice and healthy eating is promoted. The Committee also notes that restaurants do not have a fixed quantity of the meal they serve. The Committee recommends that the eateries should also specify the quantity of the portion in their menu. FSSAI has issued various guidelines for restaurants but time and again cases of non adherence to the basic hygiene practices have been reported. The Committee therefore recommends that once the eatery has been issued license, timely inspection should be conducted. Also before giving license, the basic infrastructure of the premises should be inspected and checked for its compliance with the FSSAI guidelines.

5.77 The Committee opines that food safety is also to be kept in mind while designing the site/floor plan of a restaurant. The places of the equipment, the cooking area, the storage, sink and drainage area, position of garbage containers, restrooms etc should be clearly demarcated so that there is no cross contamination. The Committee understands that though the new provision does not seek submission of such documents under the simplified registration/Licensing process yet this should not be at the cost of ensuring food safety. The Committee recommends that the site plan premises of the restaurant should be mandatorily checked by the food authority. Because even if good quality food articles are used, a poor design may lead to cross contamination and increased health issues.

Regulation of Unorganized Sector

5.78 Street Food has been an important part of the Indian food culture. It serves as a reflection of the local culture as well as provides cheap food to many people. But the quality of food available in the streets pose health risks for being generally considered unsafe. Therefore, it is essential to integrate the food vendors and street food in the food safety regime. The mandate of the Food

Authority should be to ensure only good quality food is prepared in street stalls and hygienic practices are followed. The vendors should be trained in quality control, safe handling, waste management etc. Today when people travel the world to taste different food, street food is also an ideal opportunity to promote food tourism. Hence there is a great need to focus on promoting a cleaner healthier and safe street food culture in the country.

5.79 FSSAI submitted that there are certain challenges to regulate the unorganised food sector. Most of the Food Business Operators (FBOs) in unorganised food sector are petty FBOs such as hawkers, petty retailers, small shopkeepers etc. They are unorganised, fragmented and scattered and as such there are challenges to regulate them. They lack education and awareness towards hygiene and sanitation. There is need to sensitised towards hygiene and sanitation through capacity building programs. The Food Safety and Standards Act, 2006 provides for petty FBOs to register themselves with FSSAI instead of obtaining FSSAI's license. There have been special campaigns conducted to bring them under the fold of FSSAI. FSSAI has also tied up with Common Service Centers (CSCs) to facilitate FBOs in getting themselves registered. As on 31.3.2018, there are 31,90,371 petty FBOs registered with FSSAI.

5.80 FSSAI has launched Project Clean Street Food to ensure health, hygiene and safety standard of street food for all consumers. In March 2016, a pilot was launched in Delhi in association with Ministry of Skill Development and National Association of Street Vendors of India(NASVI) wherein 23,000 street food vendors were trained in food safety and hygiene. In October, 2016, project was also launched in Goa wherein about 700 street food vendors were trained on food safety and hygiene. FSSAI has from time to time requested other States/UTs to conduct such training drives for food vendors in their respective States/UTs to prevent incidents of unhygienic practices being followed by street food vendors. Further, to ensure food safety in the unorganised sector, the State Food Safety Authorities, wherever and whenever necessary, undertake enforcement and surveillance activities including inspection of petty FBOs. Various activities under IEC (Information, Education & Communication) are taken up to educate and create awareness among the FBOs towards hygiene, sanitation and good practices to ensure food safety.

5.81 The Committee is of the view that such initiatives on the lines of Project Clean Street Food are laudable and worth emulating across the country. Such a measure would also help in getting feedback in areas where

the street vendors lack in hygiene issues and the data can be mapped by FSSAI. Such data would form a base for ensuring certain food safety standards in the country. The Committee, therefore, recommends that FSSAI in partnership with State Governments should evolve a mechanism to train such registered street vendors and also collate data on difficulties vendors face in food hygiene. FSSAI should formulate the standards to regulate street food vendors within a period of one year from the date of presentation of this Report of the Committee to the Parliament.

Duplicity of Standards/Certification

5.82 The Committee has been informed that there are different agencies enforcing different standards in the country. FSSAI prescribes its own standards under the FSS Act. The Directorate of Marketing and Inspection enforces AGMARK Standards and Bureau of Indian Standards (BIS) is the national Standards Body of India under the Ministry of Consumer Affairs, Food & Public Distribution, Government of India. BIS is voluntary in nature but the Government has enforced mandatory certification on various products through various quality control orders under different acts. The AGMARK Certification Scheme is also voluntary. For Blended Edible Vegetable Oils and Fat Spread certification under AGMARK is mandatory as per provisions in the Food Safety and Standards Act and regulations, 2006. An overlapping of pre-existing standards maintained by other regulatory bodies is observed which causes confusion among the stakeholders and consumers.

5.83 Defence Food Research Laboratory in its deposition before the Committee has recommended the merger of BIS and AGMARK standards with FSS Standards so that the food suppliers do not face difficulty in following all the mandatory regulations and customers do not face difficulty to discern the differences in food labelling.

5.84 Indian Beverage Association in its written submission has stated that a significant set of regulations and standards for the food and beverage sector continues to be set by the Legal Metrology wing of the Department of Consumer Affairs and by the Bureau of Indian Standards. These need to be harmonized to bring them under one unified regime of FSSAI, so that seamless formulation and implementation of all requisite provisions applicable to the food and beverage industry can be mandated effectively. This will relieve industry to manage its

resources and support consumer facing measures of the authorities more proactively

5.85 The Solvent Extractors' Association of India also submitted that FSSAI has repealed the 8 regulations to bring one country-one law for transparent, science based regulations in the country; however for Blended oils and Fat spread products, AGMARK certification is still compulsory along with FSSAI's license. This is duplicity of licenses and against the one country one law objective. It has requested to keep FSSAI regulations and remove mandatory AGMARK certification.

5.86 The Ministry in its reply stated that the Food Safety and Standards Authority of India (FSSAI), is mandated for laying down science based standards for articles of foods. These standards are mandatory in nature. These are framed considering safety aspects and are minimum standards. While BIS standards are voluntary in nature & are quality standards and AGMARK standards are grading based quality standards.

5.87 The Committee agrees with the recommendations of the Defence Food Research Laboratory and understands that there is a need to address the existing overlap between standards. BIS and AGMARK Standards should be reviewed to explore the extent to which they can be merged into the FSS Act Standards regulations. The focus should be on the simplification of standards without compromising them. There should be a clear division of responsibility between FSSAI, BIS, and the Directorate of Marketing and Inspection (DMI). The responsibility and mandate of each authority has to be addressed. Mandatory and voluntary requirements lead to ambiguity that can be avoided if there is one mandatory standard for each product. This will give relief to the food suppliers and they will have to fulfill only one mandatory regulation/requirement for a particular product. All the standards can base their criteria on the international standards of the Codex Alimentarius Commission (FAO).

5.88 The Committee understands that multiplicity of Standards and certification from different agencies is a cumbersome process for the industry. The main idea behind FSS Act has been the consolidation of food laws but varied Standards under a law defeats this very idea. The Committee recommends one certification procedure under the FSS Act. For

Blended oils and Fat spread products there should be one Standard that can be obtained by merging the AGMARK certification and the FSS Standards.

CHAPTER 6
MISCELLANEOUS

Packaging Labelling and Advertisements of food products

6.1 Food packaging and labelling is an important aspect of food safety. The main idea behind packaging of food is that it protects the food from any external contamination and preserves the food for a longer period of time. Accurate and precise food labelling is essential for identifying the product. Labeling also provides nutritional information and helps the consumer make an informed choice.

6.2 The packaging and labelling requirements for pre-packaged foods are specified under Food Safety and Standards (Packaging and Labelling) Regulations, 2011. The said regulations deal with the packaging of foods and prescribe the general requirements for containers used in the packaging and storing of food and product specific packaging requirements. It also prescribes requirements for labelling of pre-packaged foods. These regulations do not adequately cover several important aspects such as advertisements, claims made by food business and various types of packaging materials currently used globally. In order to address these issues in a focused manner, FSSAI has undertaken revision of these regulations and decided to split them in three separate regulations as under:

1. Food Safety and Standards (Advertisement and Claims) Regulations.
2. Food Safety and Standards (Packaging) Regulations.
3. Food Safety and Standards (Labelling and Display) Regulations.

Some of the important salient features of these upcoming regulations are as under:

6.3 Advertisement and Claims Regulations:

(i) Aimed at establishing fairness in claims and advertisements of food products and make food businesses accountable for such claims/advertisements so as to protect consumer interests.

(ii) Defines general principles for claims and advertisements; criteria for nutrition claims, non-addition claims, health claims, claims related to

dietary guidelines or healthy diets, conditional claims; claims that are specifically prohibited; corrective advertisements etc.

(iii) Restriction on advertisements in respect of a food product that undermines the importance of healthy lifestyles or portrays the food product as a complete replacement of normal meal or undermine the products of other businesses.

6.4 Packaging Regulations:

(i) Aimed at establishing requirements for packaging materials so as to ensure that they are safe for use in food packaging.

(ii) Prescribes general and specific requirements with respect to packaging material such as plastics, metals and metal alloys, paper and board materials, glass etc.

(iii) Prohibit the use of newspaper and other such materials for packing or wrapping of food articles.

6.5 Labelling and Display Regulations:

(i) Aimed at establishing requirements for labelling of pre-packaged foods to provide simple, easy to understand information to consumers and to facilitate them in making healthier food choices.

(ii) Defines general and specific labelling requirements such as name, ingredient list, nutrition information, declaration for veg/non-veg foods, food additives etc.

(iii) Marking of “expiry date” instead of “Best before” as presently practiced.

(iv) Prescribes requirements for Front of pack labelling which includes labelling of energy, total fat, trans fat, total sugar and salt along with their contribution to Recommended Dietary Allowance (RDA).

(v) Mandatory declarations including statutory warnings, specific labelling of infant foods, milk & milk products, edible oil and fat products, irradiated foods, fortified foods, organic foods, low gluten and gluten free foods, genetically engineered or modified foods and Alcoholic Beverages etc.

(vi) Labelling of Non-retail containers.

6.6 Draft regulations for Advertisement and Claims as well as Packaging have already been issued and are at the advance stage of finalization. The draft Food Safety and Standards (Labelling and Display) Regulation, 2018 has been released by FSSA in April, 2018.

Packaging

6.7 National Institute of Food Technology Entrepreneurship and Management (NIFTEM) submitted before the Committee that Food Safety and Standards (Packaging and Labelling) Regulation, 2011 covers the packaging and labeling requirements of food products for which a proper monitoring mechanism needs to be in place for curbing down various false and misleading claims of the packaged foods. FSSAI does not specify the toxicity levels of the food contact materials when they come in contact with the food product under various environmental conditions.

6.8 Defence Food Research Laboratory submitted that there is urgent need to constitute a scientific working group to study the impact of food packaging on health aspects, toxicological study on the use of inks in printing of labels, migration of metal contaminants, use of recycled plastics etc. Bringing standards/ specifications for food packaging materials meant for primary food packaging materials. The information on the labels and their scientific correctness needs to be streamlined with a label approval system.

6.9 The Committee underlines the need to establish a proper monitoring mechanism for checking the claims of the packaged food. FSSAI should ensure that the food companies do not make any false claims regarding the nutritional information. All the packaged food irrespective of the size of the packet should include a list of ingredients, additives, nutritional information etc so that the consumer makes a well informed choice.

6.10 The Committee understands that assessing the safety of food contact material is very crucial as there is always a high possibility of chemicals leaking from the material down to the food. This can change the composition of the food and make the food unsuitable for consumption. Moreover, the food packaging material on reaction with food article can introduce toxicity. Therefore, the Committee recommends that FSSAI should specify the toxicity levels of the food contact materials under different conditions

especially during storage, processing and transportation where the food package can be exposed to different environmental conditions. The Committee also recommends constitution of a scientific working group to study the impact of food packaging on health aspects. FSSAI needs to bring standards and specifications for food packaging materials so that any unwanted toxic contamination by use of sub standard packaging material is avoided.

Labelling

6.11 Indian Beverage Association submitted that the piece-meal, un-coordinated adoption of the labelling regulatory requirements is leading to major chaos, confusion and national wastage as a result of destruction of the excess inventory at hand. Globally, a reasonable and practicable period of time is allowed for the food businesses for change-over. This ranges between 3 to 5 years in the developed countries. Such length of time is required as a series of labelling changes put a disproportionate burden on the businesses. Different Regulators need to keep a track of competing and overlapping labelling changes. A pilot study should be taken up to understand the gaps/infrastructure and introduce capability ahead of notifying the regulations.

6.12 National Institute of Nutrition (NIN) in its written submission mentioned that the food labeling regulation is constantly being upgraded. However, in our country where there is a large segment of illiterate population, text based information especially the ones related to nutrient information, ingredients etc is not likely to be very effective. New forms of labeling especially symbol based ones can be more useful.

6.13 The Committee recommends that any changes in the Packaging and Labelling regulations should be timely disclosed to the FBOs so that they get enough time to conform to the changed standards. The regulations should be implemented in a phased manner rather than haphazardly. Proper training to the FBOs is essential for enforcement of the labelling norms.

6.14 The Committee understands that the illiterate section of the country may find it difficult to read the labels and gauge the nutritional information on the food packages. The Committee notes that National Institute of Nutrition has recommended new forms of labelling especially symbol based as it is more effective for a country like India. Therefore, the Committee

recommends that FSSAI should collaborate with such institutes and work on labelling based on colors and symbols. The Committee also recommends the traffic light labelling system as practised in other countries for packaged food items in India. This labelling will enable people to have a better idea of the nutritional content of the packaged foods. Food with high salt, sugar and fat content will be marked red which is a sign for unhealthy food, amber for moderate, and green for low (healthy).

Advertising:

6.15 National Institute of Plant Health Management has suggested that all the commercial advertisements with respect to food items are required to be certified by FSSAI, after verifying the technicalities as the press, media and audio visual advertisements play vital role in attracting the public towards food products. A mechanism may be developed for scrutinizing all the advertisements related to food items.

6.16 National Institute of Nutrition submitted that FSSAI as an authority has least control on Food Advertising as it can only regulate claims on food packs and labels but not how they advertise. It is under the purview of Advertising Standards Council of India which is a voluntary industrial body. However, FSSAI can create a monitoring cell for food advertising which suo-moto can take up false or misleading advertisements to report to the appropriate authorities or voluntary regulatory bodies

6.17 Voice Society in its written submission has stated that in 2016, FSSAI signed MOU with Advertising Standard Council of India (ASCI) to check misleading advertisements of food products. FSSAI website does not disclose about details of complaints received by ASCI of food products, number of complaints about non compliance forwarded to FSSAI and action taken by FSSAI on such advertisements which should have been in public domain. Details of penal action taken against manufacturer should also be disclosed in public caution.

6.18 FSSAI has signed an MoU with Advertising Standard Council of India (ASCI) for "Processing the complaints of misleading advertisements with respect to Food & Beverages (F&B) Sector" on its behalf. Complaints received directly

by ASCI from consumers/other stakeholders across media are processed by ASCI and included in the report to be provided to FSSAI. Further, the role of ASCI is to bring to FSSAI's notice any F&B advertisements that is violating the FSS Act, Rules & Regulations made thereunder in Advertising, making unsubstantiated claims and misleading the consumers, action taken by ASCI during examination and scrutinization of complaint and non-compliance of ASCI's opinion for further action required to be taken by the FSSAI.

6.19 The Committee would like to emphasize upon the power and hold of advertisement on gullible consumers who may be adults, senior citizens, children who are easily influenced and swayed by the promises of a better quality of health and well being by consuming various food products. Several of such advertisements may be misleading which can not only fleece the consumers of their money for a wasted product but also harm their well being. The Committee would like the Food Authority to take this issue with utmost seriousness and devise ways to stop misleading advertisements. The Committee feels that FSSAI can *suo moto* take cognizance of such advertisements and involve the ASCI for appropriate actions.

6.20 The Committee recommends creation of a food advertising monitoring cell that can monitor all the food advertisements and take up complains related to advertisements. The Committee would like FSSAI to share information w.r.t. number of complaints received by ASCI and the action taken against the offenders. The misleading advertisements should be banned immediately and the information be shared with the public.

Standards of exported and imported foods under the National Food Control System

6.21 India's National Food Control System is broadly divided into two different categories. The first category is the domestically manufactured and imported food which is regulated by FSSAI that comes under the Ministry of Health and Family Welfare. The second is the exported food that is regulated by the Export Council of India which comes under Ministry of Commerce and Industry. The Committee notes that Export Council of India (ECI) facilitates worldwide access for Indian exports through an inspection and certification system. ECI also conducts training of manpower on international requirements and instils confidence in importers about quality and safety of Indian exports.

6.22 It is surprising to note that the standards followed by ECI & FSSAI, are not the same. ECI is in line with the international standards where non-conformance in even one parameter leads to rejection of the export consignment. On the other hand is FSSAI which has not even been able to ensure that all the food articles follow the domestic standards. Cases with non-conformance on different parameters have been reported across the country but such food articles are still openly produced and sold in the market.

6.24 The Committee recommends that whether the food is exported, imported or domestically produced, it should follow a uniform standard and should be tested on the same parameters. The domestic consumers cannot be treated as second class citizens and therefore the standard for imported/ domestic production should be at par with the international benchmarks. The Committee also recommends that there should be only one organization to overlook the National Food Control System and also monitor the imported, exported and domestically manufactured food item.

GREIVANCE REDRESSAL

6.25 Office of the Commissioner of Food Safety, Kerala submitted that in order to facilitate quick redressal of food concern, FSSAI has an online food concern redressal system namely 'Food Safety Connect' as part of the existing online Food Licensing and Registration System (FLRS) in order to facilitate quick redressal of food concerns. This online platform helps consumers to register their complaints and feedbacks about food safety issues related to adulterated food, unsafe food, substandard food, labelling defects in food and misleading claims and advertisements related to various food products. On successful registration of a food concern, the consumer receives a reference number through a SMS on the mobile number. This reference no. can be used to track his/ her concern in the online system. The FSSAI team, the State DOs/FSOs and the FBOs – all three stakeholders have online access to the grievances raised by consumers.

6.26 FSSAI submitted that it also has a robust Consumer Grievance Redressal System in place. The food complaints received by Jago Grahak Jago are forwarded to FSSAI through Grievances Against Misleading Advertisements (GAMA) portal. The complaints are taken up with State Food Safety regulatory Authorities/ concerned Food Business Operators. A total of 61 complaints mere received through GAMA portal during the year 2017-18.

6.27 The Committee recommends that all the complaints related to food safety should be taken seriously and immediate action should be taken by the food authority. A timeframe should be established for speedy disposal of the cases. FSSAI should also analyse the status of pendency in these portals. The same data should also be shared with the respective States so that immediate action can be taken. Most of the people in the country may not be aware of the food safety connect system and the different means through which food safety concerns can be voiced. Therefore, the Committee recommends spreading awareness among the consumers. Skits and Plays can be an effective method to spread awareness regarding consumer rights. A dedicated helpline should also be opened for food safety complaints and wide scale advertisement regarding these different means should be publicised.

6.28 Indian Beverage Association submitted that establishment of a suitably equipped Cell at the FSSAI office which an FBO can approach/write to for getting queries addressed/ clarifications provided in case of ambiguities in regulations and guidelines would greatly facilitate ease of doing business whilst ensuring compliance.

6.29 FSSAI in its reply stated that the queries/clarifications are received from FBOs through various platforms like e-mail, twitter, whatsapp, mobile app, walk-in, etc. are being addressed by FSSAI regularly. Suitable clarifications are provided to FBOs/stakeholders accordingly.

6.30 The Committee recommends the creation of a cell that deals with different queries of FBOs regarding regulations. FBOs form the backbone of the food safety regime and it is the responsibility of the FSSAI to ensure that their problems and queries are immediately solved. Accurate knowledge about food safety practices and procedures will help in better compliance by FBOs which will in turn ensure production of safe food. The Committee also recommends holding monthly meetings and seminars for the FBOs where they are provided information regarding any change in amendments and regulations and are constantly updated with the current good manufacturing practices.

Information Education Communication (IEC)

6.31 KEFTA submitted that Food Safety should be part of school curriculum to create a culture of food safety among students and parents. A specific **subject on food safety** at school level is essential. The curriculum can cover basic knowledge of food supply including hand washing, basic food hygiene in canteens, the quality of food they bring from home, food safety during camps, personal hygiene, Good Manufacturing Practices, Cleaning and disinfection, waste disposal, pest management, labelling details and allergens. A complete awareness of food that is available for all- '***Know your food'***. Relevant Food and water borne diseases, NFSD programme. This shall make our public food safety awareness in a much more practical and compulsory way.

6.32 FSSAI in its reply submitted that FSSAI's Safe and Nutritious Food (SNF)@ School initiative is focussed on school children. FSSAI has developed Yellow Book (Level I-II) manual with age appropriate simple messages and activities to be carried out within school and at home. Yellow Book (Level II) including section on reading Labels and a suggested activity around it. FSSAI is encouraging State Education Board, NCERT and CBSE to include this book or its content in the mainstream curriculum and carry out activities suggested for children.

6.33 The Committee applauds the FSSAI's Safe and Nutritious Food (SNF) @ School Initiative which entails dissemination of simple food safety messages through books that have been developed by FSSAI. The Committee reiterates the initiative of FSSAI that activities promoting food safety should be made part of the school curriculum. More efforts have to be put to deliver age appropriate messages to the students. The Committee recommends all the States to introduce Yellow book developed by FSSAI in the schools. The Yellow book should also be made available in the regional languages and necessary changes can be made according to the region.

6.34 Khadhya Tel Vyapari Association, Maharashtra (Reg) submitted that stock register should be maintained on the computers. They also requested that all State Food Commissioner should not insist for Registers and instead treat the computerised record as valid.

6.35 The Committee recommends that FSSAI should promote computerised records rather than insisting on registers. The digitised records will help in better data management and better accessibility. This will also help in bringing transparency in the food business management system and prevent unnecessary wastage of paper and loss of any information.

STANDARDS FOR LOCAL/TRADITIONAL BEVERAGES AND FOOD

6.36 In a large country like India, there is diversity in food, beverages and eating habits. Different regions of our country serve different kinds of local beverages that is a reflection of their local culture and flavours. Local drink such as "feni" of Goa has been accorded heritage drink status by the State Government. Drinks made from Mahua flowers and other local spices have been popular among the tribal people and its popularity is also growing among the urban masses. Such local beverages have been commercialized by private companies and are being sold in the market.

6.37 The Committee observes that there are no uniform standards for the formulation of such traditional drinks/beverages and there are no guidelines for regulating and monitoring the production process of these drinks.

6.38 The Committee recommends that FSSAI should set standards for these local beverages. Standards for the alcoholic content in the traditional beverages will ensure the supply of quality drinks and prevent instances of alcohol poisoning. There is a need to standardise the ingredients use and regulate the production especially for local traditional heritage drinks so that these local drinks are safe for consumption and at the same time commercially competitive and at par with international drinks.

6.39 The Committee also observes that States are famous for their local food items which are produced by small scale industries generally in households. There is a growing demand for these food items in other States. In view of absence of regulations for such food items, it is imperative that to ensure safety food products of different States should adhere to basic standards of food safety. The Committee recommends that the FSSAI should co-ordinate with State Food Departments for monitoring of such food items generally produced by cottage small scale industries in order to ensure adherence to basic food safety standards.

MEGA FOOD PARK

6.40 The main aim of establishing the mega food park has been to link the agricultural production directly to the consumer market. Mega food parks provides excellent infrastructure for food processing along the value chain from farm to processing and then to consumer markets. The Mega food parks along with the food processing units also consists of in house food testing facility that helps in better quality check for the food and better enforcement of the food standards.

6.41 The Committee during its study visit to Jodhpur, Rishikesh and Bhopal from 1st to 8th July, 2018 visited the Patanjali Mega Food Park, Haridwar. It is one of the fully functioning mega food park in the country. This food park has been able to fulfil its objective by reducing wastages and ensuring value addition especially in ayurvedic formulations and food items. The Patanjali Mega Food Park has made food processing more economically viable and also created large employment opportunities. The Committee has also been apprised that US FDA inspection has been carried out in Patanjali Food and Herbal Park. During the audit all facilities, infrastructure, processes, Good Manufacturing & Good compliances practices and systems were thoroughly checked & verified by the Authority for all the products which are exported from Patanjali Ayurved Limited.

6.42 The Committee is of the view that the role of FSSAI in ensuring food safety standards in Mega Food Parks is of immense importance as monitoring of all processes of food manufacturing in a specified area can effectively be carried out as is being done in the Patanjali Mega Food Park. The Committee appreciates the concept of Mega Food Park which ensures adherence to food safety standards as well as bridging the gap between the farm and the market. The Committee has been given to understand that all the 42 sanctioned Mega Food Parks would be operational by 2019. In view of this, the role of FSSAI would increase and there is an urgent need for FSSAI to augment its resources in all respects so as to carry out its mandate of an effective food quality control management system.