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## THE JOURNEY OF FOOD LAW IN INDIA

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### BRIEF HISTORY OF INDIAN FOOD LAW

1945 is the first year where questions about food quality maintenance were dealt with by international organizations and countries. Before the start of this year, no international organization had taken any action like this. A significant contribution to food quality standards came from the United States' FAO, which was formed in 1945, as well as the WHO (World Health Organization), which came into being in 1948.<sup>1</sup>

India had a very diverse ecosystem because of its rich biodiversity and vast land area, making it ideal for flora and wildlife. It possessed fresh and saltwater water sources and generated meat for coastal inhabitants to enjoy and to fulfil the aim of commerce. In addition to this, the diversity of milk sources (cow, buffalo, sheep, goat, camel, and yak) and spices have called for the need to have a single legislation control all of these commodities.

Due to these reasons, India began to formulate food-related laws ever since 1954, which aims at different aspects and food types in order to ensure health and quality control.

Food safety became a priority for the Indian government in 1954 when the Prevention of Food Adulteration Act was first introduced. Since then, the Fruit Product Order of 1955, The Meat Food Products Order of 1973, The Vegetable Oil Products (Control) Order of 1947, The Edible Oils Packaging (Regulation) Order of 1998, The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order of 1967, and The Milk and Milk Products Order of 1992, with six other laws, have helped regulate the food industry, the best regulations in the last 30 years were added in 2003 with The Consumer Protection Act, which protects the consumers' health as well as enhances their rights.<sup>2</sup>

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<sup>1</sup> Deb & Bhardwaj. *Food Law Regime in India: Meeting the Global Standards*. 4 INDIAN JOURNAL OF LAW AND HUMAN BEHAVIOR.

<sup>2</sup> Kaur et al. *Food Laws and Regulatory Authorities; An Indian Perspective*. (2021).

## THE EMERGENCE OF FSSA

Food safety and standard requirements grew, and the Food Safety and Standards Act (FSSA) was created to respond to this development. This law wiped out other statutes and put an end to them. In order to keep up with global food standards, the Food Safety and Standards Authority of India (FSSAI) harmonized India's food regulations. It formed the FSSAI to develop science-based food standards and processes and to control and supervise the sale, manufacture, distribution, processing, storage, and import of food, with the ultimate goal of making sure food, is available to people who want to eat healthy and nutritious food.<sup>3</sup>

The purpose of the law was to establish consistency and a single point of reference for anything food-related. The change from a multi-department and multi-level system to a single command line was helped by the fact that it facilitated the shift. There are two organizations that oversee the implementation of this law: the Food Safety and Standard Authority of India (FSSAI) and the State Food Safety Authority. It's also worth noting that this was feasible because "adulteration of foodstuffs and other things" was listed in India's constitution's concurrent list.

## KEY FEATURES OF THE FOOD SAFETY AND STANDARDS ACT TODAY:

### 1) Packaging and Labelling:

The Packaging and Labelling Regulations (named such because they focus on labelling and packaging) specify the legal standards for labelling and packaging and are found in the Food Safety and Standards (Packaging and Labelling) Regulations, 2011. A detailed investigation of the regulations shows that the rules are different for three sorts of goods: those that are pre-packaged, those that are proprietary, and those that are individual items.

"Proprietary food" is described as food that is not in compliance with federal regulations. Food items that cannot be modified without modifying them are defined as "pre-packed" under Regulation 1 (8) of the Packaging and Labelling Regulations.<sup>4</sup>

### 2) Signage and Customer Notice:

Even while the Act does not directly address requirements like signs and product labels, it does

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<sup>3</sup> Reddy et al. *Food Safety and Standard in India*. NATIONAL INSTITUTE OF AGRICULTURAL EXTENSION MANAGEMENT. (2017).

<sup>4</sup> Food Laws in India & FSSAI. SS RANA & CO. [Food Laws in India & FSSAI : An Overview - S.S Rana & Co \(ssrana.in\)](http://ssrana.in)

have rules for commercial items and also requires food manufacturers to display their information.

Section 24 says that people should not get into a deal that's completely unreasonable exchange practice with the end goal of the offer, supply, use, and utilization of articles or embrace any misleading routine.

### **3) Licensing Registration and Health and Sanitary Permits:**

Food industry administrators must have official training or accreditation to carry out their tasks, according to the Food Safety and Standards Act's standards. No one can start a food-based business unless the permit is controlled by the business's administrator.

At all times, the norms of cleanliness, mental health, and a sterile environment must be followed. To comply with USDA food safety standards, the government created a guide that includes regulations for sustainable food production management as well as other issues that may be beneficial to business owners.<sup>5</sup>

### **PENALTIES**

Failure to get an FSSAI licence or registration can result in fines ranging from a few thousand rupees to two lakh rupees (approx. USD 4000). According to Section 63, anyone who distributes, sells, manufactures, stores, or imports any article of food without a licence, whether he does it himself or someone else on his behalf who is required to obtain a licence, will be sentenced to imprisonment for up to five years.<sup>6</sup>

### **CONCLUSION**

New regulations have been implemented in the name of the Food Safety and Standards Act, and these standards are much more extensive than those of the Prevention of Food Alteration Act. The Food Safety and Standards Act is based on all laws about food and places stress on measures that prevent adulteration, whereas the Prevention of Food Alteration Act covers food-related rules. Manufacturing, storage, registration, selling, and importing are included. It aids

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<sup>5</sup> *Journey of Food Fortification*. FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA. (2011).

<sup>6</sup> Shereen Adbin. *Laws Governing The Food Industry In India*. LAWYERED. (2019). [Laws Governing The Food Industry In India \(lawyered. in\)](https://www.lawyered.in/laws-governing-the-food-industry-in-india/)

in ensuring that the food is safe and healthy for humans to eat.

The FSSA now contains within its provisions all or most of the areas covered in prior legislation, making the process of implementing food law simpler and smoother.