
FOOD SAFETY AS CONSUMER PROTECTION: BRIDGING REGULATORY GOVERNANCE AND CONSUMER JUSTICE IN INDIA

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ABSTRACT

Food safety has emerged as a significant legal and public health concern due to increasing incidents of food adulteration, contamination, misbranding, and deceptive marketing practices. The growing complexity of food supply chains and changing consumer preferences have heightened the need for effective regulatory oversight and consumer protection mechanisms. In India, consumer welfare in the food sector is primarily governed by the Food Safety and Standards Act, 2006 and the Consumer Protection Act, 2019. While the former establishes a comprehensive framework for ensuring the availability of safe and wholesome food, the latter provides remedies against defective products, unfair trade practices, and misleading advertisements. This article examines the relationship between these two legislative frameworks and evaluates their collective role in protecting consumers from food-related harm. Adopting a doctrinal methodology, the study analyses constitutional provisions, statutory enactments, judicial decisions, international standards, and regulatory instruments relating to food safety and consumer welfare. The article argues that food safety and consumer protection are no longer distinct regulatory domains but complementary legal regimes that advance public health, accountability, transparency, and consumer justice. It further contends that effective coordination between regulatory authorities and consumer redressal institutions is essential for addressing contemporary challenges in the food sector. The study concludes by recommending a more consumer-centric approach to food governance through stronger enforcement, improved regulatory coordination, and enhanced accountability of food business operators.

Keywords: Food Safety; Consumer Protection; Food Safety and Standards Act, 2006; Consumer Protection Act, 2019; Product Liability; Right to Health; Consumer Rights.

I. Introduction: Safe Food and Consumer Justice

Food is indispensable to human survival, health, and dignity. Beyond its nutritional value, food constitutes an essential prerequisite for the enjoyment of life and the realization of fundamental human rights. However, increasing instances of food adulteration, contamination, misbranding, misleading advertisements, and unhygienic processing practices have transformed food safety into a pressing legal and public health concern. The expansion of global supply chains, technological advancements in food production, and the rapid growth of digital food markets have undoubtedly improved accessibility and consumer choice, but they have also generated new risks that threaten consumer welfare and public confidence in food regulatory systems.¹

Food safety is no longer confined to the domain of public health administration. It has emerged as a critical component of consumer protection, market regulation, and corporate accountability. Unsafe food products may cause serious illness, long-term health complications, economic losses, and, in extreme cases, death. The World Health Organization has recognised safe food as a fundamental element of public health and sustainable development, emphasizing that access to safe and nutritious food is indispensable for human well-being.² Consequently, contemporary food governance increasingly seeks to balance commercial interests with the imperative of protecting consumers from preventable harm.

In India, the significance of food safety is amplified by the scale and diversity of the food sector. The growth of processed food industries, online food delivery platforms, and organised retail markets has altered patterns of food production and consumption. While these developments have strengthened food availability, they have also exposed regulatory deficiencies relating to food quality, hygiene standards, and consumer information. Incidents involving adulterated milk, contaminated packaged foods, and deceptive nutritional claims have raised serious concerns regarding the adequacy of existing legal safeguards and enforcement mechanisms.³

Although the Constitution of India does not expressly guarantee a right to safe food, constitutional jurisprudence provides a strong normative basis for its protection. Article 21 guarantees the right to life and personal liberty, while Article 47 directs the State to raise the

¹Food Safety and Standards Act, No. 34 of 2006, pmbi. (India).

²WORLD HEALTH ORG., GLOBAL STRATEGY FOR FOOD SAFETY 2022–2030, at 5 (2022).

³FOOD SAFETY & STANDARDS AUTH. OF INDIA, ANNUAL REPORT 2023–24, at 12–15 (2024).

level of nutrition and improve public health.⁴ Through judicial interpretation, the Supreme Court has consistently expanded the scope of Article 21 to include the right to health, dignity, and conditions necessary for meaningful human existence.⁵ The constitutional commitment to nutrition and public health therefore provides a foundation for recognising food safety as an essential element of consumer welfare and human development.

Legislative intervention in this field culminated in the enactment of the Food Safety and Standards Act, 2006 (FSS Act), which consolidated multiple food-related laws into a unified regulatory framework. The statute established the Food Safety and Standards Authority of India (FSSAI) and introduced science-based standards governing the manufacture, storage, distribution, sale, and import of food products.⁶ The Act marked a transition from fragmented regulation towards a preventive and risk-based model of food governance. Simultaneously, consumer protection law underwent substantial reform through the Consumer Protection Act, 2019 (CPA 2019), which introduced a modern product liability regime, expanded consumer rights, and strengthened remedies against unfair trade practices and misleading advertisements.⁷

The coexistence of these legislative frameworks raises an important legal question: whether food safety regulation and consumer protection law operate as independent regimes or as complementary mechanisms designed to secure consumer justice. While the FSS Act primarily focuses on preventive regulation and enforcement, the Consumer Protection Act provides remedial mechanisms for individuals affected by unsafe or defective products. Together, these statutes create a dual-layered framework that seeks to ensure both regulatory compliance and consumer redress.

Against this backdrop, the present study examines the convergence between the Food Safety and Standards Act, 2006 and the Consumer Protection Act, 2019. Adopting a doctrinal methodology, the article analyses constitutional provisions, statutory enactments, judicial precedents, international standards, and regulatory materials to evaluate the effectiveness of India's existing legal framework. The study argues that food safety and consumer protection should be understood as mutually reinforcing legal regimes that collectively advance public

⁴ INDIA CONST. art. 21; INDIA CONST. art. 47.

⁵ *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.

⁶ Food Safety and Standards Act, No. 34 of 2006, (India). § 18

⁷ Consumer Protection Act, No. 35 of 2019, pmb. (India).

health, transparency, accountability, and consumer justice within the modern food sector.

II. Food Safety as a Legal and Consumer Rights Concern

Food safety occupies a central position in contemporary legal discourse because it directly affects human health, consumer welfare, and social development. Traditionally, food regulation focused on preventing adulteration and maintaining hygiene standards. However, modern food governance extends beyond these objectives and encompasses consumer rights, public health protection, access to adequate nutrition, and market accountability. The increasing complexity of food supply chains, coupled with growing dependence on processed and packaged food products, has heightened the vulnerability of consumers to food-related risks. Consequently, ensuring the availability of safe and wholesome food has emerged as a significant legal responsibility of the State and a corresponding right of consumers.⁸

The relationship between food safety and consumer protection is rooted in the principle that consumers are entitled to receive products that do not endanger their health or well-being. Food products differ from most commercial goods because unsafe food can produce immediate and irreversible consequences. Contaminated or adulterated products may cause disease outbreaks, chronic illnesses, nutritional deficiencies, and, in severe cases, fatalities. The legal regulation of food safety therefore seeks not merely to facilitate commercial transactions but to protect fundamental human interests associated with life and health.⁹

From a constitutional perspective, food safety derives legitimacy from the expansive interpretation of Article 21 of the Constitution of India. Although the provision does not expressly mention food, the Supreme Court has consistently held that the right to life extends beyond mere physical existence and includes the right to live with dignity, health, and human well-being.¹⁰ The Court's jurisprudence has transformed Article 21 into a dynamic source of socio-economic rights, enabling the recognition of entitlements necessary for a meaningful life. Within this framework, access to safe food becomes an indispensable component of constitutional protection because the enjoyment of life and health is impossible in the absence of safe and nutritious food.

⁸ Food Safety and Standards Act, No. 34 of 2006, pmbl. (India).

⁹ Codex Alimentarius Comm'n, General Principles of Food Hygiene, CXC 1-1969 (2022).

¹⁰ INDIA CONST. art. 21; *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.

Article 47 further strengthens this constitutional foundation by directing the State to raise the level of nutrition and improve public health.¹¹ Although contained within the Directive Principles of State Policy, Article 47 reflects a constitutional commitment to ensuring conditions that promote human development and social welfare. The provision recognises nutrition and health as essential public goods and imposes a continuing obligation upon the State to adopt measures that safeguard food quality and consumer welfare. When read together, Articles 21 and 47 provide a coherent constitutional basis for food safety regulation in India.

Judicial decisions have reinforced this position. In *Consumer Education and Research Centre v. Union of India*, the Supreme Court held that the right to health is an integral component of the right to life guaranteed under Article 21.¹² This interpretation expanded the scope of constitutional protection beyond traditional civil liberties and established health as a fundamental constitutional value. Similarly, in *People's Union for Civil Liberties v. Union of India*, the Court addressed issues relating to food security and governmental obligations towards vulnerable populations.¹³ Although the litigation primarily concerned access to food, its broader significance lies in recognising food-related entitlements as essential to the realization of constitutional guarantees.

The constitutional approach adopted by Indian courts is consistent with international human rights standards. Article 11 of the International Covenant on Economic, Social and Cultural Rights recognises the right of every person to an adequate standard of living, including adequate food.¹⁴ The Covenant imposes obligations upon States to improve methods of food production, distribution, and conservation while ensuring freedom from hunger. International instruments therefore view food not merely as a commodity but as a prerequisite for human dignity and development.

Food safety also constitutes a critical dimension of consumer rights. The Consumer Protection Act, 2019 recognises the right of consumers to be protected against goods that are hazardous to life and health.¹⁵ This approach reflects the growing convergence between consumer protection law and food regulation. Modern consumers often lack the technical expertise necessary to assess food quality, ingredient composition, or manufacturing standards.

¹¹ INDIA CONST. art. 47.

¹² *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.

¹³ *People's Union for Civil Liberties v. Union of India*, (2013) 2 SCC 688.

¹⁴ International Covenant on Economic, Social and Cultural Rights art. 11, Dec. 16, 1966, 993 U.N.T.S. 3.

¹⁵ Consumer Protection Act, No. 35 of 2019, § 2(9) (India).

Consequently, legal intervention becomes necessary to correct information asymmetries and ensure that food business operators maintain appropriate standards of safety and transparency.

The recognition of food safety as both a constitutional concern and a consumer right has important implications for regulatory governance. It shifts the focus of food law from mere compliance with technical standards to the broader objective of consumer justice. Food safety regulation is therefore not solely concerned with preventing contamination or adulteration; it also seeks to promote accountability, informed consumer choice, and public confidence in food systems.

III. Regulatory Framework under the Food Safety and Standards Act, 2006

The enactment of the Food Safety and Standards Act, 2006 (FSS Act) marked a significant transformation in India's approach to food regulation. Prior to its enactment, food safety governance was fragmented across multiple statutes, including the Prevention of Food Adulteration Act, 1954, the Fruit Products Order, 1955, the Meat Food Products Order, 1973, and several other sector-specific regulations. The existence of multiple regulatory instruments often resulted in overlapping jurisdictions, inconsistent standards, and enforcement challenges.¹⁶ Recognising the need for a unified legal framework, Parliament enacted the FSS Act with the objective of consolidating laws relating to food and establishing science-based standards for food products.¹⁷

The legislation adopts a comprehensive approach to food safety by regulating every stage of the food chain, from manufacture and storage to distribution, sale, and import. Unlike earlier enactments that primarily focused on penalising adulteration, the FSS Act embraces a preventive and risk-based regulatory model. The statute seeks to ensure the availability of safe and wholesome food while simultaneously protecting consumer interests and facilitating fair trade practices within the food industry.¹⁸

A central feature of the legislation is the establishment of the Food Safety and Standards Authority of India (FSSAI), which functions as the apex regulatory authority for food safety governance in the country. The Authority is entrusted with the responsibility of framing

¹⁶ Statement of Objects and Reasons, Food Safety and Standards Bill, 2005.

¹⁷ Food Safety and Standards Act, No. 34 of 2006 (India) (hereinafter FSS Act).

¹⁸ *Id.* pmb1.

standards, regulating food business operations, promoting public awareness, collecting scientific data, and advising the government on food-related matters.¹⁹ The creation of a specialised regulatory body reflects the growing recognition that effective food governance requires scientific expertise, institutional coordination, and continuous monitoring of emerging risks.

The principles governing the administration of the Act are articulated under Section 18, which emphasises risk analysis, transparency, consumer protection, and the precautionary approach.²⁰ Regulatory decisions must be based upon scientific evidence while taking into account prevailing conditions of consumption and potential risks to human health. This framework aligns Indian food regulation with international standards developed under the Codex Alimentarius system and reflects a shift towards evidence-based governance.²¹

The Act also establishes a licensing and registration regime for food business operators. Every food business is required to obtain registration or licensing depending upon the scale and nature of its operations.²² This mechanism facilitates regulatory oversight by ensuring that entities engaged in food production, processing, transportation, storage, and sale comply with prescribed standards. The licensing framework further enables authorities to monitor compliance and initiate corrective measures where violations are detected.

Food business operators occupy a pivotal position within the statutory framework. Section 26 imposes a legal duty upon every operator to ensure that food products satisfy the requirements of the Act at every stage of production and distribution.²³ Liability under the legislation extends beyond manufacturers and encompasses distributors, retailers, importers, and other participants in the food supply chain. Such an approach recognises that food safety is a shared responsibility requiring vigilance throughout the entire chain of commerce.

To strengthen accountability, the legislation contains detailed provisions relating to packaging, labelling, advertising, and consumer information. Accurate disclosure of ingredients, nutritional content, expiry dates, and safety warnings enables consumers to make informed

¹⁹ FSS Act § 16.

²⁰ FSS Act § 18.

²¹ Codex Alimentarius Comm'n, General Principles of Food Hygiene, CXC 1-1969 (2022).

²² FSS Act §§ 31–32.

²³ FSS Act § 26

choices and reduces the likelihood of deception.²⁴ Misleading advertisements and false claims concerning food products are specifically prohibited because they undermine consumer autonomy and distort market behaviour. The emphasis on transparency demonstrates the close relationship between food regulation and consumer protection.

Enforcement constitutes another important component of the statutory framework. The Act empowers Food Safety Officers to conduct inspections, collect samples, investigate violations, and initiate legal proceedings.²⁵ Designated Officers and Food Safety Commissioners supervise enforcement activities at the State level, thereby creating a multilayered institutional structure. The legislation also provides for adjudication mechanisms and criminal prosecution in cases involving serious violations that threaten public health.²⁶

An important innovation introduced by the FSS Act is the recognition of food recall mechanisms. Food recalls serve as preventive tools designed to remove unsafe products from the market before widespread harm occurs. The ability to trace and withdraw hazardous products reflects modern regulatory thinking, which prioritises risk prevention over post-incident punishment. In an era characterised by extensive supply chains and mass distribution networks, recall procedures constitute an essential safeguard for consumer health.

Despite these strengths, implementation challenges continue to affect the effectiveness of the regulatory framework. Limited enforcement capacity, inadequate laboratory infrastructure, shortage of trained personnel, and uneven compliance levels among food business operators have been identified as persistent concerns.²⁷ The rapid expansion of e-commerce platforms and digital food delivery services has further complicated regulatory oversight by creating new channels through which food reaches consumers. These developments require continuous adaptation of enforcement strategies and regulatory mechanisms.

Nevertheless, the Food Safety and Standards Act, 2006 represents a significant advancement in India's food governance architecture. By integrating scientific regulation, institutional oversight, industry accountability, and consumer protection within a single legislative framework, the Act provides the foundation for a modern food safety regime. Its preventive orientation and emphasis on risk management demonstrate a progressive approach to

²⁴ Food Safety and Standards (Packaging and Labelling) Regulations, 2011.

²⁵ FSS Act §§ 38–42.

²⁶ FSS Act §§ 68–77.

²⁷ Food Safety and Standards Authority of India, Food Recall Procedure Regulations, 2017.

safeguarding public health and consumer welfare. However, the effectiveness of this framework ultimately depends upon robust implementation, regulatory coordination, and meaningful compliance by food business operators.²⁸

IV. Consumer Protection Act, 2019 and Food Sector Accountability

The enactment of the Consumer Protection Act, 2019 marked a significant development in India's consumer welfare framework by expanding the scope of consumer rights and introducing modern mechanisms for addressing market-related harms. While food safety legislation primarily focuses on regulatory compliance and prevention, consumer protection law provides remedies to individuals who suffer injury or loss arising from defective, unsafe, or misleadingly marketed products. The Consumer Protection Act, 2019 therefore complements the Food Safety and Standards Act, 2006 by strengthening accountability within the food sector and empowering consumers to seek effective redress.²⁹

The legislation is founded upon the recognition that consumers frequently occupy a vulnerable position within the marketplace. Information asymmetry, technical complexity, and unequal bargaining power often prevent individuals from independently assessing the quality and safety of products offered for sale. Food products present a particularly compelling example of this imbalance because consumers generally rely upon manufacturers, distributors, and regulatory authorities for accurate information regarding ingredients, nutritional value, quality standards, and potential health risks.³⁰ Consequently, consumer protection law seeks to create legal safeguards capable of correcting these structural disadvantages.

A notable feature of the Consumer Protection Act, 2019 is its express recognition of consumer rights. The statute guarantees the right to be protected against goods and services that are hazardous to life and property, the right to receive accurate information regarding quality and quantity, and the right to seek redress against unfair trade practices.³¹ These rights possess particular relevance within the food sector, where inaccurate labelling, adulteration, contamination, and misleading health claims can directly affect consumer health and decision-making. By recognising consumer protection as a legal entitlement rather than a matter of commercial discretion, the legislation strengthens the accountability of food business

²⁸ FOOD SAFETY & STANDARDS AUTH. OF INDIA, ANNUAL REPORT 2023–24, at 35–41 (2024).

²⁹ Consumer Protection Act, No. 35 of 2019 (India) (hereinafter CPA 2019).

³⁰ CPA 2019 § 2(7).

³¹ CPA 2019 § 2(9).

operators.

The Act also broadens the concept of unfair trade practices by addressing deceptive representations and misleading advertisements.³² Contemporary food markets increasingly rely upon advertising strategies that emphasise nutritional benefits, health claims, and product quality. While such practices may assist consumers in making informed choices, they may also create opportunities for misrepresentation. False claims relating to nutritional value, safety, purity, or health benefits can distort consumer behaviour and undermine market integrity. The statutory prohibition against misleading advertisements therefore serves as an important mechanism for protecting consumers from deception and promoting transparency within the food industry.

One of the most significant innovations introduced by the Consumer Protection Act, 2019 is the product liability regime. Prior consumer protection legislation did not provide a comprehensive framework through which consumers could hold manufacturers and sellers accountable for injuries caused by defective products. The 2019 Act addresses this gap by enabling consumers to seek compensation from manufacturers, product sellers, and service providers where defective goods cause harm.³³ Product liability significantly enhances consumer protection within the food sector because it imposes direct legal consequences upon entities responsible for placing unsafe products into the market. The prospect of liability also encourages greater compliance with food safety standards and quality assurance mechanisms.

The Act further establishes the Central Consumer Protection Authority (CCPA), an institutional mechanism designed to promote, protect, and enforce consumer rights.³⁴ The Authority possesses extensive powers to investigate violations, order the recall of dangerous goods, direct reimbursement of purchase prices, and initiate action against misleading advertisements. The CCPA therefore functions as a preventive and corrective institution capable of addressing consumer harms before they escalate into widespread public health concerns. In the context of food regulation, these powers complement the enforcement functions exercised by the Food Safety and Standards Authority of India.

Consumer dispute redressal commissions continue to play a central role within the statutory

³² CPA 2019 § 2(47).

³³ CPA 2019 §§ 82–87.

³⁴ CPA 2019 §§ 82–87.

framework. The three-tier adjudicatory structure established under the Act enables consumers to seek remedies for losses arising from defective products and unfair trade practices.³⁵ Food-related disputes involving contamination, adulteration, inaccurate labelling, or misleading advertisements may therefore be adjudicated through specialised consumer forums.³⁶ The availability of accessible and relatively inexpensive dispute resolution mechanisms enhances consumer confidence and strengthens market accountability.

The Consumer Protection Act, 2019 thus represents a substantial shift from a passive model of consumer welfare to a rights-based framework grounded in accountability and redress. Unlike regulatory statutes that primarily focus on compliance, consumer protection law places the affected individual at the centre of legal analysis. The legislation recognises that effective protection requires not only preventive standards but also meaningful remedies capable of compensating consumers and deterring future misconduct.

Within the food sector, the significance of the Act extends beyond dispute resolution. Its emphasis on transparency, product liability, institutional oversight, and consumer rights reinforces broader objectives associated with food safety governance. The Act therefore serves as an important complement to the Food Safety and Standards Act, 2006, creating a dual framework that combines preventive regulation with remedial justice.

V. Convergence of Food Safety and Consumer Protection Laws: Towards Consumer-Centric Food Governance

The Food Safety and Standards Act, 2006 and the Consumer Protection Act, 2019 operate within distinct legal domains, yet they share a common objective: the protection of individuals from food-related harm. The former establishes a preventive regulatory framework designed to ensure the availability of safe and wholesome food, while the latter provides remedial mechanisms through which consumers may seek redress for injuries arising from unsafe or defective products. When viewed together, these statutes reveal an increasingly integrated model of consumer protection that combines regulatory oversight with legal accountability.³⁷

The convergence between the two enactments is most evident in their shared emphasis on

³⁵ CPA 2019 §§ 10–27.

³⁶ CPA 2019 §§ 28–73.

³⁷ FSS Act §§ 18, 23–24.

consumer welfare. The FSS Act seek to protect public health by prescribing standards relating to food quality, composition, hygiene, packaging, and labelling.³⁸ Similarly, the Consumer Protection Act recognises the right of consumers to be protected against goods that are hazardous to life and health and guarantees access to effective remedies where those rights are violated.³⁹ Although the statutes employ different regulatory techniques, both seek to minimise risks associated with food consumption and strengthen public confidence in the marketplace.

A significant area of overlap concerns food labelling and consumer information. Modern consumers frequently rely upon labels and advertisements when making purchasing decisions. Nutritional claims, ingredient disclosures, health benefits, and quality certifications influence consumer preferences and shape market behaviour. The FSS Act address this issue through detailed requirements governing packaging and labelling, while the Consumer Protection Act prohibits misleading advertisements and deceptive representations.³⁹ Together, these provisions establish a legal framework designed to promote transparency and informed consumer choice. A violation of labelling requirements may therefore constitute both a regulatory offence under food safety legislation and an unfair trade practice under consumer protection law.

The product liability regime introduced by the Consumer Protection Act further strengthens the objectives of food safety regulation. The FSS Act imposes statutory duties upon food business operators to ensure that products placed on the market comply with prescribed standards.⁴⁰ However, regulatory enforcement alone may not adequately compensate individuals who suffer harm as a result of contaminated or defective food. Product liability provisions bridge this gap by enabling affected consumers to seek compensation directly from manufacturers, sellers, and service providers.⁴¹ The prospect of civil liability creates an additional incentive for compliance and encourages businesses to adopt rigorous quality control measures.

Judicial intervention has played an important role in reinforcing the relationship between food safety and consumer welfare. Indian courts have consistently adopted an expansive interpretation of constitutional protections relating to health and human dignity. In *Consumer*

³⁸ CPA 2019 § 2(9).

³⁹ Food Safety and Standards (Packaging and Labelling) Regulations, 2011; CPA 2019 § 2(47).

⁴⁰ FSS Act § 26.

⁴¹ CPA 2019 §§ 82–87.

Education and Research Centre v. Union of India, the Supreme Court recognised health as an integral component of the right to life guaranteed under Article 21.⁴² Similarly, in *Swami Achyutanand Tirth v. Union of India*, the Court expressed concern regarding the widespread problem of food adulteration and directed authorities to strengthen enforcement mechanisms.⁴³ These decisions underscore the principle that food safety is not merely a matter of regulatory compliance but an issue intimately connected with constitutional values and consumer rights.

The institutional structures created under both statutes also demonstrate substantial complementarity. The Food Safety and Standards Authority of India is responsible for establishing standards, monitoring compliance, conducting inspections, and regulating food business operators.⁴⁴ The Central Consumer Protection Authority, by contrast, investigates unfair trade practices, misleading advertisements, and violations of consumer rights.⁴⁵ While their mandates differ, both institutions pursue the broader objective of protecting consumers from harm. Effective coordination between these bodies can therefore enhance enforcement outcomes and reduce regulatory gaps.

Despite these synergies, certain challenges continue to undermine the effectiveness of the existing framework. One concern relates to overlapping jurisdictional responsibilities. A single incident involving unsafe food may simultaneously trigger regulatory action under the Food Safety and Standards Act and consumer proceedings under the Consumer Protection Act. Although such overlap is not inherently problematic, inadequate coordination may result in delays, duplication of proceedings, and uncertainty regarding institutional responsibility.⁴⁶

Another challenge arises from the rapid expansion of digital food marketplaces. Online food delivery platforms, cloud kitchens, and e-commerce businesses have transformed the manner in which consumers access food products. These developments have generated complex questions concerning liability, regulatory oversight, and consumer remedies. Determining responsibility for contaminated food supplied through digital intermediaries often presents practical difficulties because multiple actors participate in the transaction. Existing legal frameworks provide important safeguards, yet evolving market structures require continuous

⁴² *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.

⁴³ *Swami Achyutanand Tirth v. Union of India*, (2016) 9 SCC 699.

⁴⁴ FSS Act § 16.

⁴⁵ CPA 2019 §§ 10–27.

⁴⁶ FSS Act §§ 68–77; CPA 2019 §§ 28–73.

adaptation of regulatory strategies.⁴⁷

Furthermore, enforcement capacity remains a persistent concern. Effective consumer protection depends not only upon the existence of legal rights but also upon the ability of regulatory authorities to detect violations and ensure compliance. Resource constraints, limited laboratory infrastructure, and inadequate consumer awareness continue to affect the implementation of food safety standards in certain regions.⁴⁸ Strengthening institutional capacity and promoting consumer education are therefore essential components of a robust food governance framework.

The convergence between food safety regulation and consumer protection law reflects a broader shift towards consumer-centric governance. Rather than treating food safety as a purely technical or administrative matter, contemporary legal frameworks increasingly recognise the centrality of consumer rights, transparency, and accountability. The combined operation of the Food Safety and Standards Act, 2006 and the Consumer Protection Act, 2019 demonstrates that effective protection requires both preventive regulation and meaningful remedies. Together, these statutes create a comprehensive legal architecture capable of safeguarding public health while advancing the broader objectives of consumer justice.

VI. Conclusion and Recommendations

Food safety and consumer protection have traditionally been viewed as distinct regulatory fields. However, the contemporary food sector demonstrates that the two are intrinsically connected. Unsafe food not only threatens public health but also infringes consumer rights, undermines market integrity, and weakens confidence in regulatory institutions. The increasing complexity of food supply chains, the expansion of processed food markets, and the emergence of digital food delivery platforms have further highlighted the need for an integrated legal framework capable of addressing both preventive and remedial dimensions of consumer welfare.

This study has demonstrated that the Food Safety and Standards Act, 2006 and the Consumer Protection Act, 2019 function as complementary legal regimes. The FSS Act establishes a preventive regulatory framework through science-based standards, licensing requirements,

⁴⁷ CPA 2019 § 2(16); FSS Act § 31.

⁴⁸ FOOD SAFETY & STANDARDS AUTH. OF INDIA, ANNUAL REPORT 2023–24, at 35–41 (2024).

inspections, and enforcement mechanisms.⁴⁹ In contrast, the Consumer Protection Act empowers individuals through consumer rights, product liability provisions, and accessible dispute resolution mechanisms.⁵⁰ Together, these statutes create a dual-layered system that combines regulatory oversight with legal accountability.

The constitutional foundation of food safety further strengthens this relationship. Judicial interpretation of Article 21 has expanded the right to life to include health, dignity, and conditions necessary for human well-being, while Article 47 imposes an obligation upon the State to improve nutrition and public health.⁵¹ Food safety therefore transcends the boundaries of ordinary regulation and assumes constitutional significance within India's legal framework.

Despite substantial legislative progress, important challenges remain. Regulatory overlap, uneven enforcement, limited infrastructure, and the growing complexity of digital food markets continue to affect the effectiveness of food governance. These concerns necessitate stronger coordination between the Food Safety and Standards Authority of India and the Central Consumer Protection Authority. Improved information sharing, coordinated investigations, and harmonised enforcement strategies would enhance consumer protection and reduce institutional fragmentation.

Further reforms should focus on strengthening food recall mechanisms, enhancing consumer awareness programmes, improving compliance monitoring, and expanding regulatory oversight of online food delivery platforms and cloud kitchens. Greater transparency in food labelling and stricter action against misleading advertisements is equally necessary to promote informed consumer choice and market accountability.

Ultimately, effective food governance requires more than technical compliance with regulatory standards. It demands a consumer-centric approach that places public health, transparency, accountability, and access to justice at the centre of legal regulation. The convergence between food safety law and consumer protection law represents a significant step towards achieving these objectives and offers a robust framework for safeguarding consumer welfare in an increasingly complex food environment.

⁴⁹ FSS Act §§ 16, 18, 26, 31–32.

⁵⁰ CPA 2019 §§ 2(9), 28–73, 82–87.

⁵¹ INDIA CONST. arts. 21, 47; *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42.