

Implementation of Food Safety and Standards Act, 2006

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- The Comptroller and Auditor General of India (CAG) released an audit report on the 'Implementation of Food Safety and Standards Act, 2006' on December 19, 2017. The Food Safety and Standards Act, 2006 was enacted to: (i) consolidate multiple laws in the country relating to food safety, (ii) establish a single point reference system, (iii) establish the Food Safety and Standards Authority of India (FSSAI). FSSAI formulates standards for food and regulates their manufacture, storage, and distribution, among others.
- The audit on food safety was undertaken to assess the performance of the Ministry of Health and Family Welfare, FSSAI, and the food authorities (responsible for the enforcement of the rules and regulations notified by FSSAI) in ten states. The key findings and recommendations of the CAG are as follows:
- **Regulatory and administrative framework:** The CAG noted that even after more than a decade of the enactment of the Act, the Ministry and FSSAI are yet to frame regulations governing various procedures and mechanisms as stated in the Act. Further, the FSSAI has been unable to identify areas for which standards are yet to be formulated or revised. The Report also noted that there is no clarity on the reasons underlying the identification of food products that were standardised ahead of others. In this context, for some food categories, the CAG observed that FSSAI entrusted the task of suggesting revision of standards to representatives of the food business operators, whose opinions may be biased. Further, some regulations and standards have been notified by FSSAI without considering the comments of stakeholders and the approval of the Ministry.
- In light of this, the CAG recommended that the FSSAI must expedite the notification of regulations on all the areas that have been specified in the Act. Further, it must frame standard operating procedures on the formulation and review of standards, and ensure that these are adhered to.
- **Licensing and enforcement:** Under the Act, no person can commence or carry on any food business without obtaining a license. The CAG noted that licenses were issued on the basis of incomplete documents in more than 50% of cases checked during the audit. It also noted that FSSAI has failed to ensure that the customs authorities do not let unsafe foods enter the country. It recommended that FSSAI ensure all licenses issued under the earlier system of product approvals are reviewed, and licenses cancelled and reissued as required under the present procedure of product approvals.
- Further, FSSAI and state food safety authorities did not conduct a survey for the enforcement and administration of the Act. FSSAI also does not have any database on food businesses. In this context, the CAG recommended FSSAI and state food authorities must conduct surveys of food business activity under their jurisdiction.
- **Status of food laboratories:** The CAG observed low quality of the food laboratories (used for testing food samples by FSSAI and state food safety authorities). It found that 65 out of

the 72 state food laboratories do not possess National Accreditation Board for Testing and Calibration Laboratories accreditation. Further, the FSSAI does not maintain data on whether all the notified food laboratories have qualified food analysts. Food analysts are required to undertake analysis of food samples. Further, the shortage of functional food testing equipment in state food laboratories resulted in deficient testing of food samples. Audit check of certain state laboratories revealed that they lacked facilities to test many essential parameters like microbiological, pesticide, and heavy metal contamination.

- **Human resources:** The Committee observed that the Ministry and the FSSAI have failed to frame the recruitment regulations even after a decade of the enactment of the Act. This has resulted in acute shortage of staff at various levels which affects food safety measures across the states. In light of this, the CAG recommended that the Ministry and FSSAI must take steps to notify the recruitment regulations and fill up the vacancies.
- The CAG also observed that contractual employees were performing routine functions, defeating the intention of appointing contractual employees only for specific tasks of defined duration. It recommended reviewing the engagement of all such contractual employees appointed by FSSAI.

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