



## State Regulation Regarding Food Eateries

**For Prelims:** [Food Adulteration](#), [Food Safety and Standards Authority of India \(FSSAI\)](#), [Article 15](#), [Article 17](#), [Article 19](#), [Heavy Metals](#), [Genetically Modified Foods](#), [Organic Foods](#).

**For Mains:** Food Safety and Standards Authority of India, Strengthening food safety in India

[Source: IE](#)

### Why in News?

Recently, the **Uttar Pradesh (UP) government** mandated that **food establishments** prominently display the **names** of their **operators, proprietors, managers**, and other relevant personnel.

- The UP government cited reports of **food adulteration incidents**, such as food items being contaminated with **human waste or other inedible substances** for its latest directives.

### What are the Existing Food Safety Requirements Under the Food Safety and Standards Act, 2006 (FSSA)?

- **Registration or Licence:** Under the FSSA, food business operators are required to **register or obtain a licence** from the [Food Safety and Standards Authority of India \(FSSAI\)](#).
  - Registration certificates or licences, displaying the **owner's identity** and establishment's location, must be **prominently displayed** at the premises.
- **Penalties for No Licence:** Under **Section 63** of the FSSA, any operator carrying on a food business **without a licence** can be punished with up to **six months in prison** and a fine of up to **Rs 5 lakh**.
  - This provision reinforces the importance of **proper licensing and display of information**.
- **Non-Compliance with FSSA Regulations:** If a food business operator **violates** the provisions of the **FSSA**, they may receive an '**Improvement Notice**' under **Section 31**.
  - If the operator **fails to comply** with the notice, their licence can be **suspended or cancelled**.
  - Additionally, **Section 58** provides for penalties up to **Rs 2 lakh** for violations where no specific penalty is prescribed.

### What are State Governments' Power to Make Rules Under FSSA?

- **State Authority:** **Section 94** of the FSSA allows **state governments** to make **rules** with the **prior approval** of the FSSAI.
- **Assignment of Additional Functions and duties:** State governments can prescribe **additional functions and duties** for the Commissioner of Food Safety, appointed under **Section 30** of the FSSA.
  - This includes making rules on matters related to **food safety** within the state's jurisdiction, subject to the central government's oversight.

- **Process of Rulemaking by States: Section 94(3)** of the FSSA requires that any rules made by state governments must be published and **approved by the [state legislature](#)**.

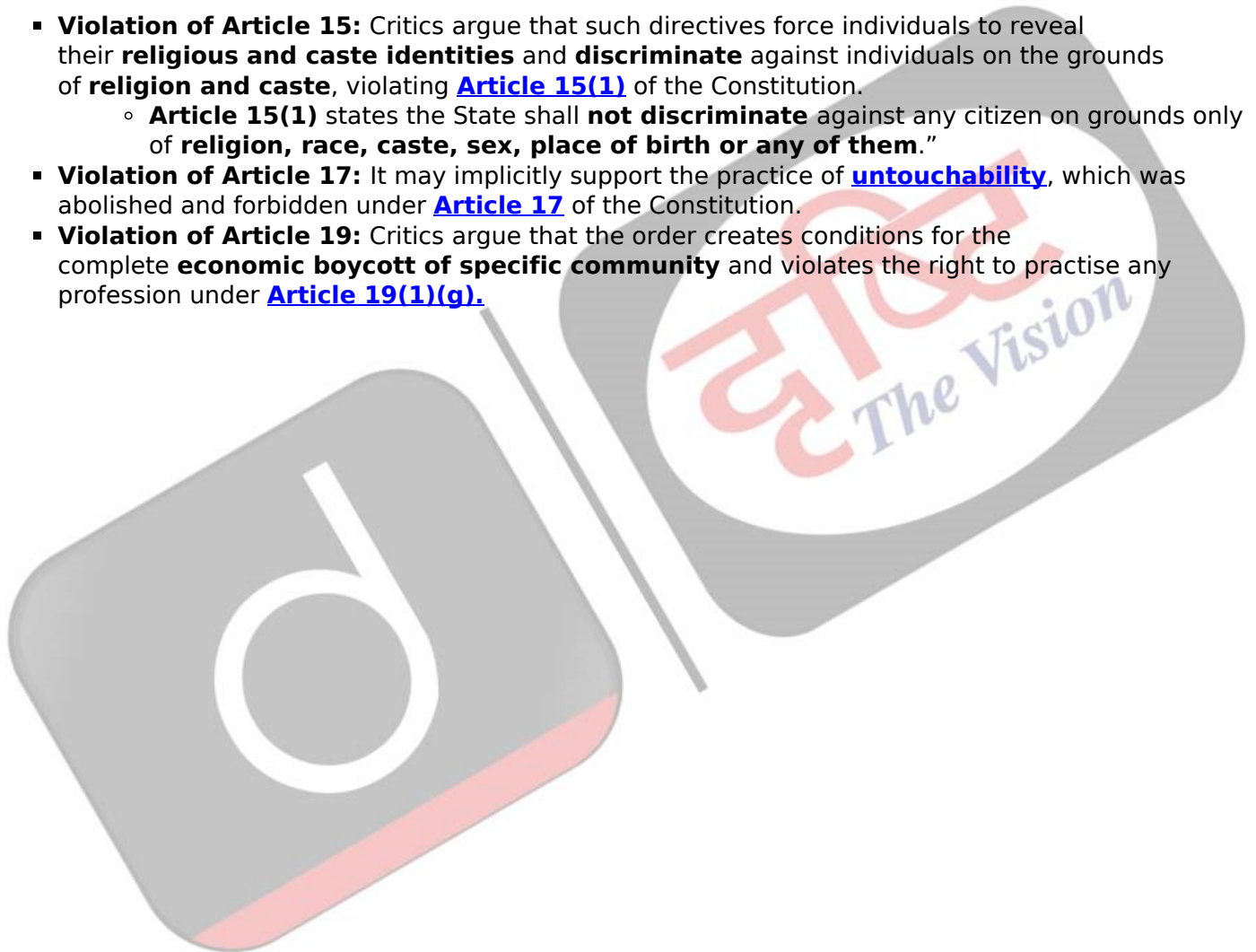
## What is the Supreme Court Stand on Such Orders?

- The Supreme Court **intervened and stayed** similar orders issued by the **police in Uttar Pradesh and Uttarakhand** for the **2024 Kanwar Yatra**, where food vendors were required to display their identities.
- The court ruled that while the **Food Safety and Standards Act (FSSA)** allows a "**competent authority**" to issue such orders, the **police cannot usurp** this power.

## Why Such State Government Directives are challenged in court?

- **Violation of Article 15:** Critics argue that such directives force individuals to reveal their **religious and caste identities** and **discriminate** against individuals on the grounds of **religion and caste**, violating **Article 15(1)** of the Constitution.
  - **Article 15(1)** states the State shall **not discriminate** against any citizen on grounds only of **religion, race, caste, sex, place of birth or any of them.**"
- **Violation of Article 17:** It may implicitly support the practice of **untouchability**, which was abolished and forbidden under **Article 17** of the Constitution.
- **Violation of Article 19:** Critics argue that the order creates conditions for the complete **economic boycott of specific community** and violates the right to practise any profession under **Article 19(1)(g)**.

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# LIST OF FOOD ADULTRANTS

## ADULTERANTS

- Unhygienic water
- Chalk powder
- Soap powder
- Hydrogen peroxide
- Urea

## MILK



## HARMFUL EFFECTS

- Food poisoning
- Heart problems
- Cancer
- Vomiting
- Nausea

## BLACK PEPPER

- Papaya seeds



- Liver disorders
- Stomach disorders

## OIL

- Argemone seeds



- Epidemic dropsy
- Severe glaucoma

## GHEE

- Vegetable oil
- Animal body fats



- Anaemia
- Enlargment of Heart

## CHILLY POWDER

- Brick powder
- Saw dust



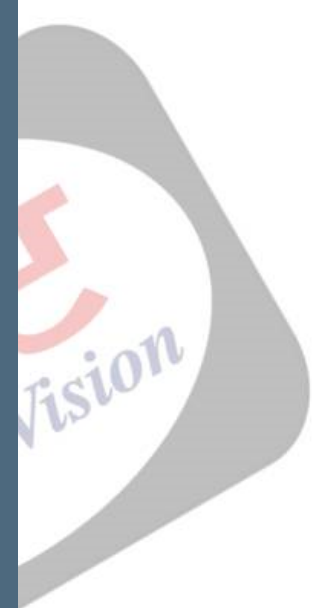
- Stomach problems
- Artificial colors can cause cancer

## TURMERIC POWDER

- Yellow aniline dye
- Non-permitted colourants like metanil yellow



- Carcinogenic
- Stomach disorders



## What are General Provisions to Prevent Food Adulteration under the FSS Act, 2006?

- **Use of Food Additives:** No article of food shall contain any **food additive or processing aid** unless it is in accordance with the provisions of this Act and regulations made thereunder.
- **Toxic Substances and Heavy Metals:** No article of food shall contain any **contaminant**, naturally occurring **toxic substances or toxins** or **hormone** or **heavy metals** in excess of such quantities as may be specified by regulations.
- **Pesticide and Veterinary Drug Residues:** No food article may contain residues of **insecticides**, **pesticides**, **veterinary drugs**, **antibiotics**, or **microbiological** counts above the limits set by regulations.
  - No **insecticide** shall be used directly on articles of food except fumigants registered and approved under the **Insecticides Act, 1968**.
- **Genetically Modified Foods:** The FSSA restricts the manufacture, distribution, sale, or import of novel foods, **genetically modified foods**, irradiated foods, **organic foods**, health supplements etc unless otherwise provided under the Act and its regulations.
- **Packaging and Labelling:** Food products must be packaged and labelled in accordance with specified regulations.
  - Labels must not contain any **false or misleading claims** about the food products, including their quantity, nutritive value, or any implied medicinal or therapeutic benefits.
- **Unfair Trade Practices:** No person may engage in **unfair trade practices** to promote food articles, which includes making **false representations** about the standard, quality, or usefulness of the foods.

## What is the Food Safety and Standards Authority of India?

- **About FSSAI:** FSSAI is an autonomous **statutory body** established under the **Food Safety and Standards Act, (FSSA) 2006**.
  - FSSA, 2006 **consolidates** various laws related to food, such as the **Prevention of Food Adulteration Act, 1954**, the **Fruit Products Order, 1955**, the **Meat Food Products Order, 1973** etc.
- **Functions of FSSAI:** FSSAI is responsible for protecting and promoting **public health** by regulating and supervising food safety and quality in India, operating under the **Ministry of Health & Family Welfare**.
  - FSSAI was consequently established in **2008** but work within the Food Authority effectively began in **2011** after its rules and key regulations were notified.
- **Powers of FSSAI:** Framing of regulations and standards for food products and additives.
  - Granting of **licences and registration** to food businesses.
  - Enforcement of food safety **laws and regulations**.
  - **Monitoring and surveillance** of food safety and quality.
  - Conducting **risk assessment** and scientific research on food safety issues.
  - Providing **training and awareness** on food safety and hygiene.
  - Promoting **food fortification and organic food**.
  - **Coordinating** with other agencies and stakeholders on food safety matters.
- **Structure of FSSAI:** The FSSAI comprises a **Chairperson** and **twenty two members** out of which **one - third are to be women**.
  - The **Chairperson and Chief Executive Officer** of FSSAI, appointed by the central government.
  - The Chairperson is in the rank of **Secretary** to the Government of India.
- **Initiatives of FSSAI:**
  - **World Food Safety Day**
  - **Eat Right India**
  - **State Food Safety Index**
  - **RUCO (Repurpose Used Cooking Oil)**
  - **Food Safety Mitra**
  - **100 Food Streets**

## Conclusion

The provisions of the **Food Safety and Standards Act (FSSA)** empower state governments to regulate food safety effectively while ensuring **compliance with national standards**. By setting rules on **food additives, contaminants, and advertising practices**, the FSSA aims to protect consumer health and promote transparency in the food industry.

### **Drishti Mains Question:**

Examine the existing provisions under the Food Safety and Standards Act (FSSA) to prevent food adulteration.

## UPSC Civil Services Examination, Previous Year Question

### **Prelims**

#### **Q. Consider the following statements: (2018)**

1. The Food Safety and Standards Act, 2006 replaced the Prevention of Food Adulteration Act, 1954.
2. The Food Safety and Standards Authority of India (FSSAI) is under the charge of Director General of Health Services in the Union Ministry of Health and Family Welfare.

#### **Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (a)**

### **Mains**

**Q.** Elaborate the policy taken by the Government of India to meet the challenges of the food processing sector. **(2019)**