

**Bill No. X of 2014**

THE FOOD SAFETY AND STANDARDS (AMENDMENT )  
BILL, 2014

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BILL

*further to amend the Food Safety and Standards Act, 2006.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2014.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 2006. 5

2. In section 5 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in sub-section (1),—

Amendment  
of section 5.

(i) for the words “twenty-two members out of which one-third shall be women”, the words, brackets and letters “twenty-three members, and out of the members referred to in clauses (b), (c), (d), (f) and (g), one-third shall be women” shall be substituted;

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(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) Chief Executive Officer of the Food Authority, Member-Secretary *ex officio*.”

Insertion of new section 7A. **3.** After section 7 of the principal Act, the following section shall be inserted, namely:—

Powers of Chairperson. “7A. The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Food Authority and shall, in addition to presiding over the meetings of the Food Authority, exercise and discharge such other powers and functions of the Food Authority, as may be assigned to him by the Food Authority.”. 5

Amendment of section 92. **4.** In section 92 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case.”. 10

## STATEMENT OF OBJECTS AND REASONS

The Food Safety and Standards Act was enacted in the year 2006 with a view to consolidate the laws relating to Food in the country and to establish the Food Safety and Standards Authority of India for laying down science-based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import and to ensure availability of safe and wholesome food for human consumption.

2. Sub-section (1) of section 5 of the said Act provides for the composition of the Food Authority consisting of a Chairperson and twenty-two members, which does not include the Chief Executive Officer. It is proposed to include the Chief Executive Officer in the composition of the Food Safety and Standards Authority of India.

3. Further sub-section (1) of section 5 of the said Act provides that one-third of the members shall be women in the composition of the said Authority. Out of twenty-two Members of the said Authority 12 members are nominated by the Central Ministries, Departments, the States or Union territories. It is quite difficult to ensure appointment of 1/3rd women members out of these 12 members. This makes it imperative to appoint 7 women members out of remaining 10 part-time members representing food industry, consumers' organisations, eminent food technologists and scientists, farmers' organisations and retailers' organisations. Therefore, it is proposed to amend sub-section (1) of section 5 of the said Act so as to provide that the provision regarding one-third members being women, shall be applicable to the members referred to in clauses (b), (c), (d), (f) and (g) of sub-section (1) of section 5 of the said Act.

4. Section 5 of the said Act empowers the Central Government to appoint the Chairperson in such a manner so as to secure the highest standards of competence and relevant expertise. The Chairperson is expected to not only guide the organisation in its initial stages but also help in laying down systems, procedures and structures to enable the said Authority to function as per the legal mandate. The Act, however, does not specifically provide for this essential role of guiding and overseeing the work of the said Authority, though under section 16 of the Act, the said Authority is mandated to regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food. As laid down in the preamble to the Act, it is necessary to provide a single line of command in the Food Authority to provide direction and accountability. Therefore, it is proposed to insert section 7A in the said Act to address the need for continuity of policies, enabling the Chairperson to guide the affairs of the Food Authority.

5. The section 92 empowers the said Authority to make regulations by notification with the previous approval of the Central Government and after previous publication. It is proposed to amend the said section so as to empower the Central Government to dispense with the condition of previous publication in certain cases, in the public interest.

6. The Bill seeks to achieve the above objects.

NEW DELHI;

GHULAMNABIAZAD

*The 13th February, 2014.*

ANNEXURE

EXTRACTS FROM THE FOOD SAFETY AND STANDARDS ACT, 2006

(34 OF 2006)

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Composition of Food Authority and qualifications for appointment of its Chairperson and other Members.

**5.** (1) The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be women, namely:—

(a) seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries 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 Members *ex officio*;

(b) two representatives from food industry of which one shall be from small scale industries;

(c) two representatives from consumer organisations;

(d) three eminent food technologists or scientists;

(e) five members to be appointed by rotation every three years, 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' organisations;

(g) one person to represent retailers' organisations.

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Power of Food Authority to make regulations.

**92.** (1) The Food authority may, with the previous approval of the Central Government and after previous publication, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

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RAJYASABHA

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**BILL**

further to amend the Food Safety and Standards Act, 2006.

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*(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)*