

FSSAI: Standards, Rules and Regulations, Non-Compliances and Action Taken

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ABSTRACT

One of the India's greatest sectors, food processing is regarded as a 'Sunrise Industry' because of its enormous potential to boost the agricultural economy, build large scale facilities for the production of processed food, food supply chain, create jobs and helps in generation of revenue through export. FSSA (Food Safety and Standard Act, 2006) initiates the process of bringing India's food laws into compliances with international norms. The Food Safety and Standards Authority of India (FSSAI) is created as a new national regulatory body to develop standards for food that are based on science and to control and oversee the production, processing, storage, distribution, sale and import of food in order to guarantee the accessibility of wholesome sale of food for human consumption.

The paper is purely based on secondary data collected from different sources i.e., Department of Food and Public Distribution, Ministry of Food Processing Industry, FSSAI, FSSA. The purpose of this research paper is to investigate about the implementation of FSSAI rules and regulations in different states of India and action taken against them in case of violation. The paper is useful for spreading awareness among Food Industrialists about FSSAI rules and regulations and penalties.

Keywords

FSSA, FSSAI, Food Industry, Sunrise Industry, Rules and regulations, Penalties

1. INTRODUCTION

The food industry in India is a large and diverse sector that includes everything from small, family-run street food vendors to large, multinational corporations. The country is known for its rich culinary heritage and diverse regional cuisines, and the food industry plays a significant role in the Indian economy. Agriculture is the backbone of the Indian food industry, as the country is one of the world's largest producers of agricultural products. The food processing sector in India is also a significant contributor to the economy, as it is responsible for adding value to agricultural products and making them more accessible to consumers. The Food Safety and Standards Authority of India is the national regulatory body responsible for ensuring the safety and quality of food products in India. It was established in 2006 under the food safety and standards act, 2006, with the goal of protecting public health by setting and enforcing food safety standards. FSSAI is responsible for developing and enforcing regulations for the food industry, including standards for food products, packaging, labelling, and advertising. The organization also monitors compliances with these regulations and conducts inspections and audits of food businesses to ensure that they are meeting the required

standards. Any food business operating in India must obtain a FSSAI license or registration, depending on the type and scale of the business. In summary, FSSAI is a statutory body established by the Government of India that is responsible for ensuring the safety and quality of food products in India by setting and enforcing safety standards, monitoring compliance, and promoting food safety awareness and education.

2. LITERATURE REVIEW

The paper studied the key lifestyle trends that have emerged over the dozen years and understand the way they are changing food habits. The research's ramifications aim to guarantee that important actions are made by public officials, such as the imposition of a tax on unhealthy meals, the provision of subsidies for healthy foods, and the promotion of healthy standards. To guarantee that consumer knowledge rises and food producers choose a more open communication platform, FSSAI norms must also be strengthened *Madhvapathy and Dasgupta (2015)* [1]. The research was carried out to determine if the chosen Delhi-based catering enterprises complied with food safety and hygiene standards. Using the snowball sampling approach, 24 catering establishments from each of Delhi's nine districts were chosen between September 2016 and February 2017 for the study. The FSSAI system's Schedule 4 prerequisites were utilised to create and implement the observational checklist, which was used to collect information on the kind and number of physical facilities. The results of the sanitation assessment revealed that their hygienic conditions needed to be improved *Kumari and Kapur (2018)* [2]. This paper examined the trends and status of the food processing industry, identified and discussed constraints and problems slowing down its growth. Only 2% of the nation's entire agricultural and food production is processed. The Ministry of Food Processing, Government of India, has assessed the industry's size at US\$70 billion. The food processing sector generated 6% of all industrial production and contributed 9% to India's GDP. The sector directly employs 1.6 million people (Merchant, 2008). From 2002 to 2007, the industry increased at an estimated 9.12% annual pace. By the end of 2025, the value addition of food items is anticipated to rise from the current 8% to 35% *Singh et. al (2012)* [3]. The writers of this study concentrate on concerns relating to the food laws that are periodically enforced based on the global economy and trade. This study highlights the fact that modern scientific standard development employs a more holistic approach. It includes a wider range of goods such new foods, functional foods, and beverages. For every national food safety regulation, the fundamental standards of food hygiene and Good Manufacturing Practice (GMP) procedures as outlined by Codex are crucial. But the study comes to the conclusion that both implementation and enforcement suffer from a lack of

infrastructure and a risk-based strategy. The report offers suggestions for development as well as a SWOT analysis of the Indian legislative paradigm (Shukla et al, 2014) [4]. The goal of the research case study is to examine the issue surrounding Nestlé's Maggi in particular and the food industry in general. It will also highlight the weaknesses of the federal and state food safety systems and offer suggestions for improving them (Sardar, 2015) [5]. The purpose of this study is to comprehend the importance of food safety, the rising demand for strict legislation to oversee the quality of food, as well as the moral obligation of manufacturers and advertising to promote safer and better food habits in India (Vasanthi, 2018) [6].

3. JUSTIFICATION OF THE STUDY:

In the realm of food laws, ensuring public health and safety is vital. Food enterprises must strictly adhere to laws and regulations in order to protect consumers from potential risks such as foodborne illnesses and contamination. This not only safeguards public health but also gives consumers confidence in the safety and quality of food goods on the market. This paper will be helpful in making consumers and industrialists aware about the various rules and regulations. Furthermore, by enforcing compliance, businesses may compete on the quality and safety of their products rather than on unfair practices. Legal compliance is important since non-compliance can result in penalties and consequences, increasing the need for firms to follow food safety requirements. Noncompliance monitoring also aids in identifying areas for continual improvement, ensuring that regulations are improved to close any gaps and loopholes. Finally, highlighting non-compliant entities' acts improves industry accountability, forcing businesses to prioritise compliance and contribute to a safer food environment overall.

4. OBJECTIVES OF THE STUDY

- To make consumers and industries aware regarding the FSSAI rules and regulations.
- To access the effectiveness of FSSAI.
- To examine the consequences of non-compliances

5. RESEARCH DESIGN

A research design is a blueprint and strategy for the proposed study effort that illustrates how the researcher will proceed with the research work. The researcher's viewpoints and opinions are included in the research article. Working reports, research papers, discussion papers, online articles, any other published document, and the internet are all sources of secondary data which are used for this research investigation. This study is both descriptive and empirical in character. For this paper, All the relevant literature were thoroughly reviewed. Ministry of Food processing industry in India, Department of Food and Public Distribution, The Food Safety and Standards Authority of India are some of the sources. The paper analyses FSSAI Act so as to bring into light various standards and rule and regulations related to prohibition and restrictions in terms of samples collected and civil and criminal cases registered against different food outlets across the country in 2020-2021. Also, throughs light on penalties and fines in case of non-compliances. The paper also gives some implications at the end.

6. ANALYSIS AND INTERPRETATION

6.1 Offences and penalties under various sections of FSSAI [7][8]

Section	Offense	Penalty		
		Persons covered	Fine (Rs.)	Imprisonment
50	Selling food, not of the nature or substances or quality demanded**	Seller	5 Lakh	
51	Sub-standard food	Manufacturer, Seller, Storage, Distributor, Importer	5 Lakhs	
53	Misleading advertisement: False description; Or	Publisher or any person involved in publishing	10 Lakhs	
54	Food contains extraneous matter	Manufacturer, Seller, Storage, Distributor, Importer	1 Lakhs	
56	Unhygienic or unsanitary: Processing; or Manufacture	Manufacturer or processor	1 Lakhs	
57	Possessing adulterant	Manufacturer, Seller, Storage, Distributor, Importer	Adulterant is not injurious to health – 2 lakhs Adulterant is injurious to health – 10 lakhs	Life imprisonment
58	Contraventions for which no specific penalty is provided	Any person	2 Lakh	
59	Punishment for unsafe food	Manufacturer, Seller, Storage, Distributor, Importer	No injury – 1Lakh Non-Grievous injury – 3Lakh Grievous injury – 5 Lakh	No injury – 6 months Non-Grievous injury – 1 year Grievous injury – 6 years

65	Compensation in case of injury or death of a consumer	Any Person	5 Lakh in case of death 3 lakhs in case of Grievous injury 1 lakh in case of all other cases of injury	
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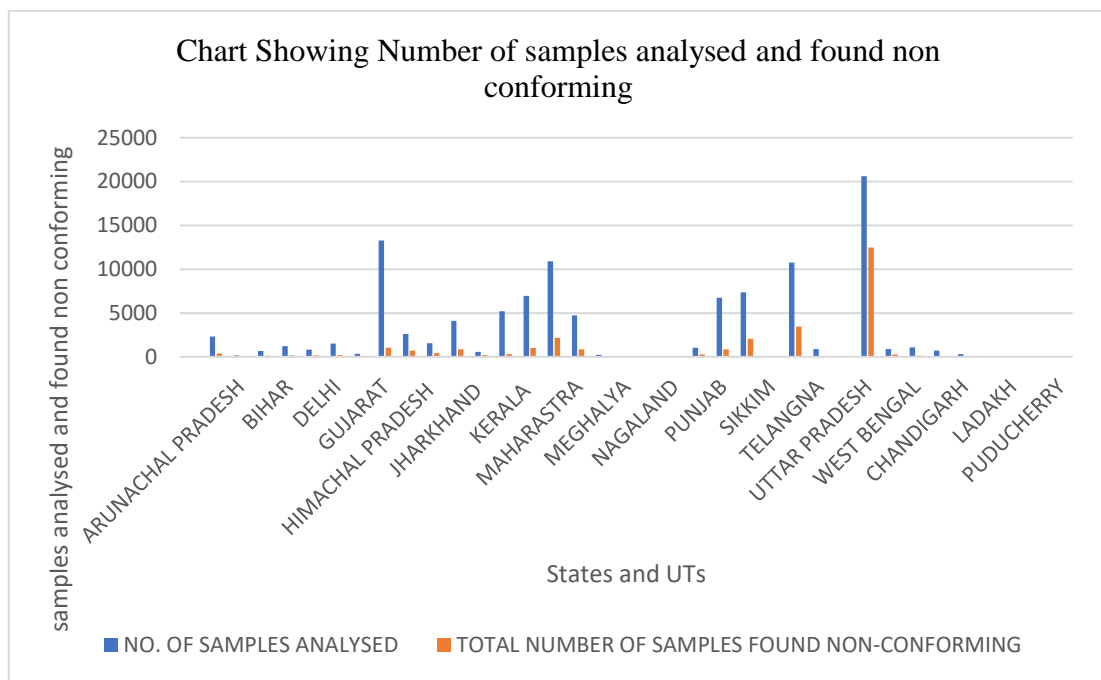
**Penalty in case of Petty food business operator for non-compliance under Section 50 shall not exceed Rs. 25000

6.2 Table showing the civil and criminal cases decided in States/ Union Territories of India by FSSAI [7][8]

STATES OF INDIA	NO. OF SAMPLES ANALYSED	TOTAL NUMBER OF SAMPLES FOUND NON-CONFORMING	BREAK UP OF NON-CONFORMING SAMPLES			CIVIL CASES		CRIMINAL CASES	
			unsafe	substandard	labelling defects	No. of cases decided	penalties (Rs.)	No. of cases decided	Penalties Raised (Rs.)
ANDHRA PRADESH	2329	383	45	168	170	291	2173000	8	75000
ARUNACHAL PRADESH	169	15	1	4	10	15	173000	0	0
ASSAM	672	109	19	77	13	11	682000		0
BIHAR	1224	144	66	26	52	55	615000	0	0
CHATTISGARH	834	165	32	92	41	163	3844000	0	0
DELHI	1509	214	46	49	119	30	1294000	58	1470000
GOA	329	31	8	22	1	2	1742000	0	0
GUJARAT	13284	1056	71	688	297	543	40041000	11	30001
HARYANA	2596	696	97	363	236	481	5040028	1	500
HIMACHAL PRADESH	1568	420	17	99	304	34	1068025	5	0
JAMMU AND KASHMIR	4094	871	48	443	380	330	4595800	2	0
JHARKHAND	581	216	97	43	76	54	1350200	0	0
KARNATAKA	5217	319	77	101	141	21	168200	4	61100
KERALA	6971	1020	543	216	261	445	5914800	7	55000
MADHYA PRADESH	10886	2162	92	1124	946	1896	84565980	29	1150000
MAHARASTRA	4733	874	227	527	120	307	9213800	80	26000
MANIPUR	235	19	17	1	1	5	240000	0	0
MEGHALYA	48	0	0	0	0	0	0	0	0
MIZORAM	23	2	0	1	1	0	0	0	0
NAGALAND	60	1	0	1	0	0	0	0	0
ODISHA	1037	272	53	164	55	96	679500	0	0
PUNJAB	6721	873	77	582	214	972	15220500	7	103000
RAJASTHAN	7343	2054	339	1100	615	337	6963600	0	0
SIKKIM	32	0	0	0	0	0	0	0	0
TAMIL NADU	10766	3443	1221	651	1571	1368	16273500	235	4769500
TELANGNA	894	98	16	47	35	22	205000		
TRIPURA	17	6	1	4	1	0	0		
UTTAR PRADESH	20613	12479	1921	6513	4045	7810	291410300	72	483500
UTTARAKHAND	905	255	9	239	7	118	4101000	0	0
WEST BENGAL	1067	116	73	30	13	7	233000	1	100000
ANDAMAN AND NICOBAR ISLAND	700	0	0	0	0	16	321500	0	0

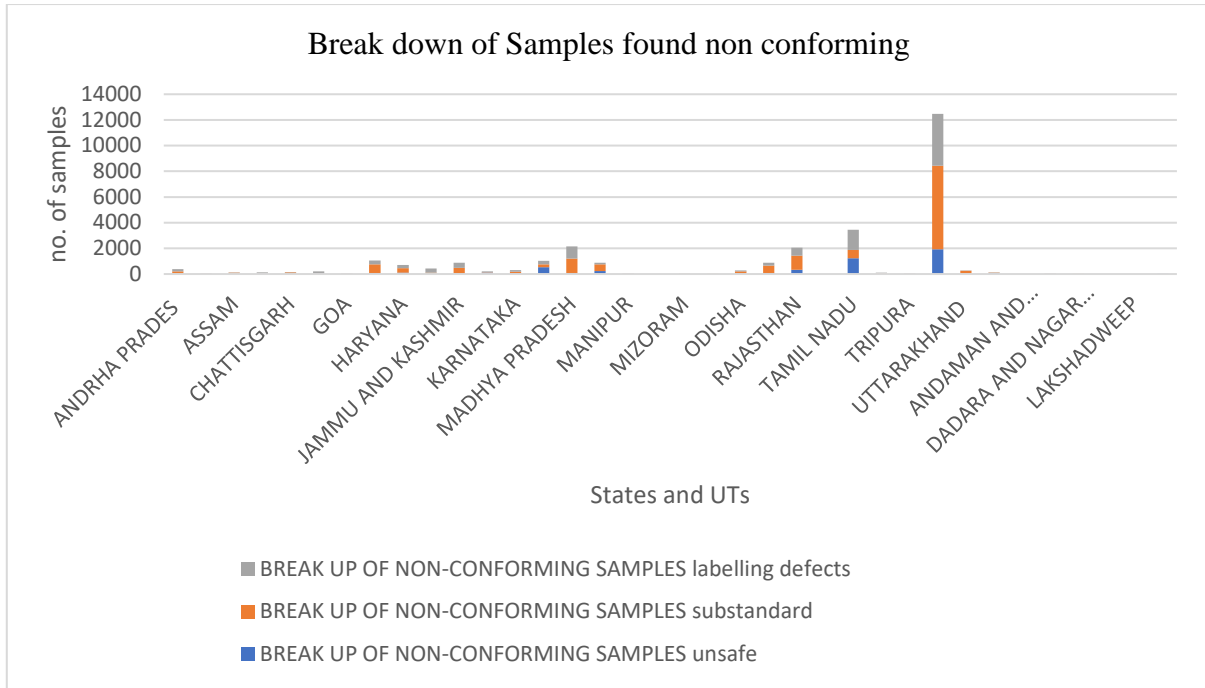
CHANDIGARH	292	32	6	18	8	54	740000	0	0
DADARA AND NAGAR HAVELI AND DAMAN AND DIU	75	1	0	1	0	11	38500	0	0
LADAKH	0	0	0	0	0	18	174100	0	0
LAKSHADWEEP	0	0	0	0	0	0	0	0	0
PUDUCHERRY	5	1	1	0	0	20	142000	0	0

6.3 GRAPHS RELATED TO ABOVE TABLES



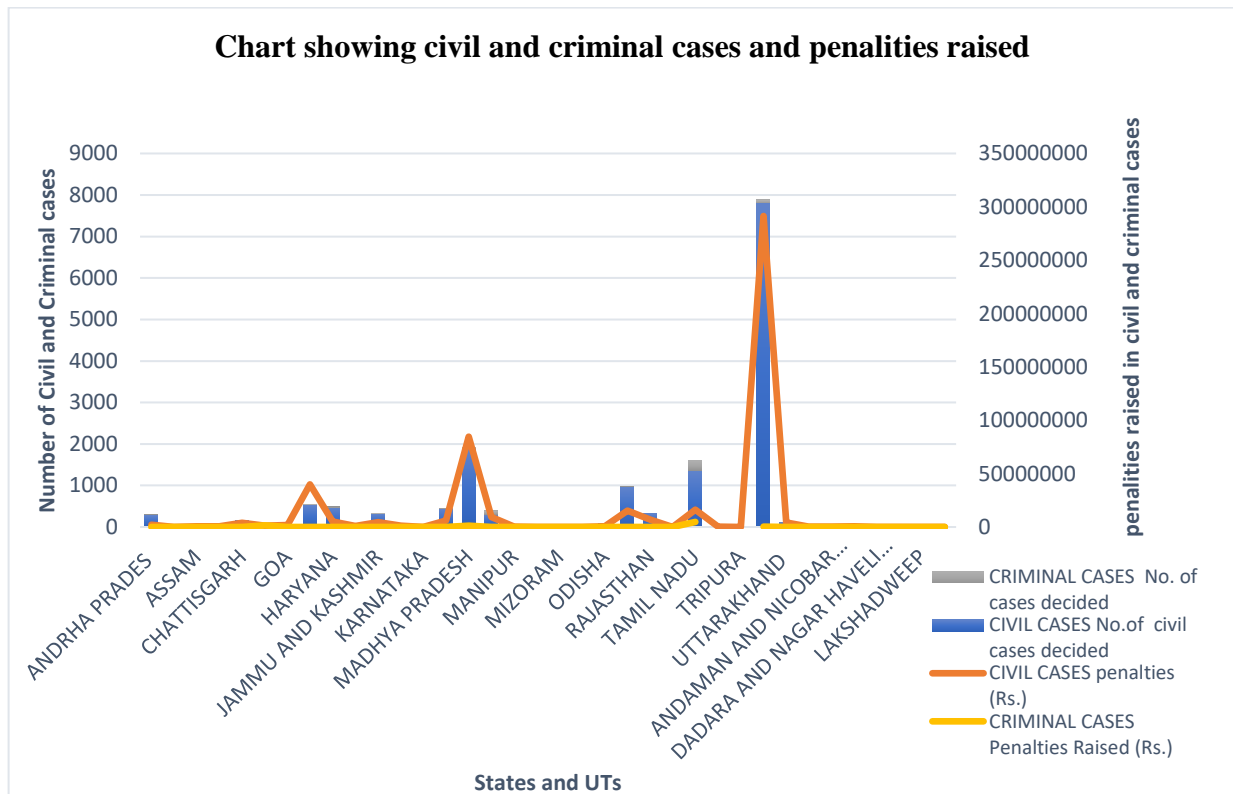
Graph. 6.3.1: Number of samples collected from different states/UTs

Source: Author



Graph. 6.3.2: Break-down of Samples found non-conforming

Source: Author



Graph. 6.3.3: Number of civil and criminal cases and penalties raised from these cases

Source: Author

6.4 Findings of the study from the above table and graphs

1. The total number of sampled analysed from different states and union territories of India. The highest number of sampled were analysed from Uttar Pradesh, Gujarat, Madhya Pradesh and Rajasthan respectively reason being

large number of populations of the country resides in these states.

2. It was found that the number of samples which are found non – conforming out of total sample taken for analysis. It reveals that Uttar Pradesh is on the top of the list in case of violation of standard as it is having the highest number

of non-confirming samples and Meghalaya and Sikkim are the only two states and Andaman and Nicobar Island is the only union territory with zero non-confirming samples. One key reason may be the lack of understanding among food company operators and customers regarding food safety legislation and standards. Many small-scale food enterprises, street sellers, and informal food sectors may be unaware of the basic hygienic practises and quality requirements. The importance of public awareness and compliance in the proper application of FSSAI regulations has also been studied.

3. The paper also identified the breakdown of non-confirming samples into three different segments i.e., samples which are unsafe, substandard and samples having labelling defects. The number of civil cases decided in each state. Uttar Pradesh is the state with the highest number of 235 cases. So that proper actions can be taken against each segment.
4. The paper found that the number of penalties raised in civil cases. The highest amount of penalty is charged from Uttar Pradesh amounting Rs. 291410300. The possible reason may be that the state has large number of food businesses in India or higher number of food inspection due to which more civil cases are filed.
5. There were various criminal cases decided in each state. Tamil Nadu is on the top of the list with the highest number of criminal cases and Maharashtra is on second as inspection of food products in these states might be at large level during 2020-2021
6. The paper highlights penalties charged from different states and union territories in criminal cases. The highest amount of penalty is charged from Tamil Nadu, Delhi and Madhya Pradesh respectively.

6.5 Key challenges for the effectiveness of FSSAI rules and regulations

1. **Lack of understanding:** One key reason may be the lack of understanding among food company operators and customers regarding food safety legislation and standards. Many small-scale food enterprises, street sellers, and informal food sectors may be unaware of the basic hygienic practises and quality requirements. The importance of public awareness and compliance in the proper application of FSSAI regulations has also been studied.
2. **Lack of knowledge and compliance:** One key difficulty is a lack of understanding among food company operators and customers regarding food safety legislation and standards. Many small-scale food enterprises, street sellers, and informal food sectors may be unaware of the basic hygienic practises and quality requirements. The importance of public awareness and compliance in the proper application of FSSAI regulations has also been studied.
7. **Unacceptable infrastructure and resources:** The application of food safety rules necessitates a solid infrastructure, including laboratories, testing facilities, and trained employees. In many circumstances, there is a lack of suitable infrastructure and resources, particularly in distant locations and small towns. Inadequate finance and personnel resources can impede FSSAI's capacity to carry out inspections, testing, and enforcement actions successfully.

8. **Obstacles in enforcement and monitoring:** Enforcing food safety rules in a big and diverse country like India presents substantial obstacles. The large number of food enterprises, comprising both formal and informal sectors, makes constant monitoring and regulation challenging. Enforcement operations are further complicated by a lack of manpower and the presence of unregistered and unregulated firms.
9. **Fabricated and contaminated food goods:** Counterfeit and adulterated food products are a continuous problem in India. Unscrupulous practises, such as the use of subpar components, adulteration, and mislabelling, endanger consumers' health. FSSAI and other regulatory organisations must work together to detect and prohibit the circulation of such products.
10. **Inter-ministerial coordination:** It is critical to ensure good coordination and collaboration among the various agencies and departments involved in food safety regulation. FSSAI must collaborate with other organisations such as state food safety departments, municipal governments, and law enforcement agencies. However, coordination gaps and duplication in responsibilities might impede the regulatory framework's efficient operation.
11. **Rapidly evolving food industry outlook:** The food industry in India is fast changing due to the expansion of online food delivery platforms, e-commerce, and the introduction of new food items and technology. Keeping up with these developments and regulating emerging trends, such as food delivery aggregators and online food enterprises, can be difficult for FSSAI.
12. **Capacity development and training:** Continuous training and capacity development programmes are critical for improving the knowledge and abilities of food safety officers and other workers involved in implementing regulations. Investing in training initiatives and fostering a food safety culture can boost the effectiveness of FSSAI's activities.

7. SUGGESTIONS AND CONCLUSION

The FSSAI Act plays a crucial role in ensuring the safety and quality of food products in India. By regulating the food industry, promoting food safety and quality, and educating consumers, the FSSAI helps to protect public health and build consumer confidence in the food supply. So, it is also the responsibility of the food industry to follow all the rules and regulations so as to save themselves from various penalties and use that number of penalties for public welfare. Better governance is required in Uttar Pradesh, Tamil Nādu, Madhya Pradesh and Maharashtra as the ratio of non-confirming sample to the total number of samples taken is very high.

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