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A Critical Study of Functions and Contribution of Regulatory Authorities of Food Laws in India

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Abstract – The foremost responsibility of food control is to enforce the food law(s) protecting the consumer against unsafe, impure and fraudulently presented food by prohibiting the sale of food not of the nature, substance or quality demanded by the purchaser. Confidence in the safety and integrity of the food supply is an important requirement for consumers.

Food borne disease outbreaks involving agents such as Escherichia coli, Salmonella and chemical contaminants highlight problems with food safety and increase public anxiety that modern farming systems, food processing and marketing do not provide adequate safeguards for public health. Factors which contribute to potential hazards in foods include improper agricultural practices; poor hygiene at all stages of the food chain; lack of preventive controls in food processing and preparation operations; misuse of chemicals; contaminated raw materials, ingredients and water; inadequate or improper storage, etc.

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INTRODUCTION

The development of relevant and enforceable food laws and regulations is an essential component of a modern food control system. Many countries have inadequate food legislation and this will impact on the effectiveness of all food control activities carried out in the country. Food law has traditionally consisted of legal definitions of unsafe food, and the prescription of enforcement tools for removing unsafe food from commerce and punishing responsible parties after the fact. It has generally not provided food control agencies with a clear mandate and authority to prevent food safety problems.

The result has been food safety programmes that are reactive and enforcement-oriented rather than preventive and holistic in their approach to reducing the risk of food borne illness. To the extent possible, modern food laws not only contain the necessary legal powers and prescriptions to ensure food safety, but also allow the competent food authority or authorities to build preventive approaches into the system. In addition to legislation, governments need updated food standards.

In recent years, many highly prescriptive standards have been replaced by horizontal standards that address the broad issues involved in achieving food safety objectives. While horizontal standards are a viable approach to delivering food safety goals, they require a food chain that is highly controlled and supplied with good data on food safety risks and risk management strategies and as such may not be feasible for many developing countries. Similarly, many standards on food quality issues have been cancelled and replaced by labelling requirements.

In preparing food regulations and standards, countries should take full advantage of Codex standards and food safety lessons learned in other countries. Taking into account the experiences in other countries while tailoring the information, concepts and requirements to the national context is the only sure way to develop a modern regulatory framework that will both satisfy national needs and meet the demands of the SPS Agreement and trading partners.

The systems that deal specifically with these objectives can be sectoral i.e. based upon the need for development of the particular sector such as fisheries, meat and meat products, fruit and vegetables, milk and milk products. These systems can be mandatory or voluntary, and put into effect either through a general food law or a sectoral regulation. Examples include:

An export inspection law that identifies foods to be covered for mandatory export inspection prior to export; or offers facilities for voluntary inspection and certification for exporters. Specific commodity inspection regulations, such as for fish and fish products, meat and meat products, or fruit and vegetable products which are implemented by different agencies or ministries given this mandate

under relevant law(s). Regulated systems for grading and marking of fresh agricultural produce which go directly for sale to the consumer or as raw material for industry. They are mostly confined to quality characteristics so that the producer gets a fair return for his produce and the buyer is not cheated.

Where sectoral initiatives have resulted in the establishment of separate food control activities, the outcome has been the creation of multiple agencies with responsibilities for food control. Food control systems may also be fragmented between national, state and local bodies, and the thoroughness of implementation depends upon the capacity and the efficiency of the agency responsible at each level. Thus consumers may not receive the same level of protection throughout the country and it may become difficult to properly evaluate the effectiveness of interventions by national, state or local authorities.

DUTIES AND FUNCTIONS OF FOOD AUTHORITY

(1) It shall be the duty of the Food Authority to regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food.

(2) Without prejudice to the provisions of sub-section (1), the Food Authority may by regulations specify- (a) the standards and guidelines in relation to articles of food and specifying an appropriate system for enforcing various standards notified under this Act; (b) the limits for use of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, processing aids, my co-toxins, antibiotics and pharmacological active substances and irradiation of food; (c) the mechanisms and guidelines for accreditation of certification bodies engaged in certification of food safety management system for food businesses; (d) the procedure and the enforcement of quality control in relation to any article of food imported into India; (e) the procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories; (f) the method of sampling, analysis and exchange of information among enforcement authorities; (g) conduct survey of enforcement and administration of this Act in the country; (h) food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods; and (i) the manner in which and the procedure subject to which risk analysis, risk - assessment, risk communication and risk management shall be undertaken.

(3) The Food Authority shall also-

(a) provide scientific advice and technical support to the Central Government and the State Governments in matters of framing the policy and rules in areas which have a direct or indirect bearing on food safety and nutrition;

(b) search, collect, collate, analyze and summarize relevant scientific and technical data particularly relating to-

(i) Food consumption and the exposure of individuals to risks related to the consumption of food;

(ii) Incidence and prevalence of biological risk;

(iii) Contaminants in food;

(iv) Residues of various contaminants;

(v) Identification of emerging risks; and

(vi) Introduction of rapid alert system;

(c) promote, co-ordinate and issue guidelines for the development of risk assessment methodologies and monitor and conduct and forward messages on the health and nutritional risks of food to the Central Government, State Governments and Commissioners of Food Safety;

(d) provide scientific and technical advice and assistance to the Central Government and the State Governments in implementation of crisis management procedures with regard to food safety and to draw up a general plan for crisis management and work in close co-operation with the crisis unit set up by the Central Government in this regard;

(e) establish a system of network of organisation with the aim to facilitate a scientific cooperation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the Food Authority's responsibility;

(f) provide scientific and technical assistance to the Central Government and the State Governments for improving co-operation with international organizations;

(g) take all such steps to ensure that the public, consumers, interested parties and all levels of panchayats receive rapid, reliable, objective and comprehensive information through appropriate methods and means;

(h) provide, whether within or outside their area, training programmes in food safety and standards for persons who are or intend to become involved in food businesses, whether as food business operators or employees or otherwise; undertake any other task assigned to it by the Central Government to carry out the objects of this Act;

(j) contribute to the development of international technical standards for food, sanitary and phyto-sanitary standards;

(k) contribute, where relevant .and appropriate, to the development of agreement on recognition of the equivalence of specific food related measures;

(l) promote co-ordination of work on food standards undertaken by international governmental and non-governmental organisations;

(m) promote consistency between international technical standards and domestic food standards while ensuring that the level of protection adopted in the country is not reduced; and

(n) promote general awareness as to food safety and food standards.

(4) The Food Authority shall make it public without undue delay-

(a) the opinions of the Scientific Committee and the Scientific Panel immediately after adoption;

(b) the annual declarations of interest made by members of the Food Authority, the Chief Executive Officer, members of. the Advisory Committee and members of the Scientific Committee and Scientific Panel,· as well as the declarations of interest if any, made in relation to items on the agendas of meetings;

(c) the results of its scientific studies; and

(d) the annual report of its activities.

(5) The Food Authority may, from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions while exercising his powers under this Act.

(6) The Food Authority shall not disclose or cause to be disclosed to third parties confidential information that it receives for which confidential treatment has been requested and has been acceded, except for information which must be made public if circumstances so require, in order to protect public health

GENERAL PROVISIONS AS TO ARTICLES OF FOOD

(1) Use of food additive or processing aid: 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 there under. For the purposes of this section, "processing aid" means any substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, used in the processing of raw materials, foods or its ingredients to fulfill a certain technological purpose during treatment or processing and which may result in the no intentional but unavoidable presence of residues or derivatives in the final product.

(2) Contaminants, naturally occurring toxic substances, 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.

Prevention of Food Adulteration Act Prevention of food adulteration act of 1954 has been in force since June 1, 1955. According to PFA act an article of food shall be deemed to be adulterated:

1. If the article sold by a vendor is not of the nature, substance or quality demanded by purchaser and is to his prejudice, or is not of the nature, substance of quality which it purports or is represented to be

2. If the article contains any other substance which affects , or if the article is so processed as to affect injuriously the nature, substance or quality thereof

3. If any inferior or cheaper substance has been substituted wholly or in part for the article so

as to affect injuriously the nature as substance or quality thereof

4. If any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature , substance or quality thereof

5. If the article had been prepared, packed or kept under unsanitary conditions whereby it has become contaminated or injurious to health

6. If the article consists wholly or in part of any filthy, putrid disgusting, rotten, decomposed, or diseased animal or vegetable substance or is insect- infested or otherwise unfit for human consumption

7. If the article is obtained from a diseased animal

8. If the article contains any poisonous or any ingredient which renders its contents injurious to health

9. If the container of the article is composed, whether wholly or in part of any poisonous or deleterious substance which renders its contents injurious to health.

10. If any coloring matter other than that prescribed in respect thereof and in amounts not within the prescribed limits of variability is present in the article

11. If the article contains any prohibited preservative or permitted preservative in excess of the prescribed limits

12. If the quality or purity of the article falls below the prescribed standards or its constituents are present in quantities which are in excess of the prescribed limits of variability.

SWOT analysis (Strength, Weakness, Opportunity and Threats) is a criterion by which we are able to know the total performance of the company or enterprise or sector from the financial, social, technological, market analysis point of view. It is nothing but a parameter for judging the overall key attributes of the company as well as the key difficulties of the business. It is nothing but a criterion to monitor the external and internal marketing environment. It describes overall internal analysis and external analysis of the company. Internal analysis is the present scenario and condition of the company where as external analysis is the future prospect as well as the alarming measures for the future related to the food processing sector. Internal analysis mainly includes strength and weakness of the company which are the prospective phenomenon for the present circumstance of the nature of business.

On one hand, it is important to find the suitable opportunities and on other to take benefit of them. Each business oriented firm should notify the strength and weakness associated with the business (Philip Kotler, Kevin Lane Keller, 2009). External analysis includes threats and weakness which are focuses on the future aspects and weak spot of the company and develop a strategy to make fight against it.

It also suggests that how to avoid the dilemma and how to make use of the key characteristic traits for the development of the processed food industry. The business unit should track the different trends and new prospects and potentials of development and any related opportunities and threats. External analysis should monitor and analyze the main macro environment forces.

The different company, their suppliers, market intermediaries, customers and competitors in the environmental forces outlines variety of opportunities and how to cope with the threats. At the same time company should understand how to keep an eye on the forces and formulate a strategic plan to take action on them.

The agricultural prices cover prices of agricultural products i.e. output and prices of basics for agricultural production i.e. input price at various stages of marketing. The main objective of the Government's price policy in India for agricultural produce which targets for ensuring remunerative prices to the growers and producers for their produce with a view to encourage higher investment and production from the field. Agricultural marketing system is important to the current market system which provides incentives to farmers, suggest the changing needs and demands of consumers for the products used for consumption, create true and good competition in the market, maximizing the share of farmers in the final price of the agricultural commodities and make further steps for the appropriate production planning.

SIGNIFICANCE OF THE STUDY

The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee. The Central Advisory Committee shall consist of one member each to represent the interests of food industry, agriculture, consumers, relevant research bodies in the food sector and ten Commissioners of Food Safety on a rotation basis and the Chairman of the Scientific Committee shall be ex-officio member. The Chief Executive Officer shall be the ex-officio Chairperson of the Central Advisory Committee.

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