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## THE ROLE OF LAW IN ENSURING FOOD SAFETY IN INDIA

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### Abstract

Food safety is an urgent public health issue, especially in a country as large and heterogeneous as India. With an increasing number of cases of adulteration, unhygienic food habits, and rising food-borne disease, it is very important to have strict food safety laws. This blog will dwell deep into the significance and need of food safety legislation in India and how the Food Safety and Standards Act, 2006 plays a part in regulating and guaranteeing the standard of food items and serves as a strong tool in safeguarding public health and making food business operators accountable.

### Introduction

“The Food Safety and Drug Administration department destroyed approximately 2.3 quintals of rotten mangoes along with 20 dozen bananas and 35kg of other contaminated fruits”<sup>1</sup>, “approximately 75 liters of adulterated ghee and 7000 kg of ginger-garlic paste seized in Hyderabad”<sup>2</sup>. News headlines like these make us wonder whether the food items we purchase from the market are fit to consume or not. According to the World Health Organization, almost 1 in 10 people in the world fall ill after eating contaminated food and

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<sup>1</sup> Food Safety and Standards Act, 2006 (Act of 34 of 2006)

<sup>2</sup> <https://www.who.int/news-room/fact-sheets/detail/food-safety> (Last visited on 08 July 2025)

420,000 die every year.<sup>3</sup> This highlights the importance of consuming food which is fit for human consumption.

### **Need for food safety laws in India**

You may have seen viral videos on social media platforms showing the poor unhygienic practices followed by some street food vendors in India which raise a lot of questions in front of the food safety authority because the quality of food served by such vendors doesn't meet the safety criteria. However, in India, the awareness regarding food-borne disease is quite negligible. Most food-borne diseases go unreported. Only a few are reported by the media, usually those with high mortality and/or occurring in urban areas are reported. Which displays massive amount of ignorance towards foodborne diseases by the citizens in India. This is where the food safety authority enters to play its role as the protector for ensuring food safety.

### **Role of law in ensuring food safety in India**

In India food laws are a set of rules and regulations that casts an eye over food safety and maintain food standards for the overall health and well-being of consumers. The primary legislation pertaining to food safety in India is the Food Safety and Standards Act of 2006. The Food Safety and Standards Act of 2006 established the FSSAI under section 4 of the act<sup>4</sup>, it was created to establish science-based guidelines for food production, distribution, retailing, and consumption. Prior to the Food Safety and Standards Act of 2006, there were various food safety laws made and Ministeries and organizations present which monitored this area which led to a very chaotic and irregular approach leading to non-uniform laws. Post 2006, The Food Safety and Standards Act of 2006 was made the sole regulatory body that lays down food laws in India and provides license to food business owners so that it becomes easy to monitor such businesses and ensures their legal compliance with the food safety laws.

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<sup>3</sup> Supra note 4

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To prevent adulteration in food there is a limit on the amount of additives which has been mentioned in the act<sup>5</sup> under Section 16(2)(b) which prescribes the limits for use of food additives, crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, processing aids, myco-toxins, antibiotics and pharmacological active substances and irradiation of food.

### **Powers of a food safety officer**

Under section 37 of the act<sup>6</sup>, it is mentioned that a food safety officer must be appointed by the commissioner of food safety. The food safety officer has the power to seize any item which may seem to be in contravention to or certain events may lead to a reasonable doubt that the producer may be committing an offence under the provisions of this act. Maintaining hygienic conditions during the production of edible items is of utmost importance. Therefore, the food safety officer is empowered to enter and inspect any premises where food articles are manufactured, stored for sale, used in the preparation of other food items, or displayed or offered for sale. This authority also extends to places where adulterants are produced or stored. The officer may collect samples of such food articles or adulterants for the purpose of analyzing whether they were adulterated or not.

### **Penalties awarded under this act**

The act provides a wide range of penalties and punishments to deter violations and ensures that food served or sold to the public is safe, clean, and of standard quality. These punishments are designed not only to penalize but also to ensure accountability and encourage compliance with food safety norms across the country. The Sections 48-67<sup>7</sup> consists of the penalties that would be imposed on anyone who acts in contravention of this act.

### **Conclusion**

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<sup>5</sup> [http://timesofindia.indiatimes.com/articleshow/122348357.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/122348357.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)  
(last visited on 8 July 2025)

<sup>6</sup> <https://timesofindia.indiatimes.com/city/kanpur/officials-destroy-unsafe-food-items/articleshow/122348357.cms>  
(last visited on 08 July 2025)

<sup>7</sup> Supra note 4

Food safety goes beyond just rules and regulations; it is deeply tied to public health and the everyday well-being of consumers. With the increasing number of cases involving food adulteration and poor hygiene practices, there's a clear and pressing need for stronger enforcement of food safety laws in India. The Food Safety and Standards Act, 2006, plays a crucial role in bringing together previously scattered food laws under one unified system. That said, laws alone aren't enough. Their true impact depends on how aware people are and how responsibly food businesses follow the rules. To truly ensure safe and clean food for all, a joint effort is needed one that involves government agencies, businesses, and informed, proactive citizens. Only through such joint conscience can we move closer to a future where safe and hygienic food is not a privilege, but a right which is enjoyed by each and every individual.