

Bill No. XV of 2008

THE FOOD SAFETY AND STANDARDS (AMENDMENT) BILL, 2008

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BILL

to amend the Food Safety and Standards Act, 2006.

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

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2008. Short title and

(2) It shall be deemed to have come into force on the 7th day of February, 2008. commence-

34 of 2006.

5 2. In the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in section 3, in sub-section (1), for clause (ze), the following clause shall be substituted, Amendment of section 3. namely:—

‘(ze) “Member” includes a part-time Member and the Chairperson of the Food Authority;’.

10 3. In section 5 of the principal Act, for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:— Amendment of section 5.

“(4) The Chairperson and the Members including part-time Members other than the *ex officio* Members of the Food Authority may be appointed by the Central Government on the recommendations of the Selection Committee.

(5) The Chairperson of the Food Authority shall not hold any other office.”.

Amendment
of section 7.

4. In section 7 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.”.

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Repeal and
saving.

5. (1) The Food Safety and Standards (Amendment) Ordinance, 2008 is hereby repealed.

Ord. 6 of
2008.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

With a view to consolidate the laws relating to the Food in the country and for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for that purpose to establish the Food Safety and Standards Authority of India, Parliament enacted the Food Safety and Standards Act, 2006 (*FSS Act*).

2. Sub-section (4) of section 5 of the said *FSS Act* empowers the Central Government to appoint the Chairperson and Members, other than *ex officio* Members, of the Food Authority on the recommendations of the Selection Committee. Sub-section (5) of section 5 of the *FSS Act* prohibits holding of any other office by the Chairperson and Members of the Food Authority. This provision led to difficulties in constituting the Food Authority.

3. The Central Government was of the view that the Members of the Food Authority may also be appointed on part-time basis since it may not be possible to appoint eminent persons as Members of the Food Authority for the reason that they would be holding some other office or appointment in some industry/organisation which they represent. Therefore, section 5 of *FSS Act* has been amended. Section 7(1) of the *FSS Act* was also amended to take out the Members from the purview of the provisions which restrict the appointment of the Members to a maximum of 62 years of age.

4. As Parliament was not in session and the circumstances existed which rendered it necessary to promulgate the Food Safety and Standards (Amendment) Ordinance, 2008 on 7th February, 2008 so as to expedite the selection and appointment of Chairperson and Members of the Food Authority.

5. The Food Safety and Standards (Amendment) Bill, 2008 seeks to replace the Food Safety and Standards (Amendment) Ordinance, 2008.

NEW DELHI;
The 25th February, 2008.

ANBUMANIRAMADOSS.

ANNEXURE

EXTRACTS FROM THE FOOD SAFETY AND STANDARDS ACT, 2006

(34 OF 2006)

	*	*	*	*	*
Definitions.	3.	<i>(1)</i>	In this Act, unless the context otherwise requires,—		
	*	*	*	*	*
			<i>(ze)</i> “Member” means Member of the Food Authority and includes the Chairperson.		
	*	*	*	*	*
Composition of Food Authority and qualifications for appointment of its Chairperson and other Members.	5.	<i>(1)</i>	*	*	*
			<i>(4)</i> The Chairperson and the Members other than <i>ex officio</i> Members of the Food Authority shall be appointed by the Central Government on the recommendations of the Selection Committee.		
			<i>(5)</i> The Chairperson or members other than <i>ex officio</i> Members of the Food Authority shall not hold any other office.		
	*	*	*	*	*
Term of office, salary, allowances and other conditions of service of Chairperson and members of Food Authority.	7.	<i>(1)</i>	The Chairperson and the members other than <i>ex officio</i> Members shall hold office for a term of three years from the date on which they enter upon their offices, and shall be eligible for re-appointment for a further period of three years:		
			Provided that no Chairperson or a Member other than <i>ex officio</i> Member shall hold office as such after he has attained—		
			<i>(a)</i> in the case of the Chairperson, the age of sixty-five years, and		
			<i>(b)</i> in the case of a Member, the age of sixty-two years.		
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RAJYA SABHA

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to amend the Food Safety and Standards Act, 2006.

(Dr. Anbumani Ramdoss, Minister of Health and Family Welfare)