

V. N. Gaur, IAS  
Chief Executive Officer



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FOOD SAFETY AND  
STANDARDS AUTHORITY OF INDIA  
Ministry of Health & Family Welfare  
Government of India  
FDA Bhavan, Kotla Road, New Delhi-110002  
Tele : 011-23220995 • Website : www.fssai.gov.in

D.O. No. 1-3/FSSAI/T2009

5<sup>th</sup> May, 2010

Dear

The Food Safety and Standards Act, 2006 will soon replace the Prevention of Food Adulteration Act, 1954, PFA Rules, 1955 and other Orders issued under Essential Commodities Act, 1955. The draft Rules and Regulations for transition from PFA have been finalised after extensive consultations with the State & UT Governments and other stakeholders and are going to be notified shortly by the Central Government. The remaining sections of the FSS Act are also in the process of being notified by the Central Government. With the completion of these steps, there will be no technical hurdle left in the implementation of the Act. The State/UT Governments will have to ensure that all the requisite support systems including personnel and infrastructure are in place well in time.


In this connection, Central Government and Food Safety and Standards Authority of India (FSSAI) have written letters in the past to the State & UT Governments regarding appointment of Commissioner for Food Safety etc. These were also brought to the notice of the representatives of the State/UT Governments in a meeting held at Delhi in September, 2009 and again in the meeting of the statutory Central Advisory Committee held on 19<sup>th</sup> January, 2010 at Delhi which was attended by the Food Safety Commissioners or State/UT representatives as members. Many State Governments have already taken necessary preparatory steps for appointment of statutory functionaries and other measures to implement the FSS Act.

I am writing this letter to request you to review the arrangements made in conformity with the provision of the FSS Act to ensure smooth transition from the PFA Act to FSS Act. If certain steps are yet to be taken, it will be necessary to complete that action on top priority to avoid the possibility of a vacuum once the PFA Act is repealed in the next few months. A checklist of the steps required to be taken by the State/UT Governments is also enclosed to facilitate the review.

With regards,

As per attached D list

Yours Sincerely,

  
(V.N. GAUR)

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**Check list of steps to be taken for implementation of FSS Act by State Governments and Union Territories.**

1. Constituting a Department of Food Safety as the authority responsible for enforcement of the Act {Section 29(1)}
2. Appointment of Commissioner of Food Safety\* for the State/UT {Section 30(1)}
3. Appointment of one Designated Officer\* for each district in the State/UT (Section 36).
4. Appointment of Food Safety Officers\* either by transferring the existing qualified PFA staff after proper screening and mandatory training or fresh recruitment through Public Service Commission in accordance with the eligibility conditions prescribed by FSSAI [being notified](Section 37).
5. Preparatory steps to be taken for putting systems in place for registration and licensing of food businesses in accordance with the blue-print prepared by FSSAI which will be a part of the Regulations to be notified for consultation shortly (Section 31).
6. To work towards/facilitate creation of network and other supporting mechanism for IT based registration/licensing system from Panchayat /Municipalities level upwards.
7. Send proposal for recognising or designating food testing labs as envisaged in section 43, besides strengthening / upgrading existing Govt. food testing labs by sanctioning/filling up posts of technical manpower and providing essential testing equipments.
8. Appointment of Food Analysts\* as per requirement (Section 45).
9. Appointment and notification of Adjudicating Officers\* (Section 68).
10. Establishment of Food Safety Appellate Tribunal\* for the State and appointment of Presiding Officer (Section 70).
11. Constitution of Special Court\* and appointment of Public Prosecutor/Additional Public Prosecutor/Special Public Prosecutor\* (Section 74).

(11)

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12. (i) Preparation for imparting induction training to all officers connected with transition from PFA Act to FSSA Act as per plan prepared by FSSAI {Section 16(3)(h)}.

(ii) Nominating suitable officers for under-going Training- of- Trainers course being organised by FSSAI in next 2-3 months.

14. Making Rules whenever necessary to carry out the function and duties assigned various functionaries appointed under FSS Act (Section 94).

15. Empowering FSCs and provision of funds to order payment of reward to a person who renders assistance in detection of offence (Section 95).

Note :- All the offices and officers marked \*(Star) will have to be provided with adequate fund, staff and infrastructure.